

**TOWN OF LYMAN**  
**PLANNING BOARD MEETING MINUTES**  
**June 7, 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.**

**REGULAR MEETING CALL TO ORDER:** Chairman Roderick Tetu called the Public Hearing to order at 6:00 PM. Noting attendance of 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. Members of the public in attendance were: Kimberly Rollins, Roger Rollins Jr, Kendra Ramsell, Joshua Nason, Danielle Marquardt, and Christopher Velardi.

**NEW BUSINESS:**

**The Hidden Spa – 186 Old North Berwick Rd – Map 4 Lot 033 –** The applicant is looking to open a spa in one of the existing homes on the property. A plot plan is needed to show setbacks, parking, square footage of the building – which determines the number of parking spaces. Also needed will be an estimate of how many patients per day, what will the hours and days of operation be.

A site walk was set for Saturday, June 3, 2023, at 8:00 am.

**Danielle Marquardt – 49 Shore Rd – Map 16 Lots 45 –** Danielle provided a certified plot plan showing the building envelope and the proposed building in relationship to the envelope. The new house is moving 22' back from water, more than 10' setback from sides, driveway is being reduced by 1000 sq ft, and the total lot coverage is decreasing.

Don Herson made a motion that the Planning Board accept the revised application which shows no less than 36' to the shoreline and with a condition that the pavement areas to be removed will be revegetated. Joe Wagner seconded the motion, with all voting in favor.

**Wayne Oosterman – 93 & 97 West Shore Dr – Map 21 Lots 016 & 017 –** New single-family home with deck spaces and garage. Chris Velardi from Kennebunk River Architects, representing the property owner, provided a diagram showing the property with existing buildings that they plan on removing.

A site walk was set for Saturday, June 17, 2023, at 8:00 am.

**MX 207 – 53 Bartletts Bridge Rd – Map 9 Lot 3-1 –** The board discussed bringing in a member of Southern Maine Planning and Development to consult on the permit for MX207 at a meeting set for Wednesday, July 12, 2023.

Joe Wagner made a motion to refer MX207 to Southern Maine Planning & Development, Lee Jay Feldman, for comments, review, and guidance to be provided through invitation on July 12, 2023. Paul Boucher seconded the motion, with all voting in favor.

A site walk has been set for Saturday, June 10, 2023, at 8:00 am.

**Brookview Estates Cluster Subdivision - Map 01 Lot 12-1 – Ten residential lots:** The road commissioner went out to check the sight lines and discussed clearing of vegetation in the road right of way to meet the required sight line, which had been discussed at the Public Hearing.

The 16 standards of Article 8 were reviewed.

**Standard 1: Will meet the definitions of the use, the Zoning District requirements and any other requirements set forth in the ordinance.** Findings: It does meet the conditions because they are allowed to have a cluster subdivision, with more than enough land.

Rod Tetu made the motion that they met the standard and Joe Wagner seconded. Motion passed with all in favor.

**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 complies with this requirement.

Joe Wagner made the motion that they met the standard and Rod Tetu seconded. Motion passed with all in favor.

**Standard 3: Will not have a significant adverse effect on the adjacent or nearby property values.** A subdivision shouldn't bring down property values.

Don Herson made the motion that they met the standard and Cecile Dupuis seconded. Motion passed with all in favor.

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

There was a long discussion regarding the sight lines, and we don't see where it would cause any congestion according to the traffic study.

Rod Tetu made the motion that they met the standard and Joe Wagner seconded. Motion passed with all in favor.

**Standard 5: Will not result in fire danger.** Findings: All the houses will be sprinkled and there's a fire pond next door.

Paul Boucher made the motion that they met the standard and Cecile Dupuis seconded. Motion passed with all in favor.

**Standard 6: Will not result in flood hazards or flood damage, drainage problems, ground or surface water contamination or soil erosion.** Findings: They have an erosion control plan, and they are putting in culverts to direct the water to a pond, and DEP has to approve it.

Paul Boucher made the motion that they met the standard and Joe Wagner seconded. Motion passed with all in favor.

**Standard 7: Will not create a safety hazard because of inadequate access to the site, or buildings for emergency vehicles:** Findings: They are setting the subdivision up so you can turn around vehicles in there and it's also a paved road. The owner retained land will have a private way with a hammerhead for emergency vehicles to have a turn around.

Cecile Dupuis made the motion that they met the standard and Rod Tetu seconded. Motion passed with all in favor.

**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: There will be lights on the houses, but there is no proposed street lighting.

Rod Tetu made the motion that they met the standard and Don Herson seconded. Motion passed with all in favor.

**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: They are going to have a lot of open space and it sets back in the woods, so we don't see where it's detrimental.

Joe Wagner made the motion that they met the standard and Rod Tetu seconded. Motion passed with all in favor.

**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 roads are being made to town standards and paved, we talked about the sight line where they've got to cut back the brush so you can see. Don Hernon made the motion that they met the standard and Joe Wagner seconded. Motion passed with all in favor.

**Standard 11: Makes adequate provisions for the disposal of wastewater and solid waste for the prevention of ground or surface water contaminations.** Findings: They've done the test wells and will put in subsurface wastewater systems. There is also a wet pond for treatment and detention. Don Hernon made the motion that they met the standard and Paul Boucher seconded. Motion passed with all in favor.

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

Findings: There is an erosion control plan, paved roads, and putting in culverts.

Rod Tetu made the motion that they met the standard and Cecile Dupuis seconded. Motion passed with all in favor.

**Standard 13: Makes adequate provisions to handle storm water run-off and other drainage on the site.** Findings: They are putting in culverts and have a retaining pond.

Joe Wagner made the motion that they met the standard and Paul Boucher seconded. Motion passed with all in favor.

**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 houses will all be sprinkled, each house will have a well, there is a retention pond, and there is a fire pond across the street.

Paul Boucher made the motion that they met the standard and Don Hernon seconded. Motion passed with all in favor.

**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: There won't be any explosives there.

Rod Tetu made the motion that they met the standard and Joe Wagner seconded. Motion passed with all in favor.

**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 meets this requirement with a lot of open space, almost 40 acres.

Rod Tetu made the motion that they met the standard and Joe Wagner seconded. Motion passed with all in favor.

Rod Tetu made a motion to accept the final plan for Brookview Estates Subdivision with the following five (5) conditions:

- 1) All constructed roadways must comply with the Town of Lyman Street Acceptance Design & Construction Standards ordinance adopted November 5, 2019, and amended through July 14, 2020.
- 2) An amended subdivision plan which shall be approved by the Town of Lyman Planning Board is required for any future divisions of the land to be retained by Nason Property Management LLC.
- 3) Homeowners Association documents must be recorded at the York County Registry of Deeds with the final subdivision plan.
- 4) Open space is intended to be preserved in perpetuity and shall not be further subdivided or developed.
- 5) All required state and federal permits must be obtained by the applicant, and a copy of each shall be provided to the Town of Lyman prior to the issuance of a building permit.

Paul Boucher seconded the motion, with all voting in favor.

**Bartlett Pines, Phase III – Map 9 Lots 1 – 4 –** CEO Brenda Charland had questions regarding the conditions for the development and asked the Planning Board for guidance on how to proceed. (Phases I and II are in Waterboro). Brenda will contact the owner and Homeowners Association and invite them to the next meeting on Wednesday, June 21, 2023.

Tonight is Paul Bouchers last meeting with the Planning Board – we will miss him and wish him well.

#### **MINUTES:**

Public Hearing and Planning Board Meeting Minutes of 5/17/23 were not approved at this meeting.

#### **OLD BUSINESS:**

**Joshua Martino -Map 001 Lot 5 – 331 Brock Road – High quality cottages for short term and seasonal rental:** - Provided him with information from Hutoopia application and meetings in Sanford. He is looking over that and looking over details for the topographical survey.

**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:**

The Hidden Spa – site walk review.

Oosterman – site walk review.

MX207 – any new updates, review site walk set for June 10, 2023


Hissong Gravel Pit

#### **ADJOURNMENT:**

Paul Boucher made the motion to adjourn at 7:57 PM. Rod Tetu seconded. All voted in favor.


**APPROVED DATE:** 6-21-2023

  
Roderick Tetu, Chairman

  
Don Hernon, Vice Chairman

  
Cecile Dupuis, Secretary

  
Joseph Wagner

  
William Single

  
Kelly Demers

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Paul Boucher

