**Town of Lisbon, Maine** Fee: $150.00

**CONDITIONAL USE APPLICATION**

Project Name/Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

This application must be received at the Town Office by close of business on the **2nd Thursday of the month** to be considered at the regular Planning Board meeting on the 4th Thursday of the month. The applicant shall provide **10 copies** of the application form and all submission materials.

**Applicant Information**

|  |  |
| --- | --- |
| 2. Name of Applicant: |  |
| Address |  |
| Telephone | ( ) |
|  |  |
| 1. Name of Property Owner (if different): |  |
| Address |  |
| Telephone | ( ) |
|  |  |
| 3. Name of authorized agent (if different): |  |
| Address |  |
| Telephone | ( ) |
|  |  |
| 4. If applicant is a corporation, check if licensed in Maine: | \_\_\_\_\_\_ No \_\_\_\_\_\_Yes  (if yes, attach a copy of State registration) |
|  |  |
| 5. Person and address to which all correspondence regarding this application should be sent (if different): | |
| Name |  |
| Address |  |
| Telephone | ( ) |
|  |  |
| I have reviewed all submission requirements and completed the remaining pages of this application form.  \_\_\_\_ Attachments Checklist \_\_\_\_ Waiver Request Form  **To the best of my knowledge, all the information submitted in this application is complete and correct.**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature of Applicant Date | |

**Property Information**

|  |  |
| --- | --- |
| 6. Location of Property (Street or Road) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Register of Deeds Book \_\_\_\_\_\_\_\_\_ Page \_\_\_\_\_\_\_\_\_\_  Lisbon Tax Maps Map \_\_\_\_\_\_ Lot\_\_\_\_\_\_\_\_ | |
|  | |
| 7. What legal interest does the applicant/owner have in the property to be developed (fee ownership, option, purchase and sale contract, etc.)? Attach evidence of interest. | |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
|  | |
| 8. What interest does the applicant/owner have in any property abutting the parcel to be developed? | |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
|  | |
| 9. Are there any easements or restrictive covenants on the property to be developed? | |
| \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, please specify: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
|  | |
| 10. Current zoning of property: |  |
| Current use(s) of property: |  |
|  | |
| 11. Is any part of the project or property(s) in question part of an overlay zone? | |
| \_\_\_\_\_ Aquifer Protection Overlay \_\_\_\_ Wellhead Protection Overlay | |
|  | |
| 11. Indicate if this property has previously been reviewed and/or permitted as part of a town-approved subdivision, site plan review, conditional use, floodplain development, or other planning board or appeals board review: | |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
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**Project Information**

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| ***If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner.*** |

12.Nature of the Project. Provide a brief description of the proposed project, including proposed use(s), proposed buildings and structures, proposed site work and other improvements to the property, or other information to familiarize the Planning Board with your application.

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**Waiver Request Form**

**Conditional Use Application**

***If anticipated, the applicant should indicate any requests for waivers of review standards or application submission requirements, to submit with the Conditional Use Application form.***

*Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of theChapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of the chapter are met.*

*Further, where the planning board makes written findings of fact that there are special circumstances of a particular application, it may waive portions of the application information requirements, unless otherwise indicated in this chapter, provided that the applicant has demonstrated that the standards of this chapter have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan of this chapter.*

*Applicants should take note that the planning board CANNOT waive or give variances on the following: a land use not allowed under the Lisbon Zoning Ordinance (see Section 70-531, Table of Land Uses), and dimensional requirements such as lot size/density, setbacks, frontage, etc. (see Section 70-536, Dimensional Requirements). Variances for dimensional requirements may be requested only through the Lisbon Board of Appeals.*

|  |  |
| --- | --- |
| 1. Standard/requirement to be waived: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Need/reason for waiver: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |
| 1. Standard/requirement to be waived: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Need/reason for waiver: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |
| 1. Standard/requirement to be waived: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Need/reason for waiver: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |
| 1. Standard/requirement to be waived: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Need/reason for waiver: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |
| *Attach additional page(s) if necessary.* | |

**Conditional Use Application**

**ATTACHMENTS CHECKLIST**

*REFERENCE Chapter 70-193(b), Lisbon Code of Ordinances*

|  |  |  |
| --- | --- | --- |
| **✓or N/A** |  | ***OFFICE USE ONLY*** |
|  | **Basic Required Attachments:** |  |
|  | 1. A complete set of plans in accordance with the submission requirements under section 66-52 (3) of the Town of Lisbon Subdivision Ordinance:   *Preliminary Plan.* The preliminary plan and all application material shall be submitted in **ten (10) copies** of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The plan shall be drawn to a scale of not more than 100 feet to the inch. |  |
|  | 1. If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner,***10 copies.*** |  |
|  | 1. A statement addressing all of the applicable factors listed in section 70-194 of this Zoning Ordinance***(10 copies)***:   **Factors applicable to conditional uses** |  |
|  | 1. *Primary factors.* In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon: 2. *Health.* The maintenance of safe and healthful conditions. 3. *Pollution.* The prevention and control of water pollution and sedimentation. 4. *Building sites.* The control of building sites, placement of structures and land uses. 5. *Wildlife habitat.* The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. 6. *Shore cover.* The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. |  |
|  | 1. *Additional factors.* The planning board shall also consider the following factors: 2. *Compatibility with area.* The compatibility of the proposed use with adjacent land uses. 3. *Need.* The need of a particular location for the proposed use. 4. *Access.* Access to the site from existing or proposed roads. 5. *Flooding.* The location of the site with respect to floodplains and floodways of rivers or streams. 6. *Waste disposal.* The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems. 7. *Impact on land and water.* The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation. 8. *Topography.* Existing topographic and drainage features and vegetative cover on the site. 9. *Erosion.* The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover. 10. *Transportation.* The impact of the proposed use on transportation facilities. 11. *Community facilities.* The impact of the proposed use on local population and community facilities. 12. *Water supply.* The impact of the proposed use on local water supplies. |  |
|  | **Possible Additional Attachments:** |  |
|  | *In order to secure information upon which to base its determination, the planning board may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:* |  |
|  | 1. *Contours; groundwater; bedrock; slope; vegetation.* A plan of the area showing contours at intervals to be determined by the planning board and referred to mean sea level, normal high water elevation, groundwater conditions, bedrock, slope and vegetative cover. |  |
|  | 1. *Soils.* A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. |  |
|  | 1. *Buildings; access; open space.* Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping. |  |
|  | 1. *Sewage; water.* Plans of buildings, sewage disposal facilities, and water supply systems. |  |
|  | 1. *Technical assistance.* Other pertinent information necessary to determine if the proposed use meets the provisions of this chapter. In evaluating each application, the planning board may request the assistance of the regional planning commission, county soil and water conservation district, and any other state or federal agency which can provide technical assistance. |  |
|  | 1. *Access management.* If the project includes new or existing driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road, it shall be subject to the requirements of Chpt. 46-134 Access Management. The applicant is required to apply for review and permit for driveway access according to this ordinance. |  |

**Conditional Use Review**

**Planning Board Procedure Checklist**

|  |  |
| --- | --- |
| *Date Completed* |  |
|  | 1. Initial application received (10 copies), payment of fee(s) |
|  | 1. (a) Code Enforcement Officer determines submission complete, go to #6   (b) OR may be referred to Planning Board to review for completeness |
|  | 1. Schedule initial review meeting with Planning Board (to review application and determine completeness) |
|  | 1. Refer application submission to appropriate staff for review or additional information, as appropriate |
|  | 1. At review meeting, PB determine if additional submission materials needed, determine if complete, provide written notice |
|  | 1. Schedule public hearing at least 14 days after notice of completeness or receipt of complete submission; abutters must be provided with a notice of receipt of an application and date of public hearing (and site visit if applicable) by mail at least 7 days before the hearing |
|  | 1. Notice of filing of an application and notice of scheduled public hearing, published by newspaper at least 7 days before the hearing; include notice of scheduled site visit if applicable |
|  | 1. Planning Board site visit (optional) |
|  | 1. Public hearing held: (a) applicant presentation, (b) staff comments/ presentation, (c) public comment |
|  | 1. Planning Board review of application and decision (approve, approve with conditions, deny) – ***does not have to be same meeting as hearing*** |
|  | 1. Provide applicant and abutters with written notice of decision, including reasons for decision, **within 20 days of the public hearing**. |

**Conditional Use Permit Review**

**Applicant Procedure Checklist**

|  |  |
| --- | --- |
| *Date completed* | *Please refer any questions regarding the procedure to appropriate town staff.* |
|  | 1. **Submit Application to Town Office (Code Enforcement Officer), by the 2nd Thursday of the month:** 2. Complete application form and prepare all required submission materials (see checklist), provide 10 copies of all forms and materials; 3. Applicant must pay any required fee(s) at time of submission; 4. Schedule an initial submission review meeting with Planning Board (regular meetings are 4th Thursdays of the month). |
|  | 1. **Attend first Planning Board meeting, initial application review:** 2. Planning board will review the submitted materials, including any requests for waivers, and make a determination if the submission is complete or if additional materials must be provided; 3. If Board determines submission is complete, applicant will be provided with a written notice; if submission is not complete, Board will specify additional materials needed, applicant must provide additional materials to the Code Enforcement Officer and will then be issued a written notice of completeness; 4. A public hearing with the Planning Board will be scheduled within 14 days of issuance of written notice of completeness; the Town will send notices to all abutters and publish a public notice of scheduled hearing; 5. Board may request a site visit prior to the public hearing; 6. Application will be referred to appropriate town departments/staff as appropriate, prior to public hearing. |
|  | 1. **Optional site visit:**   If a site visit is scheduled, the Town shall publish notice of the site visit; the applicant shall be present at the Board site visit. |
|  | 1. **Attend public hearing:** 2. Applicant (or representative) will be allowed a brief presentation; 3. Town staff will present any comments; 4. Public hearing will be opened, Board will make a note of all public and abutter comments; 5. Upon close of public hearing, no further comment or discussion from the public or applicant shall be entertained; the Board will decide whether to conduct their review and decision immediately after the hearing, or may table the application review to a second meeting (held within two weeks of the public hearing); |
|  | 1. **Planning Board Review (may be a separate meeting from the hearing):** 2. Planning Board shall conduct a review of the proposed conditional use based on the standards and requirements of town ordinance(s) (see Conditional Use Permit Standards Checklist); 3. The Board shall make a decision to (a) approve, (b) approve with conditions, or(c) deny the proposed conditional use, and will indicate any specific conditions and requirements of approval in its written notice of decision. |
|  | 1. **Written notice of decision:**   The Town shall provide the applicant and abutters with a written notice of the decision, including reasons for decision and any conditions (must be provided within 20 days of the public hearing). |
|  | 1. **Issuance of permits and compliance with conditions:**   Upon issuance of a written decision to approve, the applicant may obtain appropriate permit(s) from the Code Enforcement Officer; the applicant will be required to comply with all conditions specified in the written decision. |

**Conditional Use Permit Standards Checklist**

***Waivers.*** *Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of this chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of this chapter are met.*

**Sec. 70-194. - Factors applicable to conditional uses**

1. ***Primary factors.* In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Health.* The maintenance of safe and healthful conditions. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Pollution.* The prevention and control of water pollution and sedimentation. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Building sites.* The control of building sites, placement of structures and land uses. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Wildlife habitat.* The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Shore cover.* The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. |
| ***Conditions:*** |

1. ***Additional factors.* The planning board shall also consider the following factors:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Compatibility with area.* The compatibility of the proposed use with adjacent land uses. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Need.* The need of a particular location for the proposed use. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Access.* Access to the site from existing or proposed roads. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Flooding.* The location of the site with respect to floodplains and floodways of rivers or streams. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Waste disposal.* The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Impact on land and water.* The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Topography.* Existing topographic and drainage features and vegetative cover on the site. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Erosion.* The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Transportation.* The impact of the proposed use on transportation facilities. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Community facilities.* The impact of the proposed use on local population and community facilities. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Water supply.* The impact of the proposed use on local water supplies. |
| ***Conditions:*** |

***Additional conditions list, next page.***

**Sec. 70-195. - Conditions attached to conditional uses**

*Additional conditions.* Upon consideration of the factors listed in section 70-194, the planning board may attach such conditions, in addition to those required elsewhere in this chapter, that it finds necessary to further the purposes of this chapter. Such conditions may include, but are not limited to specifications for:

|  |  |
| --- | --- |
| ***Additional Factors*** | ***Conditions*** |
| Type of vegetation: |  |
| Increased setbacks and yards: |  |
| Specified sewage disposal and water supply facilities: |  |
| Landscaping and planting screens: |  |
| Period of operation: |  |
| Operational controls: |  |
| Professional inspection and maintenance: |  |
| Sureties: |  |
| Deed restrictions: |  |
| Restrictive covenants: |  |
| Locations of piers, docks, parking and signs, type of construction: |  |
| Any other conditions necessary to fulfill the purpose of the conditional use chapter: |  |

**Site Plan Review**

**Local Ordinances Checklist:**

*This checklist is provided to ensure that all municipal ordinances have been considered for applicability and that appropriate standards are met.*

|  |  |  |  |
| --- | --- | --- | --- |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Table of Land Uses, Table of Dimensional Requirements.** Chapter 70, Article IV, Division 13 and Division 14  *These tables list all permitted and non-permitted land uses by zone/district, and indicate dimensional requirements (lot size, density, frontage, setbacks) by zone.* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Manufactured Housing, Mobile Homes and Trailers, [Parks].** Chapter 22, Article II  *No manufactured housing, house trailer or mobile home park shall be established in the town except upon application to the planning board and the town council.* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Entrances onto Public Ways.** Chapter 46, Article V  *Any new entrance onto a public way requires a permit and must meet specified standards.* ***Access Management (Sec. 46-134):***  *This chapter includes specific standards and permitting for driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road.* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Building Code.**  Chapter 54, Article II  *In accordance with 25 M.R.S.§2373 , the Town of Lisbon has adopted the mandatory standards and regulations of the Maine Uniform Building and Energy Code (MUBEC), ASHRAE 62.1-2013, ASHRAE 62.2-2013, ASHRAE 90.1-2013, ASTM E-1465-08.* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Floodplain Management.**  Chapter 58, Article II  *Land uses within any special flood hazard areas (Zones A and A1-30 identified by FEMA) are subject to evaluation and to land use and control measures to reduce future flood impacts, in accordance with the National Flood Insurance Program.* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Shoreland Zoning.**  *The standards and provisions of shoreland zoning apply to any development, structure, or land use activities in land areas within 250 feet horizontal distance of (1) the normal high-water line or any great pond or river, (2) the upland edge of a coastal wetland, (3) the upland edge of a freshwater wetland, (4) all land areas within 75 feet horizontal distance of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Site Plan Review.**  Chapter 62, Article I  *Commercial, industrial and institutional development, including and multifamily that is not considered to be a subdivision under 30-A M.R.S.A. § 4401, must meet the standards of this chapter to ensure that the development occurs in a manner which minimizes adverse effects on public facilities, the environment and neighboring uses.* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Subdivisions.**  Chapter 66, Article I  *All subdivisions are subject to review and must meet the standards and provisions of this chapter according to state statute 30-A M.R.S.A. § 4401. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period beginning on or after September 23, 1971, including the creation of or division of structure(s) to have 3 or more dwelling units within a 5-year period, or conversion from a non-residential use to residential creating 3 or more dwelling units.* ***Subdivisions in ROS Districts:***  *All subdivisions in ROS zones greater than 10 acres must meet the Open Space Subdivision standards.* ***Open Space Subdivisions:*** *This chapter includes specific provisions to allow for open space preservation through increased flexibility in subdivision standards and requirements.* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Groundwater & Wellhead Protection.**  Chapter 70, Article V, Division 2  *Includes special regulations to protect the town’s sensitive sand and gravel aquifers and public drinking water supplies (wellheads) from development impacts, based on the mapped overlay zones.* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Supplementary Zoning Regulations.**  Chapter 70, Article VI, Division I  *Includes additional regulations for the following:*   * *Accessory buildings* * *Agriculture* * *Campgrounds* * *Filling, grading, dredging, earth moving* * *High-intensity farming* * *Home occupations* * *Sanitation* * *Drainage* * *Conversion of existing building to multi-unit housing* * *Water quality* * *Archeological sites* * *Roads and driveways* * *Essential services* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Rear Lots.**  Chapter 70, Article VI, Division 2, Sec. 70-641  *The creation of a rear lot may be permitted through conditional use review, and must meet the requirements within this section.* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Off-Street Parking and Loading.** Chapter 70, Article VI, Division 3  *Includes standards for the provision of off-street parking and loading areas, excluding single-family and duplex units.* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Marine Structures.**  Chapter 70, Article VI, Division 4  *Includes standards for piers, docks or other shoreline construction. (See also Shoreland Zoning.)* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Signs.**  Chapter 70, Article VI, Division 5  *Includes standards for all public and private signage. (See also Table of Land Uses, Chapter 70, Article IV, Division 13, for permitted zones.)* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Timber Harvesting and Clearing Vegetation.**  Chapter 70, Article VI, Division 6  *Includes standards for all timber harvesting within 250 feet horizontal distance of the normal high-water line of a river or the upland edge of a freshwater wetland, or within 75 feet of the normal high-water line of a stream.* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Planned Unit or Cluster Development.**  Chapter 70, Article VI, Division 7  *Specific provisions applying to a planned development under unified management, planned and developed as a whole according to comprehensive and detailed plans.* |
| **N/A**  🖵 | **Met**  🖵 | **Not**  🖵 | **Expansion of Sand and Gravel Mining within Aquifer Protection Overlay District.**  Chapter 70, Article VI, Division 9  *Standards applying to overlay district zones 2 or 3, zone 1 expansions not permitted.* |

**Conditional Use Permit Standards Checklist**

***Waivers.*** *Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of this chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of this chapter are met.*

**Sec. 70-194. - Factors applicable to conditional uses**

1. ***Primary factors.* In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon:**

|  |  |  |
| --- | --- | --- |
| **Met**  🖵 | **Not**  🖵 | 1. *Health.* The maintenance of safe and healthful conditions. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | 1. *Pollution.* The prevention and control of water pollution and sedimentation. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | 1. *Building sites.* The control of building sites, placement of structures and land uses. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | 1. *Wildlife habitat.* The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | 1. *Shore cover.* The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. |
| ***Conditions:*** |

1. ***Additional factors.* The planning board shall also consider the following factors:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Compatibility with area.* The compatibility of the proposed use with adjacent land uses. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Need.* The need of a particular location for the proposed use. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Access.* Access to the site from existing or proposed roads. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Flooding.* The location of the site with respect to floodplains and floodways of rivers or streams. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Waste disposal.* The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Impact on land and water.* The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Topography.* Existing topographic and drainage features and vegetative cover on the site. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Erosion.* The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Transportation.* The impact of the proposed use on transportation facilities. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Community facilities.* The impact of the proposed use on local population and community facilities. |
| ***Conditions:*** |
| **Met**  🖵 | **Not**  🖵 | **Waived**  🖵 | 1. *Water supply.* The impact of the proposed use on local water supplies. |
| ***Conditions:*** |

***Additional conditions list, next page.***

**Sec. 70-195. - Conditions attached to conditional uses**

*Additional conditions.* Upon consideration of the factors listed in section 70-194, the planning board may attach such conditions, in addition to those required elsewhere in this chapter, that it finds necessary to further the purposes of this chapter. Such conditions may include, but are not limited to specifications for:

|  |  |
| --- | --- |
| ***Additional Factors*** | ***Conditions*** |
| Type of vegetation: |  |
| Increased setbacks and yards: |  |
| Specified sewage disposal and water supply facilities: |  |
| Landscaping and planting screens: |  |
| Period of operation: |  |
| Operational controls: |  |
| Professional inspection and maintenance: |  |
| Sureties: |  |
| Deed restrictions: |  |
| Restrictive covenants: |  |
| Locations of piers, docks, parking and signs, type of construction: |  |
| Any other conditions necessary to fulfill the purpose of the conditional use chapter: |  |

**Site Plan Review**

**Local Ordinances Checklist:**

*This checklist is provided to ensure that all municipal ordinances have been considered for applicability and that appropriate standards are met. Full ordinance text available on the Town website or at the town office.* ***Applicants are encouraged to contact Code Enforcement to review applicability of any special standards or provisions under the Lisbon Code of Ordinances to their project.***

|  |  |  |
| --- | --- | --- |
| **N/A**  🖵 | **Met**  🖵 | **Table of Land Uses, Table of Dimensional Requirements.** Chapter 70, Article IV, Division 13 and Division 14  *These tables list all permitted and non-permitted land uses by zone/district, and indicate dimensional requirements (lot size, density, frontage, setbacks) by zone.* |
| **N/A**  🖵 | **Met**  🖵 | **Manufactured Housing, Mobile Homes and Trailers, [Parks].** Chapter 22, Article II  *No manufactured housing, house trailer or mobile home park shall be established in the town except upon application to the planning board and the town council.* |
| **N/A**  🖵 | **Met**  🖵 | **Entrances onto Public Ways.** Chapter 46, Article V  *Any new entrance onto a public way requires a permit and must meet specified standards.* ***Access Management (Sec. 46-134):***  *This chapter includes specific standards and permitting for driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road.* |
| **N/A**  🖵 | **Met**  🖵 | **Building Code.**  Chapter 54, Article II  *In accordance with 25 M.R.S.§2373 , the Town of Lisbon has adopted the mandatory standards and regulations of the Maine Uniform Building and Energy Code (MUBEC), ASHRAE 62.1-2013, ASHRAE 62.2-2013, ASHRAE 90.1-2013, ASTM E-1465-08.* |
| **N/A**  🖵 | **Met**  🖵 | **Floodplain Management.**  Chapter 58, Article II  *Land uses within any special flood hazard areas (Zones A and A1-30 identified by FEMA) are subject to evaluation and to land use and control measures to reduce future flood impacts, in accordance with the National Flood Insurance Program.* |
| **N/A**  🖵 | **Met**  🖵 | **Shoreland Zoning.**  *The standards and provisions of shoreland zoning apply to any development, structure, or land use activities in land areas within 250 feet horizontal distance of (1) the normal high-water line or any great pond or river, (2) the upland edge of a coastal wetland, (3) the upland edge of a freshwater wetland, (4) all land areas within 75 feet horizontal distance of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.* |
| **N/A**  🖵 | **Met**  🖵 | **Site Plan Review.**  Chapter 62, Article I  *Commercial, industrial and institutional development, including and multifamily that is not considered to be a subdivision under 30-A M.R.S.A. § 4401, must meet the standards of this chapter to ensure that the development occurs in a manner which minimizes adverse effects on public facilities, the environment and neighboring uses.* |
| **N/A**  🖵 | **Met**  🖵 | **Subdivisions.**  Chapter 66, Article I  *All subdivisions are subject to review and must meet the standards and provisions of this chapter according to state statute 30-A M.R.S.A. § 4401. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period beginning on or after September 23, 1971, including the creation of or division of structure(s) to have 3 or more dwelling units within a 5-year period, or conversion from a non-residential use to residential creating 3 or more dwelling units.* ***Subdivisions in ROS Districts:***  *All subdivisions in ROS zones greater than 10 acres must meet the Open Space Subdivision standards.* ***Open Space Subdivisions:*** *This chapter includes specific provisions to allow for open space preservation through increased flexibility in subdivision standards and requirements.* |
| **N/A**  🖵 | **Met**  🖵 | **Groundwater & Wellhead Protection.**  Chapter 70, Article V, Division 2  *Includes special regulations to protect the town’s sensitive sand and gravel aquifers and public drinking water supplies (wellheads) from development impacts, based on the mapped overlay zones.* |
| **N/A**  🖵 | **Met**  🖵 | **Supplementary Zoning Regulations.**  Chapter 70, Article VI, Division I  *Includes additional regulations for the following:*   * *Accessory buildings* * *Agriculture* * *Campgrounds* * *Filling, grading, dredging, earth moving* * *High-intensity farming* * *Home occupations* * *Sanitation* * *Drainage* * *Conversion of existing building to multi-unit housing* * *Water quality* * *Archeological sites* * *Roads and driveways* * *Essential services* |
| **N/A**  🖵 | **Met**  🖵 | **Rear Lots.**  Chapter 70, Article VI, Division 2, Sec. 70-641  *The creation of a rear lot may be permitted through conditional use review, and must meet the requirements within this section.* |
| **N/A**  🖵 | **Met**  🖵 | **Off-Street Parking and Loading.** Chapter 70, Article VI, Division 3  *Includes standards for the provision of off-street parking and loading areas, excluding single-family and duplex units.* |
| **N/A**  🖵 | **Met**  🖵 | **Marine Structures.**  Chapter 70, Article VI, Division 4  *Includes standards for piers, docks or other shoreline construction. (See also Shoreland Zoning.)* |
| **N/A**  🖵 | **Met**  🖵 | **Signs.**  Chapter 70, Article VI, Division 5  *Includes standards for all public and private signage. (See also Table of Land Uses, Chapter 70, Article IV, Division 13, for permitted zones.)* |
| **N/A**  🖵 | **Met**  🖵 | **Timber Harvesting and Clearing Vegetation.**  Chapter 70, Article VI, Division 6  *Includes standards for all timber harvesting within 250 feet horizontal distance of the normal high-water line of a river or the upland edge of a freshwater wetland, or within 75 feet of the normal high-water line of a stream.* |
| **N/A**  🖵 | **Met**  🖵 | **Planned Unit or Cluster Development.**  Chapter 70, Article VI, Division 7  *Specific provisions applying to a planned development under unified management, planned and developed as a whole according to comprehensive and detailed plans.* |
| **N/A**  🖵 | **Met**  🖵 | **Lisbon Route 196 Corridor Design Standards**  Chapter 70 Article VII  Includes standards and guidelines intended to improve the visual character of the 196 corridor in terms of architecture, scale, site layout and aesthetic/visual effect. |
| **N/A**  🖵 | **Met**  🖵 | **Expansion of Sand and Gravel Mining within Aquifer Protection Overlay District.**  Chapter 70, Article VI, Division 9  *Standards applying to overlay district zones 2 or 3, zone 1 expansions not permitted.* |

*OFFICE USE ONLY:*

**Conditional Use**

**Final Planning Board Decision**

Page 1 of 2

|  |  |
| --- | --- |
| \_\_\_\_\_ Application approved | |
| \_\_\_\_\_ Application approved with conditions | |
| \_\_\_\_\_ Application denied | |
|  |
| ***See written decision and conditions, next page.***  Planning Board Signatures: | |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature of Planning Board Member Date | |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature of Planning Board Member Date | |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature of Planning Board Member Date | |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature of Planning Board Member Date | |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature of Planning Board Member Date | |

*A conditional use permit secured under the provisions of this article by vote of the planning board shall expire if the work or change involved is not commenced within one year of the date on which the conditional use is authorized, and if the work or change is not substantially completed within two years*

*OFFICE USE ONLY:*

**Conditional Use**

**Final Planning Board Decision**

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| Decision and Conditions: | |
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| *Completed Conditional Use Permit Standards Checklist attached.* | |

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Signature of Planning Board Chair Date