

**TOWN OF LYMAN**  
**PUBLIC HEARING & PLANNING BOARD MEETING MINUTES**  
**March 15, 2023**

**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:** Chair Rod Tetu called the Public Hearing to order at 6:03 pm, to review the proposed revision/rewording of the Contract Zoning ordinance.

Attendance at the Public Hearing included Planning Board members: Paul Boucher, Kelly Demers, Cecile Dupuis, Donald Herson, William Single and Joseph Wagner; and Code Enforcement Officer Brenda Charland and Code Enforcement Assistant, Julie Lemieux.

The public hearing was recorded.

**DISCUSSION:**

The Planning Board held this Public Hearing to discuss cleaning up the wording on Contract Zoning.

Don Herson read the proposed amendment to the Town of Lyman Zoning Ordinance, Article 1, Section 1.8.3 Contract Zoning. What it does is take a few words out and add a few words into Contract Zoning, and specifically under 1.8.3 Contract Zoning, Section B. Authorization: areas under this provision shall be consistent with, ~~but not limited to~~, the existing and permitted (whether permitted or with site plan approved conditional) uses within any zoning district. F. Recommendation: The Planning Board shall base its recommendations on whether the rezoning: ~~1. Is for land with an unusual nature or location.~~ 1. Is consistent with the Comprehensive Plan 2. Is consistent with, ~~but not limited to~~, the existing uses and permitted uses within any zoning district; ~~and~~ 3. That the conditions proposed are sufficient to meet the intent of this section; and 4. Provides reasonable expectations of an overall benefit to the Town as a whole. (~~Deleted language struck through~~) (Added language underlined)

This is the same wording that was proposed in April 2022 and voted on by the Planning Board and submitted to the Select Board. They had a vote in favor of this wording, in fact the Planning Board changed the wording to meet the Select Board discussion items.

The proposal is to have this as a Warrant Article at the Town Meeting in June, otherwise the next opportunity wouldn't be until November 2024.

Don Herson made note of MRS title 30-A § 4352 Section 8. Conditional and contract rezoning and called attention to item B. Establish rezoned areas that are consistent with the existing and permitted uses within the original zones. The wording we have right now with "but not limited to" I believe is not consistent with MRS 30 § 4352 Section 8.

Hopefully we can approve it and send it to the Select Board for them to put it on the floor at Town Meeting in June so it can be explained.

Rod Tetu stated that if any of the public has any questions, please call the Town Offices.

**ADJOURNMENT**

Rod Tetu made the motion to close the Public Hearing at 6:12pm. Cecile Dupuis seconded the motion, and all voted in favor.

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**MEETING CALL TO ORDER:** Chairman Roderick Tetu called the Public Hearing to order at 6:13 PM. Noting attendance of: Donald Herson, Cecile Dupuis, Joseph Wagner, William Single, Paul Demers and Kelly Demers. Also attending: Code Enforcement Officer, Brenda Charland and Code Enforcement Assistant, Julie Lemieux.

**NEW BUSINESS:**

**Proposed Zoning Ordinance Changes:** The Planning Board conducted a public hearing on the proposed change to Contract Zoning on March 15, 2023, to discuss the wording on the proposed change. Notice of the public hearing was published in the Portland Press Herald and The Reporter newspapers.

Rod Tetu made the motion to send the Contract Zoning amendment to the Select Board as it was read and discussed at the Public Hearing. Joe Wagner seconded the motion, all approved.

Joe Wagner made a motion that a letter be written to the Select Board recommending that the amendment be presented at the Town Meeting in June as a Warrant Article. Rod Tetu seconded the motion, all approved.

**Steven & Marsha Austin – Map 17 Lot 060 – 119 Shore Rd:** Wants to put an addition on an existing camp that would be a separate year-round dwelling, original camp would be mostly used as a seasonal dwelling. Need to determine if an ADU or addition to existing building that would make structure a “duplex” would be allowed in the Shoreland Zone. \*\*Applicant sent a letter in that he was tabling his application at this time and would let the Planning Board know when he might be ready to return if he can’t meet the setbacks.

**MINUTES:**

Planning Board Meeting Minutes of 3/1/23 were approved.

**DISCUSSION:**

Joe Wagner spoke on the recent passing of Maurice St Clair and all he did for the town.

**OLD BUSINESS:**

**Joshua Martino -Map 001 Lot 5 – 331 Brock Road – High quality cottages for short term and seasonal rental:** - Looking into a similar set up in Sanford to determine how to proceed.

**Brock Road Cluster Subdivision – Tax Map 01 Lot 12-1 – Ten residential lots.** Applicant is working on getting the application completed. They filed a Stormwater law Permit Application with the DEP, also the Letter of Map Revision has been applied for on 2/28/23. Sebago Technics dropped off a copy of the Stormwater Management Law Permit Application – this is available for review in the Code Enforcement office.

**Harper Residential Subdivision – Eric Harper – Tax Map 3 Lot 87-3 and portion of Tax Map 3 Lot 87-2 – Old Kennebunk Rd, Lyman – Application for Nine residential lots.** Email from engineer, Joe Marden, they are still trying to coordinate with the surveyor to resolve the Right of Way issues associated with Old Kennebunk Rd, hoping to move forward in the next few months. – No new information.

**SET NEXT AGENDA:**

Eric Dudevair, On a Plain Brewing, Hill Rd – request for extension of contract/permit

Hissong, Steve Patch – Application to go below water table at gravel pit.

Derrek Green – Map 06 Lot 058 – 857 S Waterboro Rd – minimum lot size variance. Will try one more time to contact to see if he would still like to come before the board.

Brock Road Cluster Subdivision – if they have anything new to report.

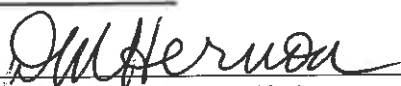
Steven & Marsha Austin – addition to existing camp.


**ADJOURNMENT:**

Rod Tetu made the motion to adjourn at 7:03 PM. Paul Boucher seconded. All voted in favor.

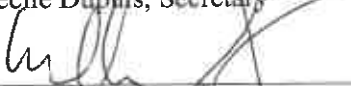
**APPROVED DATE:** 4/5/2023

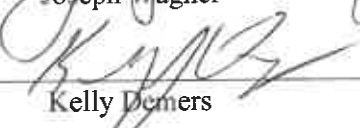
  
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Roderick Tetu, Chairman

  
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Don Hernon, Vice Chairman

  
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Cecile Dupuis, Secretary

  
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Joseph Wagner

  
\_\_\_\_\_  
William Single

  
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Kelly Demers

  
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Paul Boucher

