



## MINUTES PLANNING BOARD SEPTEMBER 24, 2009

John Potvin - Regular 2009  
Gerald Kamke - Regular 2010  
Jeffrey Ganong - Regular 2010  
Dan Nezol - Regular 2011  
Francis Drake, Jr. - Regular 2011  
Vacant - Alternate 2009  
Mark Lunt - Alternate 2011

1. **CALL TO ORDER:** The Vice Chairman, Mr. Kamke, called the meeting to order at 7:08 PM.
2. **ROLL CALL:** Regular members present were Gerry Kamke, Dan Nezol, Jeff Ganong, Francis Drake, Jr. and John Potvin was absent (excused). Alternate member Mark Lunt was absent (unexcused). Also present was Mike Cote, Code Enforcement Officer, and approximately 4 citizens in the audience.

3. **PUBLIC HEARINGS:** None

### 4. OTHER BUSINESS:

GOULD SUBDIVISION - LETTER OF INTENT:

ACTION TAKEN: Mr. Ganong seconded by Mr. Kamke moved to accept Mr. Gould's letter of intent to complete the 20 foot gravel right of way and emergency vehicle turnaround in 6 months. Vote 3-1 Carried. Opposed (Mr. Drake)

### 5. REGULAR MEETING:

REVIEW CONDITIONS AND ADDITIONS ORDERED BY DEP TO BE INCLUDED IN THE TOWN OF LISBON SHORELAND ZONING ORDINANCE WHICH WAS ACCEPTED ON JULY 21, 2009, FOR DEP TO FULLY ACCEPT THE TOWN OF LISBON'S SHORELAND ZONING ORDINANCE:

Mr. Cote, Code Enforcement Officer explained that the DEP found four deficiencies in the Shoreland Zoning Ordinance and have made recommendations to correct them.

ACTION TAKEN: Mr. Kamke seconded by Mr. Drake moved to approve the conditions and additions recommended by the DEP. Vote 4-0 Carried.

ZONING ORDINANCE AND ZONING MAP CHANGES:

ACTION TAKEN: Mr. Ganong seconded by Mr. Kamke moved to approve proposed amendments to the Zoning Ordinance dated May 8 revised July, 2009 with the following amendments recommended by Roger Therriault, Town Attorney:

Section 70-1, Definitions: In the definition of "Light Manufacturing use" that the word "emitting" be eliminated and replaced with "which use emits..." This is to clarify a misplaced modifier where the term "articles" appears to be emitting when what we are really talking about is the process.

Section 70-3, Purpose: this should read, "The purpose of this chapter, prepared pursuant to and consistent with the Comprehensive Plan..." This is the requirement of 30-A M.R.S.A. Section 4352(2).

Section 70-7, Amendment: Add the following language that refers to additional notice requirements: "Additional notice must be sent by regular mail to the public drinking water supplier if the area to be rezoned contains its source water protection area. Additional notices may also be required where the change in land use district falls under the provisions of 30-A M.R.S.A. Section 4352(10) and/or Title 3, Chapter 3, Subsection 1 of Article 2B." (These are changes that take the property into or out of commercial, industrial or retail uses, or resource protection areas.)

Section 70-10, Penalty for Violation: Modify slightly to read: "Any person, including but not limited to a landowner, a landowners agent or contractor, tenant, or occupant, who orders, permits or conducts any activity..."

Section 70-357, Purpose: Add to this text "New residential development requires an agricultural component that will maintain the production value of the land." This is to comply with Paragraph 3 on Page 35 of the Comprehensive Plan.

Section 30-361, Dimensional requirements: Under Subparagraph (1), the language "square feet" should be eliminated.

Section 30-361, Under Subparagraph (4), the last phrase is unclear. It should read "...except that high intensity farming structures shall not exceed 25 percent."

Section 70-614, Alteration/demolition of historic structures: In Subparagraphs (2)(b) and (2)(g), it seems that these time frames don't work well together. Subparagraph (g) requires a determination within 30 days after filing. Subparagraph (b) allows but does not mandate the Planning Board to hold a public hearing within 30 days of the filing. It would appear to make sense that the Planning Board would meet initially to determine whether or not a public hearing was appropriate or necessary. This would make meeting the 30 day time frame for a decision almost impossible, since you would need to schedule another meeting, with appropriate notification. You need a longer time frame for a decision if a public hearing is to be had, perhaps 30 days after the public hearing, if there is one. It might also be appropriate to allow the time frames to be extended with the consent of the applicant.

Section 70-711, Size, location and illumination: In Subparagraph (a) in the third line, the words "or billboard" should be deleted to be consistent with the rest of the changes.

Section 70-231, Zoning districts named: Add number (11) Limited Rural Residential. Vote 4-0 Carried.

**6. OTHER BUSINESS:** Item taken out of order. See Item Number 4 Above.

## **7. WRITTEN COMMUNICATIONS:**

Minutes of August 27, 2009.

ACTION TAKEN: Mr. Ganong, seconded by Mr. Kamke moved to approve the minutes of August 27, 2009. Vote 4-0 Carried.

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

**8. ADJOURNMENT:**

ACTION TAKEN: Mr. Ganong, seconded by Mr. Kamke moved to adjourn at 8:37PM.  
Vote 4-0 Carried.

Respectfully submitted,

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Jody Durisko  
Administrative Assistant