



MINUTES PLANNING BOARD MARCH 22, 2012

Francis Drake, Jr. - Regular 2012
John Potvin - Regular 2012
Don Fellows - Regular 2013
Jeffrey Ganong - Regular 2013
Dan Nezol - Regular 2014
Gerry Kamke - Associate 2013
Steve Warren - Associate 2014

- 1. CALL TO ORDER:** The Chairman, Mr. Ganong called the meeting to order at 7:00 PM.
- 2. ROLL CALL:** Regular members present were Jeffrey Ganong, Dan Nezol, Francis Drake, Jr., Don Fellows and John Potvin (arrived at 7:25PM). Associate members present were Steve Warren. Gerry Kamke was excused. Also present, Michael Cote, Code Enforcement Officer; Stephen Eldridge, Town Manager; Stephanie Hubbard, Wright-Pierce Engineering; Paul Adams, Water Department Manager; William Bauer, Water Commissioner; totaling approximately 50 citizens in the audience.

The Chairman reviewed the Board's policies and procedures.

3. PUBLIC HEARING:

SITE PLAN/SUBDIVISION PRELIMINARY PLAN APPLICATION:

Case # 11-05 Applicant: Premier Development LLC
Property Location: 175 Lisbon Street, Lisbon
Tax Map: U21-5&6
Zone: Commercial/Village
Intended Use: Develop a Commercial Park

The Chairman, Mr. Ganong opened the public hearing and invited Ms. Stephanie Hubbard from Wright Pierce representing Premier Development LLC to speak. Ms. Hubbard gave a summary for the citizens who were not present at the last meeting. Kelly Park continues to construct an access roadway for commercial use with a gravel emergency egress on Moody Road. They have reviewed our existing ordinance and overlaying aquifer ordinance. Kelly Park is intended to be a four-lot facility with a 1,550 linear foot roadway designed to town standards with a ten-foot esplanade and a five-foot sidewalk. The utilities proposed to be underground are water, sewer, electricity, and a natural gas connection. No tenants have been identified to date but this plan provides a good base for businesses to come in. They have proposed and designed storm drainage and designed best management practices. There are two underground storm water basins located along the roadway. They are looking at continuing the reclamation process that is going on right now, taking care of some of the steep slopes, and re-grading it. Ms. Hubbard said she would be open to answering any questions regarding the project.

Linda Arsenault, 189 Lisbon Street, had a question regarding the operation of a gravel pit that they have going on right now. She said they have not been notified of any changes and there is a large mound which has to be about 100 feet high of material blocking their view of the sunset. What is the timeline on this new activity, because it is new activity, they are bringing stuff into the pit now.

Ms. Hubbard said that the activity that is taking place out there now came in front of the Planning Board and was approved by them.

Mr. Cote said that the Planning Board approved a Conditional Use Permit to bring in or take out materials in excess of 500 cubic yards to prepare the site for development.

Linda Arsenault said that they are bringing in excess material.

Mr. Cote said that no conditions were listed for a 1-year period and obviously, now at this point that has lapsed so they either have to come back to the Planning Board for another permit or cease the activity.

Linda Arsenault said that they did not receive notification as the people living there being affected by this activity and wants to know how they will be compensated as abutters for having to deal with all the sand on their property and in their homes.

Mr. Cote said that they were contacted in January when the Conditional Use Permit was granted by the board and this is the only other meeting since then.

Dale Bouvier, 187 Lisbon Street, said that originally it was said that that area would be trimmed out, leveled out and look like a dirt road. Also, that it would be planted up by winter time and that never happened.

Mr. Ganong said it did come before the board and the only thing they requested was fill in excess of 500 cubic yards.

Dale Bouvier stated that they are hauling out in excess of 5,000 cubic yards, that they kept trying to get an answer regarding how much would be removed and could not get an answer.

Mr. Ganong said that there was no cap placed on the permit and the activity taking place out there in the last year is within the approved Conditional Use Permit.

Dale Bouvier said that there is loam, bark mulch, sand, and gravel. He said there is a ton of it and that was never brought up. He asked about the pond that they were going to keep and turn into an employee break area, which was built up to a 20 foot wall and now there is no water and it is all washed out. He suggested the Planning Board Members go look for themselves.

The Chairman reported that the Planning Board Members took a walk out there about 6 weeks ago.

Linda Arsenault said they should go take another look because it is all washed out now.

Ms. Hubbard said that there were two parts to this pond, one was the deep edged pond and one was very shallow and there wasn't much sediment. They did at that point coordinate with the DEP and Army Corps to discuss filling in a portion of that pond because it was warming up the other area of the pond so they were addressing that issue. The wash out and ruts were not like that a few weeks ago and they will certainly check on that.

Dale Bouvier said that it was not supposed to be a parking lot, that there was supposed to be vegetation put in place to stabilize it once it was brought up to grade level. They want to know what is going to be done to bring it back on track and that in a 2-year timeframe everything that was supposed to happen didn't but everything else has. He said his wife has had to call a couple of times because they were out there working at 6:00-6:30 in the morning and they should not start before 7:00 AM. They were told that wasn't supposed to happen, they aren't supposed to start work until 7:00 A.M, but the next morning they were there early again.

Don Fellows said the plans they have in front of them, which can go absolutely nowhere, unless the board holds a Public Hearing regarding the plan. It says the work will begin in the spring of 2012 with a projected completion of fall 2012. If we are not able to move on it after

a hearing then it can't be resolved. I believe that the landscaping and everything that you talked about are addressed within that plan.

Paul Adams, General Manager of the Water Department, said there are a couple of issues he is concerned with, first is the oversight that has happened to date, which is virtually none. He has reviewed the permit issued by the Town and he believes it says remove not add materials and that it says personal use and that what they have brought in is obviously not for their use including the used pavement that was brought in. So if there has not been good oversight for this part why should he believe it will happen in the future? Second, the Aquifer is in Zone 1 where nothing can happen in Zone 1 and now they have an access road there and will it stay there. He said our ordinance does not allow that access road through Zone 1.

Mr. Fellows asked to let everybody know where the Planning Board is on this. He stated that what the Planning Board has done to date is to accept the fact that the Preliminary Plan is complete. It has not placed conditions on it; it has not accepted the plan or the final plan. The purpose of this public hearing tonight is to develop conditional uses or require additional things that should be applied to this plan. The purpose of the hearing tonight is to gather facts.

Mr. Warren asked Mr. Adams what the concern is with the access road since it was not going to be paved and was going to be blocked so it would not be used.

Mr. Adams said the concern is that it is in violation of the ordinance and that just because it is gated off doesn't mean it is not going to be used. Who is going to control the gate?

Mr. Fellows said that the plan itself calls for bollards, similar to what is on the trail and locked but could be accessed by the Fire Department.

Mr. Adams said and again, I will turn that question around to you. Why does it need to be there?

Mr. Ganong said that it is already there to begin with.

Mr. Adams said it is not. He said that it was put there by the people who are reshaping that lot and it never was a road. I've lived in this town for over 26 years and I know that pit and it was not there because when it was a pit they had a scale at the entrance that was gated and you had to go through the gate and get weighed to access that pit. And I can bring other people in here that can attest to that as well. It was never a road.

Mr. Ganong said that it was not defined as a road but there was always a trail there.

Mr. Adams said maybe a motorcycle trail that people used to get in and out of there but no, it is not a road and was never a road and there is no need to be putting that through Zone 1.

Mr. Warren said he is wondering what it is about the Wellhead Ordinance that prohibits that from being there. Mr. Adams said if you are looking at your table there, why don't you tell me where it says that you can.

Mr. Warren said but there is nothing that says that you can't.

Mr. Adams said well let's look at the ordinance, if you look on page 5 of the Wellhead Protection Ordinance in the chart under uses for transportation related operations, transportation corridors including rail - No, Utility corridors - Now, in my view that includes this emergency access. The intent is that those do not pass through Zone 1.

Mr. Warren said that is a stretch to make that a transportation facility.

Mr. Adams interrupted saying, again, I don't make the rules here and I don't enforce them but you folks have the opportunity here to make this work or not. From what I've seen to this point, I think that you are stretching the rules to make it work for these people and this company rather than try to protect our water resource.

Mr. Potvin said Paul, if you remember last summer we worked together to address issues, if you could take the tone down a bit and discuss this without being confrontational that would be great. We have shown a willingness to work with you so I am saying let's work together.

Mr. Adams said is that why when we had a workshop in December and asked for a copy of the plans for the Water Department and I was assured we would get them but to date, have we got a copy of this plan? No.

Mr. Potvin said I honestly can't speak to that; I was not at that workshop.

Mr. Adams said well you're on the Planning Board, if you want me to work with you then I need to be included and the Water Department has not been included in this plan.

Mr. Potvin asked did you follow up on the plan you were looking for or did you just expect it to come? Maybe the ball got dropped somewhere. If you didn't follow up and we didn't follow up with you, the ball got dropped somewhere. I'm not saying you dropped it, I'm not saying we dropped it, I am just saying that the ball got dropped.

Mr. Adams said all I know is that the Water Department has been left out of the loop and we discussed that at our Water Meeting and that never happened, we were never notified about the workshop.

Mr. Potvin said yes we did, we did have that discussion. All public meetings are posted at the town office and you work for the Town, the onus is on you to show up.

Mr. Ganong addressed Ms. Hubbard and asked if she would like to say something.

Ms. Hubbard said with regard to the emergency access road, the intent is not to develop that. It is in all of the arial shots as an existing path through there. The intent is to make it narrow, 12 foot wide, to maintain it as gravel as it is now so that it could be used if there was an emergency out on Route 196. It indicates that emergency signage would be used and if they felt bollards would be needed than they would put those up but the intent is to keep it as emergency access only. She also said that she emailed the plans to Mr. Adams and was not aware that he did not receive them. She said she will mail him a hard copy tomorrow if that makes all the difference. It is not the intent to leave you out or to not provide you with that information; I thought it had gone to you.

Karen Hodkins, 201 Lisbon Street, said that this is not what they expected. I did not know that my house would start shaking at 6:30 A.M. and shake all day long as they work. There are going to be four lots in there but are there going to be any restrictions about what can go in there.

Ms. Hubbard said the Commercial Zoning allows for several uses and the Wellhead Protection Ordinance has restrictions and the guidelines for both would be followed for any potential development to the four lots. If not, they would have to come in front of the Planning Board and people would be notified and have an opportunity to comment on it.

Mr. Fellows asked if the proposed timing would be an actuality.

Ms. Hubbard said yes they would like to get started out there to continue the roadway and the reclamation out there. Certainly, it is going to take a little time to stabilize the whole lot because of the nature of the property. She mentioned the possibility of putting together a memo with a timeline to the abutters but there is substantial material movement that has to happen to get the site to what it has to be.

Roger Cote said he was involved with the meeting with Mr. Kelly at the beginning. He asked to have the abutters meet with Mr. Kelly about their concerns. If there are upsetting issues, it would behoove us to meet with Mr. Kelly and have him address some of their concerns. He said he was sure Mr. Kelly would be more than happy to meet with them and see what could be done. He said Mr. Kelly is a very level headed man and was very gracious when they worked with them. Maybe there is something he could tell them to help them.

Jim Kelly, Scott Kelly's father, said clay is being brought in to stabilize the sand. He said you can't use clay in the winter, which is why that is being brought in now. It is very fine sand there. There is ledge material from the pit that is going to be crushed for the road that the town requires. It will take a considerable amount of material to put a road in there. It is not Mr. Kelly's intent to run a pit there, but he does have to move a lot of material to get it out of there. Paving was done at the road to keep Route 196 clean. Things might not look as if much is taking place, but it takes all of this work. He said Scott is taking a big eyesore and fixing it up for businesses to move in and that will help with taxes.

Jim Kelly said I can pretty much guarantee that nobody will be working on the site before 7:00 A.M. from now on. As far as the sand, that is a huge pile of sand. When they crush material they will be mixing it with the sand so the sand pile will decrease then. I don't know if it is feasible to knock that pile down now.

Mr. Warren asked if the sand could be protected so that it wouldn't blow around.

Mr. Kelly said the erosion; the silt is the same sand that came off the site. As far as the water goes, the law states that the lowest they could go is five feet below the water table. It is graded now so that it is fifteen feet above the water table.

Linda Arsenault said she had heard that the water tower was going to be removed.

Bill Bauer, Water Commissioner, said there are no plans to remove the water tower. Lisbon Water Department generates about \$50,000 a year in revenue from cell phone services and cell phone towers on that site, so they are not going to throw that away. We have hired an engineer to assess sites for potential water towers. He said until they find another site for a water tower, that one will stay there. There may be a larger tank right on that site.

Mr. Bauer asked the Planning Board to disallow the access road if there is no particular reason to have it. He said Mr. Kelly has put in an excellent means of egress from his property. He said there is plenty of room on the road for emergency vehicles. He asked that the emergency access road be removed to protect the Zone 1 Aquifer. The big concern is spills.

Ms. Hubbard said the access is for emergency access. Things do happen, so that secondary access is necessary. It is good practice to have that secondary access and limit access to it. She said 100-150 feet is in Zone 1. There are no other good options for an access point.

Dorothy Fitzgerald said she applauds the Kellys for what they are doing. The town needs new tax revenue. My concern is we need to look at Route 196 for development and along the Androscoggin River and the Sabattus River. Hindsight is 20/20. When the present industrial park was planned there were no plans for landscaping. She said she hopes that the Planning Board requires that the property be well maintained and attractive. I'm sure the Kellys are

planning on that. I would hope the Planning Board does that for future development. Mr. Fellows said the maps show landscaping; it is already in the plan.

Kenneth French, 30 Moody Road, said his concern is that Scott Kelly is working in the middle of the neighborhood. He said the gravel pit was an attractive nuisance for many years. Once the wild bunch with the four wheelers and dirt bikes were gone, it was quite quiet there. He said he is concerned that as the site develops, there might be unsupervised businesses like a storage site where the general public has access to the property at any time of the day or night. My backyard is vulnerable while I'm away at work. It would only take a 50 foot walk to reach my property. If there are unsupervised businesses there, it is going to be very disconcerting to me. He said he is not trying to bad mouth what Scott is doing, but that is his concern. Is there a compromise such as a buffer so that it would not be easy to cross into my yard; that is why the abutters were not interested in any apartment complex or trailer park in there, they were concerned about their safety.

Mr. Kelly said anybody who is in construction will know there is a tremendous cost in this development. I can assure you there will be no storage facility there. It is going to take somebody with a decent business to come in there to afford a lot. The Planning Board will have the final approval on who goes in there.

Mr. French said my concern is do we have to worry about unwelcome visitors coming into our yards when we are at work or in the middle of the night. Is there a way we can insulate our homes against them?

Mr. Kelly said when this is all done the road will be a town road and the local police can come in and take care of that. It won't be a place for the riff raff to hang out like it has in the past.

Mr. Ganong said I want to make clear that Mr. Kelly is within the Commercial Zone. Anything that is allowed within the Commercial Zone does not have to come before the Planning Board. Mr. French said I understand that, I just thought this might be the time to bring my concern forward. Maybe Mr. Kelly could move some earth to make it a little less tempting to enter my property.

There were no additional comments and the Chairman closed the Public Hearing for this case.

4. REGULAR MEETING:

SITE PLAN/SUBDIVISION PRELIMINARY PLAN APPLICATION:

Case # 11-05 Applicant: Premier Development LLC
Property Location: 175 Lisbon Street, Lisbon
Tax Map: U21-5&6
Zone: Commercial/Village
Intended Use: Develop a Commercial Park

Mr. Warren said since this is sitting on the Aquifer there should be restrictions on any chemicals put on the road that might find its way into the water.

Mr. Ganong asked Ms. Hubbard if there is anything in the plan regarding Mr. French's concerns for a buffer between his property and the site. Ms. Hubbard said the intent is to maintain a 50 foot buffer along the property lines of the development. I think it is worth spending some time with Mr. French and discussing the plans and what we can possibly do

to address Mr. French's concerns. She said she would like to have Scott Kelly with us for that discussion.

Mr. Fellows said we need to move this process along. We can approve this preliminary plan with conditions. They have 6 months to come up with a final plan. I think we need to keep the abutters happy in some way. I think we should ask for conditions. A 12 foot wide access road with locked bollards with keys held by Public Works or the Fire Department. We know the name of the road has to change. Ms. Hubbard said Kelly Parkway has been suggested. Mr. Fellows said the only other thing is how to keep the abutters informed. Premier Development could meet with the abutters monthly and send the minutes back to the abutters. Ms. Hubbard said keeping people up to date is something Scott Kelly has welcomed.

Mr. Warren said he is concerned about the lighting. He said he would like to see a presentation on the lighting because it will impact the neighbors. Ms. Hubbard said I don't have anything but we can get something together. Jim Kelly said the lights will be a cut off illuminator type that won't shine all over everybody's back yard.

Mr. Ganong said one issue that Mr. Kelly said he would address, but that we should put into writing is that work should not start until 7:00 A.M. He asked about work stopping at the end of the day, probably at sunset.

Mr. Warren asked about land use for the public. Ms. Hubbard said she had talked with the Trail Commission and they are concerned with the trails they are currently working on and trail maintenance. She said there has been discussion about connectivity with the trail system but nothing more. She said Mr. Kelly is open for discussion, but it is too early to consider an easement. Mr. Warren said the important thing is to provide the opportunity for those types of things to happen in the future. Ms. Hubbard said we have provided for sidewalks within the property.

ACTION TAKEN: Mr. Fellows seconded by Mr. Potvin moved to approve the Preliminary Plan for Premier Development L.L.C. to develop a commercial park with the following conditions:

1. To include a lighting plan with the final plan.
2. To change the road name to an acceptable 911 name.
3. The access road should remain gravel and be reserved for emergency use only by putting up locked bollards to limit access.
4. To maintain contact with all abutters and hold at least two meetings before November 1, 2012. Follow up with written communications regarding the meetings to abutters and the Planning Board within the following 10 days.
5. Ensure that work begins no earlier than 7:00 A.M. and ceases by 8:00 P.M. during 2012.

Vote: 5-0 Carried.

Mr. Ganong closed the regular meeting and opened the public hearing.

5. PUBLIC HEARING:

PROPOSED ZONE CHANGE ON GARTLEY STREET FROM GENERAL RESIDENTIAL DISTRICT TO DIVERSIFIED DEVELOPMENT DISTRICT; AND

PROPOSED CHANGES IN THE TABLE OF LAND USE CHART TO REFLECT SELF STORAGE FACILITIES AS A CONDITIONAL USE IN THE DIVERSIFIED DEVELOPMENT DISTRICT AND ALSO ADD TO THE TABLE OF LAND USE CHART A LIMITED COMMERCIAL USE IN THE RURAL OPEN SPACE I DISTRICT.

Mr. Fellows said we are looking at two potential changes to the zoning. One pertains to Gartley Street and the other to Route 9 ROSI. The area on Gartley Street includes the Superintendent's Office Building and the Open Door Church playground and Lot 1 owned by the town. The other area he said is on Route 9 and it goes from the power line north to the town line, with the exception of two ROSII properties. He said the other thing we have to do is a Comprehensive Plan update in order to make the Route 9 changes. This public hearing is not about that because that Comprehensive Plan change requires a 30 day notice.

Mr. Fellows said we have divided this motion into three parts so Planning Board member Dan Nezol will not vote on the Route 9 portion due to a conflict of interest as he lives on Route 9. The footnotes define conditional uses.

Mr. Fellows said Motion 2 makes changes to Chapter 70 (Zoning). Motion 2 defines conditional uses under commercial uses and changes junkyards from "conditional" to "no". Mr. Fellows said Motion 3 concerns Gartley Street and makes changes from General Residential to Diversified Development. Motion 3 also defines Diversified Development access points.

Roger Cote said we have a lot of businesses on Route 9 that have been operating for years. Lately there has been discussion that these businesses would be stopped because they were not supposed to be in operation in Rural Open Space. He said he talked with Mr. Eldridge and said businesses are important to our town. He felt there should be a way to keep these people especially in these economic times. I don't think turning Route 9 into a Commercial Zone would be acceptable. I think this is a good approach but it is a double edged sword. You are stating to the public to build a business and ask for forgiveness later. This is what appears to be happening with this motion. But, I support this change 100%.

Curtis Lunt, 192 Ridge Road, said he has lived there 13 years. They purchased their property because it is residential and quiet. If you are encouraging more business you need to be careful of what it is. We don't want this much change. This is pretty complicated and I hope you take your time with this because there are a lot of footnotes. Either don't proceed with this or at least take your time.

Mr. Fellows said we've been through two workshops with this and at a meeting and this hearing. The sense of the community is you either have to get rid of the businesses on Route 9 or make them legal. We are attempting to fix that. It was our intention to make what is there now legal.

Larry Fillmore, Lisbon, said if you change this to Commercial use you may get a Wal-Mart warehouse or a disco out there. Mr. Fellows said this does not permit that. We are not changing it to Commercial. Mr. Ganong said we are only adding conditional uses to the Rural Open Space area and they only apply to the Route 9 corridor.

Mr. Ganong said this is a first step towards a broader zone review. We are expediting this portion of the process. We want to keep Route 9 a nice rural drive. It is not our intent to change it into another Route 196; we want to keep that country drive feel.

Roger Cote said this ought to be looked at for other areas that have businesses that are not necessarily conforming. These little businesses are what make Lisbon what it is.

Gina Mason, 312 Ridge Road, said I live on Route 9 and it is not quiet, it is travelled by many people at high rates of speed. She said to allow these businesses to be there won't hurt a thing. There are small businesses that we don't even realize are there, but you do notice the motorcycles that are going by at 100 MPH on a Sunday afternoon. The tractor trailers fly by. She said I see no problem in allowing these businesses that are already there.

Mr. Bauer said the present Superintendent's Office lies within the Aquifer protection area. I am assuming that all of the zoning pieces fit into that, too. Mr. Fellows said Diversified Development already is in the Aquifer. Mr. Bauer said I just wanted to make sure that the Planning Board is aware there is a water well across from this building and it is in the Aquifer protection area.

Mr. Bauer said we are looking at potentially having a water tank up on Route 9. That doesn't affect any of this, does it? It will still be a permitted use. Mr. Fellows said the only thing that has changed to the negative is the junkyard. If it is a permitted use it will still be allowed.

Seeing no more comments, the Chair closed the public hearing.

6. REGULAR MEETING:

Mr. Ganong said we have three motions which Mr. Fellows has written. Mr. Fellows has spent a considerable amount of time doing this and I commend him for that.

Mr. Fellows said it was split into three motions because of Mr. Nezol.

ACTION TAKEN: Mr. Potvin seconded by Mr. Nezol moved to formally recommend to Town Council for its consideration the following changes to Chapter 70 Zoning of the Lisbon Code Ordinances:

1. Move from the "General Residential District" to the "Diversified Development District"; the property Identified on Lisbon Tax Map U16, as Lot 1A (Open Door Bible Church), the property identified on Lisbon Tax Map U16 as lot 48 and extending in a westerly direction into Tax Map U15 (Town of Lisbon), the property identified on Lisbon Tax Map R6 as lot 19 (CAP LLC) extending in a Westerly direction to abut the Resource Protection Zone and the Maine Central Railway tracks and finally, the property Identified on Lisbon Tax Map U16, as Lot 1 (Town of Lisbon) as it abuts the south easterly border of lot 1A and extends generally in a southeasterly direction to the adjacent Resource Protection Zone.
2. Change Chapter 70(Zoning, Article IV (District Regulations), Division 10 (Diversified Development District) Sec 70 - 504 (Development Plan), (3) (Access...) to add the following at the end of the paragraph (indicated in red italics): "Access to diversified development district. Access to the diversified development district shall be limited to three points from Route 196, which shall be a minimum of 500 feet apart. The proposed development shall indicate how it proposes to utilize such access points. Entrances to uses in existence on January 1, 1996, may be continued for those uses but may not be utilized for other uses. "Entrances on Gartley Street shall be allowed without the restrictions listed in this paragraph."

3. Change Chapter 70 (Zoning), Article IV (District Regulations), Sec 70 - 531 (Table of Land Uses) of the Town of Lisbon Municipal Ordinances in the "Diversified Development District"
 - a. Under "Residential Uses" - change " Dwelling Unit necessary to a business for owners or employees or custodial purposes," to "C" (conditional) from "NO."
 - b. Under "Public/Semi-Public Uses" - change "Public, Private, Parochial Schools" "Semi Public Activities such as clubs not operated for private gain, fraternal org., charitable or education institutions", "Parking Lot Public/Private" "Public Garages and Storage Yards," "Public Facilities other than those permitted", to "C" (conditional) from "NO".
 - c. Under "Commercial Uses" - change "Children's Day Care Facility", Nursery School", "Convalescent, rest, nursing, or boarding homes", "Hotel, motel, Inn, tourist home", "Lawn & garden equipment sales/service", "Auditoriums, gymnasiums, places of amusement or places of assembly", "Self storage facility", "Shop of painter, carpenter or other skilled worker", to "C¹⁴" (conditional) from "NO".
 - d. Under "Signs" - change to "C¹⁷" from "P"

Vote: 4-1 Carried. (Opposed: Drake)

Mr. Warren said I recommend that the section on access conflicts with our access management standards for Route 196, so strike everything else from that including the reference to Gartley Street. Other than that it just needs to conform to the access management plan.

Mr. Fellows said the Diversified Development District fronts on Route 196. As it is written now there are three access points that are legal. If we include this area in the Diversified Development District they would have to come through those three access points to get to their property; to fix that they have to be able to get to their property. Access management doesn't even apply to Gartley Street. Realizing that we will work on the corridor at some time in the future, we can't do it all at once.

Mr. Warren said I think you are reading more into the revision for access management than really exists. Diversified Development District already can be accessed off River Road. This is saying that they need to make certain access standards for the Route 196 corridor. We've already covered that under access management and these provisions state that they be 500 feet apart conflict with the standards that are set in access management so having it in here just doesn't make sense. Just say it needs to conform to the Access Management Ordinance.

Mr. Ganong said access management only applies to Route 196 in this case.

ACTION TAKEN: Mr. Fellows seconded by Mr. Potvin moved to formally recommend to Town Council for its consideration the following changes to Chapter 70 Zoning of the Lisbon Code Ordinances:

That the Notes for Chapter 70 (Zoning), Article IV (District Regulations), Sec 70 - 531 (Table of Land Uses) of the Town of Lisbon Municipal Ordinances, be changed to add the following notes:

1. #13 - Conditional uses are allowed solely for those properties directly abutting State RT 9 with special note that no commercial operation may be visible or audible, have excessive lighting, or emit offensive odors evident from the public right of way or by

legal occupiers of abutting properties. Such uses are not permitted in any other portion of the zone.

2. #14 -All factors, both "Primary" and "Additional," applicable to conditional uses will be considered. For commercial applications, additional special attention will be drawn to compatibility for these categories. The applicant should expect additional conditions to be applied such as those related to setbacks, landscaping, screening, lighting, noise, signing, and/or odors. Signing provisions are "C" (conditional) for portions of the Rural Open Space I zone that abut RT 9.
3. #15 - Conditional uses apply only to the "Service" portion of all items in this category. Retail or wholesale sales and all other uses are expressly prohibited.
4. #16 - Conditional uses apply only to the "Auto Repair" portion of this category. Retail or wholesale sales and all other uses are expressly prohibited.
5. #17 - Conditional uses for signing apply for any uses not be subject to Division 10 (Diversified Development District), Sec 70-504 (Development Plan) (8) (Advertizing Features).

Vote: 3-1-1 Carried. (Abstained: Nezol) (Opposed: Drake)

Mr. Warren said there was a comment that there is a question of fairness that this only applies to Route 9 and he supports that contention. If these make sense for Route 9, then they probably make sense for the rest of Rural Open Space. I think we could eliminate the concern that we are doing this just for one set of property owners to the detriment of others. He said I think we could eliminate the footnote that says it only applies to Route 9.

Mr. Ganong said this is something we could look at further down the road. Mr. Fellows said there is an ongoing feeling that we can look at zoning for the town, starting with Route 196 over the next year or so. As Mr. Cote mentioned, properties on the Ferry Road could be looked at. He said to spread this beyond Route 9 at this point is to start something we don't want to start. Mr. Ganong said I have no problem with sending this to Council now and waiting for the other areas later when we can notify the abutters of those properties.

Mr. Warren said I am in favor of the approach, but there are too many footnotes, such as footnote 14 which may be helpful to the public to know but is not necessary. Mr. Fellows said you are right about that, but we need to be reminded as well as the public. This is a very sensitive area down there.

ACTION TAKEN: Mr. Fellows seconded by Mr. Potvin moved to formally recommend to Town Council for its consideration the following changes to Chapter 70 Zoning of the Lisbon Code Ordinances:

1. Change Chapter 70 (Zoning), Article IV (District Regulations), Sec 70 - 531 (Table of Land Uses) of the Town of Lisbon Municipal Ordinances in **the Rural Open Space I District** as follows: "**Under Commercial Uses**", change -

 - a. Office/office buildings not exceeding 2500 sq. ft. - to "C^{13,14}" from "NO"
 - b. Small businesses on individual lots/principal building not exceeding 2500 sq ft. - to "C^{13,14}" from "NO"

- c. Snowmobile, motorcycle, recreational vehicle, ATV, boat sales/service - to "C^{13,14,15}" from "NO"
 - d. Auto service station, auto repair, gasoline service establishment - to "C^{13,14,16}" from "NO"
 - e. Shop of painter, carpenter or other skilled worker - to "C¹³" from "NO"
 - f. Signs - to "P/C¹⁴" from "P"
2. Change Chapter 70 (Zoning), Article IV (District Regulations), Sec 70 - 531 (Table of Land Uses) of the Town of Lisbon Municipal Ordinances in the **Rural Open Space I** District as follows: "**Under Industrial Uses**", change -
- a. Junkyards from "C" to "NO"

Vote: 4-1 Carried. (Abstained: Nezol)

Mr. Ganong said this will go before the Town Council meeting on April 3.

7. OTHER BUSINESS

Mr. Fellows said there was a meeting last Friday with Amanda Bunker from Wright Pierce and Scott Benson, Economic Development Director. This meeting considered future zoning changes. We have all been invited to a workshop with the Town Council next Tuesday night. Mr. Fellows recommended giving copies of that meeting's minutes to Mr. Eldridge before the workshop.

Mr. Fellows said we need to set up a 30 day notice for a public hearing for the Comprehensive Plan change. Mr. Ganong said we can set that up for our next Planning Board meeting.

Curtis Lunt said I object to the fact that you have recommended a zone change to the Town Council without changing the Comprehensive plan and only consulting the neighbors once. The Comprehensive Plan is supposed to recommend zoning changes, it is supposed to include notice to the neighborhood; transparency is important here. What you've done is recommend a zone change without changing the Comprehensive Plan; if that doesn't look funny to you then I'm mistaken. I object, he said.

Mr. Potvin said we didn't change your zone. We did change Diversified Development, but not your zone. Mr. Curtis said it is the same process. He said I don't want to hold the church up from approval, but this is not the way to do it.

Mr. Fellows said we did get advice from AVCOG about this and they agreed. We can't consider it at the same time, but the Town Council has enough time if they want to consider it.

8. WRITTEN COMMUNICATIONS:

ACTION TAKEN: Mr. Potvin, seconded by Mr. Drake moved to accept with a minor change the minutes of 2-23-2012. Vote: 5-0 Carried.

Mr. Potvin explained that there will be a public hearing and a first reading. At the next meeting there will be a second reading. If there are substantial differences between the first and second reading, then there must be another public hearing. Otherwise, Council may vote after the second reading. Mr. Ganong said the fastest this could take place is after two meetings.

Mr. Eldridge said there is a Council workshop on Tuesday March 27 at 7 P.M.

Mr. Warren suggested scheduling a workshop on other zoning.

9. ADJOURNMENT:

ACTION TAKEN: Mr. Potvin, seconded by Mr. Fellows moved to adjourn at 9:40 PM. Vote: 5-0 Carried.

Jody Durisko, Recorder
Administrative Assistant

Date Approved: _____

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

DRAFT