



## MINUTES PLANNING BOARD MARCH 13, 2014

Dan Nezol - Regular 2014  
Joshua Holmes - Regular 2015  
James Lemieux - Regular 2015  
Karin Paradis - Associate 2015  
Curtis Lunt - Regular 2016  
Don Fellows - Regular 2016  
Tyler Goletti - Associate - 2016

- 1. CALL TO ORDER:** The Chairman, Mr. Fellows called the meeting to order at 7:00 PM.
- 2. ROLL CALL:** Regular members present were Don Fellows, Curtis Lunt, Dan Nezol, Josh Holmes, and James Lemieux. Associate members present were Karin Paradis, Tyler Goletti. Also present were Dennis Douglass, Code Enforcement Officer; Amanda Bunker, Wright-Pierce Land Use Planner; Tracey Steuber, Economic & Community Development Director; Dillon Pesce, Town Council Vice-Chair; Roger Bickford, Town Councilor; Eric Metivier, Town Councilor; William Bauer, Water Commissioner; Kenneth Wells, Water Commissioner; Gina Gulseth, Route 196 Master Plan Sub-Committee, Steve Warren, Trails Commission Chair; John Maloney, Senior Planner AVCOG; and one audience member.

### 3. CHAIR'S REVIEW OF MEETING RULES:

The Chairman gave a brief overview of the meeting rules for this meeting. Mr. Fellows said there would be a public hearing and then there may or may not be a vote on that public hearing. He said he would allow abutters to speak and others in the audience after the public hearing presentation.

### 4. WRITTEN COMMUNICATIONS:

**VOTE (2014-15)** Mr. Lunt seconded by Mr. Holmes moved to approve the minutes of February 26, 2014. **Order passed. Vote: 5-0.**

Mr. Fellows said at the February 26 meeting there was an amendment that was not passed to Case 14-01, Totally Kidz Childcare application. He said his research after the meeting indicated that the amendment proposed to see if taxes were paid on the property before granting the board's approval of the application, was, in fact, not within the purview of the Planning Board. Mr. Lunt noted that he subsequently found that the taxes are current on that property.

### 5. PRESENTATION

LISBON'S ROUTE 196 CORRIDOR DESIGN STANDARDS/GUIDELINES PRESENTED BY AMANDA BUNKER, COMMUNITY & LAND USE PLANNER, WRIGHT-PIERCE.

Mr. Fellows said this presentation would be moved to the public hearing.

### 6. PUBLIC HEARING:

**Case 14-3** LISBON ROUTE 196 CORRIDOR DESIGN STANDARDS AND GUIDELINES

Review new language that may become part of Lisbon's Code of Ordinance's and Guidelines as part of the new Route 196 Master Plan.

Mrs. Bunker said this process started with the Route 196 Master Plan, which was adopted last fall by the Town Council. The plan developed a vision for the Route 196 corridor. In particular, it indicated the importance of design guidelines, which came up repeatedly in public forums as a priority. The Planning Board looked into standards in Codes as well as guidelines, which are more voluntary. These standards and guidelines are only for properties on Route 196 and within 500 feet of Route 196. This is only for non-residential buildings. The ultimate goal of the standards and guidelines is to enhance the overall image of Route 196. This is about what the buildings look like, not what business the property is used for, which is regulated by the Zoning Ordinance.

Mrs. Bunker said the process is in two parts, both regulatory standards and guidelines. While not being overly restrictive in the standards, some additional information was put in the guidelines. The standards state what is required and the guidelines give more of a picture of what is desired. The guidelines explain the expectations visually. The standards and guidelines are meant to protect property values and encourage investment, something she said we've heard directly from the mouths of developers in the area.

Mrs. Bunker said we considered new construction and rehabilitation or redevelopment. The Planning Board has considered what realistic expectations are. These will be guiding documents for both the Planning Board and developers. The standards will go in the Code; permitting and zoning have been considered. The guidelines are not mandated but should be adopted like the Comprehensive Plan and the Master Plan. It becomes a guiding document for owners and developers.

Mrs. Bunker said we've raised the bar for Route 196 by being more specific. Currently the language is "the building's architecture shall reflect New England building forms such as pitched roof, dormers, and windows." She said that alone is not enough to get good design or gives enough information to enforce to get the results that the town would want.

Mrs. Bunker said we had a very successful online survey that showed people's preferences. The next step is to send this to Council. Once Council approves it, the standards would become part of the Code and the guidelines would be used as a guiding document for staff, the Planning Board, and property owners.

Mrs. Bunker said the standards include definitions, purpose, jurisdiction and applicability, and specific character districts. Under the standards there are categories by site layout, by architecture, and by landscape and screening. We have guidelines for signage but not standards. The signage ordinance needs to be improved and updated.

Mrs. Bunker said character districts are identified as highway and commercial, Village Street and Main Street districts, and rural transition. Applicability- when do the standards and guidelines apply, absolutely when there is new construction, for redevelopment of properties when there is a significant amount of money invested, and for site work when there is a substantial amount of site work that needs to occur. She said when it is triggered to use the standards, you also use the guidelines.

Mr. Fellows asked if abutters wanted to speak. None were present. Mr. Fellows recognized Steve Warren.

Mr. Warren said he was concerned with the integrity of the process. He said it was stated throughout the process that this was for Route 196 only and at the end it was expanded. He said that undermines the whole credibility of the outcome.

Mr. Warren said is this integrated with existing codes and standards. He said it doesn't look like a clean process for a developer coming into the area.

*\* These minutes are not verbatim. A recording of the meeting is on file.*

Mr. Fellows asked for any members of the public to speak. No one else asked. Mr. Fellows indicated that Village Street to the fire station and Main Street to School Street were included in the standards and guidelines discussion because those areas fell under the Route 196 corridor. He said there was discussion about it but they felt that represented the Route 196 corridor that had been under discussion all along.

Mr. Fellows said there was a lot of work both by Codes and Planning to make sure that the standards did not conflict and where it did conflict, it would override. There was a lot of work done to make sure we didn't restrict people's rights in order to establish design standards.

David Lycette asked about the 500 foot distance from Route 196. He said if Wal-Mart were to build on Route 196 and the building was 600 feet from the road, how would that be approached versus someone with a 150 foot lot and the property behind that could not even be seen from Route 196.

Mrs. Bunker said we are looking at what people see from Route 196. She said 500 feet is an adequate range to capture most of that. It would be a project by project discussion if the property was not within 500 feet. The standards could be waived or warranted depending upon the property. The intent is that the standards would not apply as we get further and further back from the road. The 500 foot limit is to show that is the area where the standards would apply.

Mr. Fellows said the 500 foot limit was to establish that we had to stop somewhere. A large development is going to need site plan review and these standards could be incorporated.

Mr. Fellows seeing no further comments closed the public hearing.

## 7. UNFINISHED BUSINESS:

### Case 14-3 RECOMMENDATION TO TOWN COUNCIL ON LISBON'S ROUTE 196 CORRIDOR DESIGN STANDARDS AND GUIDELINES

**VOTE (2014-16)** Mr. Lunt seconded by Mr. Holmes moved to recommend that Town Council adopt the Route 196 Corridor Design Standards and Guidelines with changes.

- The word "should" is replaced with "shall" or "must".
- Under Jurisdiction and Applicability (5) (b) the phrase "whichever the more strict applies" is added.
- Under Site Layout & General Design p.9, (c) Access and Pedestrian Circulation, the language regarding handicap accessibility has been removed because there is adequate provision for that elsewhere in the ordinances.
- Under Historic Buildings page 10 (4) "should be" is changed to "must".
- Under Historic Buildings (4) regarding existing historic buildings and structures, the following is added: The Comprehensive Plan identifies the following places as historic and this ordinance shall apply to them as a minimum. Other buildings may fit into the historic definition as well if mutually agreed by Codes Enforcement and a majority of the Planning Board after consulting with the local historical society and/or the Maine Historical Preservation Commission.

- The list of historic properties is removed and replaced with a reference to the Comprehensive Plan list of historic properties.
- Under Landscape & Screening (h) Maintenance, (1) regarding dead trees is replaced with landscaping must be maintained.

**Order passed. Vote: 4-1 (Opposed: Nezol).**

Mr. Fellows said many of the comments from people have been incorporated into the final draft. Mrs. Bunker said one area she wanted to clarify with the Board was under the section on Jurisdiction and Applicability. There is a statement about the standards not superseding any state and federal regulations. It is a question of whether or not that should be true. It could be reworded to say whichever is the stricter shall apply. She said she wanted to make sure they were covered in case there was a conflict. John Maloney said he was concerned that Maine DOT or some other provision would be so lenient and that that would take precedence. He said he doesn't put much faith in the State regarding design standards. Mr. Lunt said this is a legal question that requires attorney review. Mr. Bunker said we could flag this for legal review. Mr. Fellows said perhaps MMA will do the legal review. David Lycette said they were on the right track with adding the phrase "whichever the more strict applies."

Mrs. Bunker said noted some of the changes she made to the previous draft. She changed the word "should" in the earlier draft to "shall". Regarding handicap accessibility, on page 9 (c) of the standards, site layout has been taken out. She said that doesn't need to be covered in design standards because there are adequate codes for that. Also, under Historical Building Architecture the language is not overly restrictive because some of this is covered in the Comprehensive Plan. She indicated that without crossing the line making this about historic preservation, this language covers what we want to see.

Mr. Fellows said page 10, line 4, "should be" needs to be changed to "must." Mr. Fellows read a statement he felt should be included that said the Comprehensive Plan identifies the following places as historic and this ordinance shall apply to them as a minimum. Other buildings may fit into the historic definition as well if mutually agreed by Codes and a majority of the Planning Board.

Mr. Maloney said does the definition for historic mean architecturally historic or because some event happened at that property. A more narrow definition is needed. Mr. Douglass said it does say architectural features. Mrs. Bunker said if the emphasis is on architecture, we can say buildings with architectural value. Mr. Holmes said those buildings have already been identified by the Comprehensive Plan, anything more would be too onerous on the property owner. Mr. Maloney said in many communities the historical society has a list of properties and some input from them might be helpful. Mr. Fellows said we do have an active historical society. Mr. Lunt said if we could add "after consulting with the local historical society" to Mr. Fellows statement. Mrs. Bunker said we can add, if there is some question about historical value, the Planning Board can refer to the local historical society or Maine Historic Preservation Commission. Mrs. Bunker said instead of including a list of historic properties, there could be reference to the list in the Comprehensive Plan, that way if the list is changed in the Comprehensive Plan, it will be changed for the standards, too.

Mrs. Bunker said under Landscaping and Screening under (h) Maintenance instead of "Dead trees and vegetation shall be removed" it should say instead that landscaping needs to be maintained. Mr. Fellows indicated that needs to be included as it is backup to make sure that landscaping is actually maintained over time.

Mr. Fellows said so all the changes have been made. Mrs. Bunker said yes, except for the historic piece which needed to be refined a bit. She said she would send the official language to them.

## 8. OTHER BUSINESS

Mr. Fellows said we don't have enough time to discuss signs. He asked Mrs. Bunker for a brief update.

Mrs. Bunker said she started with Dennis's language and added some definitions, added more about signage types, and incorporated some from the existing ordinance. She is looking at Topsham, Scarborough, and Turner's ordinances. She said it is close but needs more work. Temporary sign standards are the most difficult area. She said we need to have a good discussion about temporary signs. She said she has written that unless a sign is specifically designated as a temporary sign, it must be considered a permanent sign.

Mr. Fellows said Karin and Amanda will work together on signs. Mrs. Paradis said she will sit down with Dennis to work on this some more.

## 9. ADJOURNMENT TO WORKSHOP

**VOTE (2014-17)** Mr. Lunt, seconded by Mr. Lemieux moved to adjourn to a workshop with the Lisbon Water Department and John Maloney, Senior Land Use Planner with AVCOG at 8:00 PM. **Order passed. Vote: 5-0.**

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Elizabeth French  
Assistant Town Clerk

Date Approved: \_\_\_\_\_