

AGENDA
PLANNING BOARD MEETING
MAY 12, 2022
LISBON TOWN OFFICE
7:00 PM

1. CALL TO ORDER

2. ROLL CALL

____Curtis Lunt (Vice-Chair)
____William Kuhl (Chair)
____Shaun Carr

____Chris Huston
____Patrick Maloy

____Nicholas Craig (Associate)
____Dan Leeman (Associate)

3. CHAIRMAN'S REVIEW OF MEETING RULES

4. WRITTEN COMMUNICATIONS – Minutes of April 14, 2022

5. PUBLIC HEARINGS – NONE

6. UNFINISHED BUSINESS – Findings of Facts – Case # 22-02 – Cannabis Angels

Findings of Facts – Case # 22-05 - Sippy Cup Consignment

7. NEW BUSINESS – NONE

8. OTHER BUSINESS -

- Extension of approval, **Case #20-04**
Lisbon CSG Solar Farm Project
47 Upland Road,
Map R5 Lot 044A-1, due to delayed CMP utility study.
- Discussion of direction from Town Council concerning emergency sign ordinance and modification of existing sign ordinance
- ROSII district discussion of modification of dimensional standards
- Discussion of memo to Town Council as presented by Curtis Lunt

9. CODE ENFORCEMENT OFFICER ITEMS - Tier 1 Site Plan Review –

5 Pleasant Street - Brewer's Barber Co.
Map U04 Lot 022

20 Main Street
Map U05 Lot 226 – Expansion of 'Heart and Soul Before
and Aftercare' into former Sippy Cup space

10. ADJOURNMENT -

LISBON PLANNING BOARD – MEETING/HEARING RULES

The Board welcomes everyone to the meeting of the Lisbon Planning Board. If this is a meeting which will include a hearing, some special provisions will apply and are listed below. While we value the input of every interested person, we must limit the comment period in order to conduct business in a timely fashion.

Meeting Format – The format for each meeting (whether regular or special) shall be in strict accordance with Article 4, Section 4.1.6 of the Planning Board Bylaws. *Please note that the Chair may change the order of business for the current meeting upon a majority vote of the Board.*

All meetings shall be conducted in such a manner as to be completed within two and one half (2.5) hours of commencement. The Board, by unanimous consent, may decide to extend a meeting but only at the point where the meeting can be concluded within another hour. Any action after that point requires a tabling or postponing order.

Public Participation – With regard to participation by the public, all comments to the Board and from the Board shall be made through the Chair. The attending public may participate as follows:

- **During Regular Meetings**- is allowed at the discretion of the Chair, but only after introduction of an agenda item and appropriate motions with time for explanation and Board member questions. The public may be allowed to comment, but during that period, the public may address that agenda item only and each participant shall be limited **two (2) minutes**. Each participant may address the Board only one time unless requested by the Chair to comment further, and the Chair may limit time for comments to no more than **ten (10) minutes in total** on any one agenda item. **A member of the public who wishes to comment on an item not on the agenda may be allowed to speak during the "Other Business" portion of the agenda.**
- **During Workshops** – The attending public may not participate unless the Chair allows or requests such comment.
- **During Site Visits**– This is a **special meeting** in all respects except that **the public is not allowed to participate**. Although the public is allowed to be present, comments and explanations will only be accepted by Board members and an applicant or agents representing an applicant. Only participant comments may be considered in any notes taken for minutes of such meeting.
- **During Hearings** – The attending public may speak only in accordance with the specific rules set up for hearings.
 - The public must comment only when specifically allowed. **The Chair shall emphasize that no decisions are made during the hearing and the process may not conclude during the regular current meeting. Finally, the Chair will state that order must be maintained and is required of all participants.**
 - There will be a Call by the Chair to open a specific hearing with case number followed by a Call for a **Presentation by the Applicant or Representative or attorney and witnesses without interruption**. Then general questions may be asked through the Chair to the applicant by Board members and people who will be directly affected by the project (e.g., abutters). Then requests for more detailed information on the evidence presented by the applicant will be allowed by the same parties.
 - **Next** there will be a call for presentations by **abutters or others** including their attorneys and witnesses, who will be **directly affected by the project**.
 - Then **questions** through the Chair, **by the applicant and Board members to the people directly affected** and the witnesses who made presentations will be allowed.
 - **Next there may be rebuttal statements by any of the people who testified previously.**
 - Following that, **comments or questions by other interested people** in the audience will be entertained. Comment by those other interested people in the audience will be limited in the same fashion as for regular meetings, i.e. **two (2) minutes per person and ten (10) minutes overall**. The hearing will be closed at the end of public comment.
- It is important that **respect for each person** be considered. There will be opposing views and opinions and all will be considered without impunity. All persons speaking within the guidelines delineated herein will be treated with respect and allowed to complete the statement or viewpoint. **Any individual who speaks out of turn or in such a manner as to be considered unruly by the Chair, may be warned and then removed** if the situation creates a significant disruption of the orderly conduct of the business of the Board.



PLANNING BOARD MINUTES APRIL 14, 2022

Christopher Huston- Regular 2022
Curtis Lunt- Regular 2022
Patrick Maloy - Associate 2024
William Kuhl - Regular 2023
Vacant
Shaun Carr - Regular 2024
Dan Leeman - Associate 2022

1. **CALL TO ORDER:** The Chairman, Mr. Kuhl called the meeting to order at 7:00 PM.
2. **ROLL CALL:** Regular members present were William Kuhl, Curtis Lunt, Shaun Carr, and Chris Huston. Associate Member Dan Leeman was present as well. Patrick Maloy was absent. Also present was Mark Stambach, Code Enforcement Officer, Ryan McGee, Police Chief/Interim Town Manager; Kayla Tierney, Finance Director and Don Fellows, Council Liaison. There were four audience members.

3. REVIEW OF MEETING RULES:

The Chairman explained the meeting rules are located on the back of each agenda.

Item added with no objections from the Planning Board

Capital Improvement Plan Review

Chief McGee and Mrs. Tierney presented the CIP to the Planning Board Members.

VOTE (2022-21) Mr. Lunt, seconded by Mr. Huston moved to approve the CIP Plan as submitted.

Vote: 4-0 Carried

Mr. Kuhl stated there was an error made in recent Appointments to the Planning Board Associate Members. The Town Council will do the re-appointments at their April 19th Meeting, appointing Pat Maloy as a Regular Member and Nicholas Craig as an Associate Member.

4. WRITTEN COMMUNICATIONS: Minutes of March 24, 2022

The meeting minutes of March 24, 2022 were distributed to all the members. The Chairman asked if there were corrections or additions.

VOTE (2022-22) Mr. Carr, seconded by Mr. Lunt moved to approve the Minutes of March 24, 2022.

Vote: 4-0 Carried.

5. PUBLIC HEARING – Case #22-05 Site Plan Review – Sippy Cup Consignment

The Chairman opened the Public Hearing. Hearing no comments, The Chairman closed the Public Hearing.

6. UNFINISHED BUSINESS – Case #22-02 Conditional Use Application

Cannabis Angels
Lorelei Hilliker
5 Canal Street
Lisbon Falls, Me 04252
Map U-05 Lot 14

Mt. Stambach went through the Land Ordinance and Conditional Use Review Standards Checklist.

VOTE (2022-23) Mr. Lunt, seconded by Mr. Carr moved to approve the Application as complete.

Vote: 4-0 Carried

Case #22-05 – Conditional Use Application
Sippy Cup Consignment
Laura Ingerson
84 Main Street
Lisbon Falls, Me 04252
Map U04 Lot 062

Mr. Stambach went through the Table of Land Uses Checklist and Commercial Use Checklist.

VOTE (2022-24) Mr. Lunt, seconded by Mr. Carr moved to approve the application as complete contingent on merging of the two lots (U04-062 and U04-62A) and consultation with Public Works in terms of access.

Vote: 4-0 Carried

7. NEW BUSINESS – NONE

8. OTHER BUSINESS – Planning Board/Town Council Workshop Discussion – ROSII District

Mr. Kuhl stated the Town Council requested the Planning Board finish up the Zoning Issue that has come up on Upland Road and to go through the Comprehensive Plan for any further ROSII issues that need to be addressed. The Council said the Planning Board has the resources available to hire a Planner to help for specific uses and targeted projects. Mr. Kuhl said he would put together some paperwork and plan for the next meeting.

9. CODE ENFORCEMENT OFFICER – Mr. Stambach stated he thinks the Home Occupancy Ordinance and the Land Use Chart should be changed since they currently do not match. He suggested changing from a Permitted Use or Conditional Use for the Limited Residential and Resource Protection zones. Mr. Stambach said he would look through the Ordinances for any other changes that should be brought to the Planning Board and Town Council.

Mr. Stambach also stated there was a Constitutional Amendment passed last year regarding the Right to Food. He said it directly impacts the Ordinance for Non-domesticated animals. He has received many calls regarding residents wanting Chickens. He stated having Chickens is allowed in all zones, but the lot has to be 40,000 square feet. Mr. Lunt asked if the State Law preempts that requirement. Mr. Stambach stated he wasn't sure yet and the Town can only enforce our Ordinance. If a resident wants to push it further, the resident would contact the State for further information.

10. ADJOURNMENT

VOTE: (2022-25) Mr. Carr, seconded by Mr. Lunt moved to adjourn at 8:00 pm. **Vote: 4-0 Carried**

Respectfully Submitted: _____
Lisa B. Smith, Deputy Town Clerk
Date Approved: May 12, 2022



Town of Lisbon

Planning Board

300 Lisbon Street
Lisbon, ME 04250

In the Matter of:

**Case #22-02 Cannabis Angels
Conditional Use Permit**

**Adult cannabis manufacturing facility (commercial kitchen)
5 Canal Street, Lisbon Falls, ME 04252
Map U05/Lot 013**

Findings of Fact

The applicant proposed expansion of use of the existing medical marijuana kitchen to adult an adult use marijuana kitchen.

The Planning Board first considered the application on January 13, 2022 and accepted the application as complete. On January 27, 2022 the Board conducted a public hearing. On April 14, 2022 the Planning Board approved the Conditional Use Permit.

Conclusion of Law

General Review Standards: Lisbon Code of Ordinances. Article III – Conditional Uses.

Performance Standards.

1. Application for Site Plan Review

- Completed the Local Ordinances Checklist
- Completed the Conditional Use Permit Standards Checklist

Therefore, the Planning Board hereby approves the Conditional Use Permit Application for Cannabis Angels

By: _____
William Kuhl
Lisbon Planning Board Chair

Date _____



Town of Lisbon

Planning Board

300 Lisbon Street
Lisbon, ME 04250

In the Matter of:

Case 22-05: Sippy Cup Consignment Site Plan Review

**Change from one nonconforming use to another per Section 70-5b(4)
84 Main Street Lisbon Falls, ME 04252
Map U04 Lot 062**

Findings of Fact

The applicant proposed the change use from approved tanning salon to retail sales and consignment.

The Planning Board first considered the application on March 24, 2022. On March 24, 2022 the Board accepted the application as complete. On April 14, 2022 the Board conducted a public hearing and after discussion approved the project with conditions.

Conclusion of Law

General Review Standards: Lisbon Code of Ordinances. Chapter 70-5 Nonconforming Uses.

Performance Standards.

1. Application for Site Plan Review

- Completed the Local Ordinances Checklist
- Completed the Conditional Use Permit Standards Checklist

Therefore, the Planning Board hereby approves the application for Sippy Cup Consignment with the following conditions:

- 1) Approval contingent on merging of the two lots (U04-062 and U04-62A)
- 2) Approval contingent on consultation with Public Works in terms of access

By: _____
William Kuhl
Lisbon Planning Board Chair

Date _____



April 12, 2022

Mr. Mark Stambach
Code Enforcement Officer
Town of Lisbon
300 Lisbon Street
Lisbon, ME 04250

Re: Request for Extension, Lisbon CSG LLC Case 20-04

Dear Mr. Stambach,

Lisbon CSG LLC respectfully requests an additional one year extension to the current Site Plan approved by the Lisbon Planning Board on July 1, 2020, and granted an extension by the Lisbon Planning Board on June 24, 2021. Per Section 62-76 of the Lisbon Ordinances, *"All site plan review approvals for tier 2 developments shall expire within one year of the date of issuance unless work under the approval is commenced, unless additional time is granted by the planning board."*

Lisbon CSG LLC is a 3.125 MW AC/4.1 MW DC project which cannot begin construction until all utility studies are completed and approvals are received. Construction was originally anticipated to begin in April of 2021, given previously published utility timelines. However, that process is delayed and the current expected approval is not scheduled to be received until June 2022 (according to CMP). The project was granted an extension in June of 2021 for a one year extension, and is once again asking to be granted an additional one year extension to the approval. This extension would keep the approval valid through June 2023. Assuming the project receives utility approval in June, construction is scheduled to begin in July of 2023, and will be operational in the first half of 2024.

If there are any questions or concerns, please feel free to contact me at your convenience at jdelaney@nexamp.com or 518-320-6183.

Sincerely,

Jennifer DeLaney
On behalf of Lisbon CSG, LLC
VP of Channel Operations
Nexamp, Inc.

Enclosure:
Cluster 05 Study Schedule – published by CMP and posted online

Proposed Amendments to RO2

In the RO2 zone, in order to preserve farming and open space, current regulations do not allow subdivisions or Rear lots. Any lots created must have a minimum of 60,000 square feet and a maximum area of 100,000 square feet and a lot frontage to depth ratio of 1:1.5.

In 2021 the Kesaris family found they could not divide a 60-acre lot among family members. Division among family is not subdivision but they could not, for example, divide by giving 20 acres to each sibling. The Kesaris family asked the Planning Board for relief. The Planning Board could not find a rationale for the maximum lot size or ratio, so we seek to provide a remedy.

The proposed amendment to Chapter 70 section 361 deletes subsection 1 and 2 (maximum lot coverage and lot size), which were added to the zone in 2011. The amendments to 70-356, Dimensional Standards, deletes the current 60,000 square foot minimum lot size and adds 100,000 square feet as minimum lot size. This is the Lot size in RO1. A minimum of 200 feet of frontage is added. This is the same as in the adjacent Rural Residential zone.

The amendments propose to remove an unworkable and unreasonable lot size requirement while still preserving open space and farming.

The changing of wording from 'backlots' to 'rear lots' is to provide consistency in terminology in the Zoning Ordinance.

May 1, 2022

PART I - CODE OF ORDINANCES
Chapter 70 - ZONING ORDINANCE
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 5A. RURAL OPEN SPACE DISTRICT II

DIVISION 5A. RURAL OPEN SPACE DISTRICT II

Sec. 70-357. Purpose.

The purpose of the rural open space district II is to maintain the agriculture land base of Lisbon. Agriculture, uses supporting agriculture and limited residential uses are appropriate uses in the rural open space district II.

(C.M. of 11-15-2011, V. 2011-208)

Sec. 70-358. Permitted uses.

Uses identified in section 70-531 are permitted in the open space district II.

(C.M. of 11-15-2011, V. 2011-208)

Sec. 70-359. Conditional uses.

Uses identified in section 70-531 may be permitted in the rural open space II district only upon the authorization of a conditional use permit by the planning board, in accordance with the provisions of article III of this chapter.

(C.M. of 11-15-2011, V. 2011-208)

Sec. 70-360. Prohibited uses.

Uses which are not specifically allowed as permitted uses or conditional uses in this division are prohibited.

(C.M. of 11-15-2011, V. 2011-208)

Sec. 70-361. Dimensional requirements.

Lots in the rural open space II district shall meet or exceed the minimum requirements as identified in section 70-536 and the following (refer also to article VI of this chapter):

(1) ~~Maximum coverage.~~ Maximum coverage of lot by structures in the rural open space district II shall not exceed 20 percent; except that high intensity farming shall not exceed 25 percent.

(2) ~~Lot standards.~~ Lots shall comply with the following:

a. ~~Lots shall have a minimum area of 60,000 square feet and a maximum area of 100,000 square feet.~~

b. ~~After the effective date of this amendment, lots for residential use shall have the required frontage on an existing publically maintained road.~~

c. ~~The lot frontage to lot depth ratio shall be 1:1.5.~~

(C.M. of 11-15-2011, V. 2011-208)

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Sec. 70-362. Performance or land use standards.

Permitted uses and conditional uses in this division shall conform to the performance standards delineated in article VI of this chapter and the following:

- (1) After the effective date of this amendment, residential subdivisions are prohibited.
- (2) After the effective date of this amendment, ~~backlots~~ rear lots are prohibited.

(C.M. of 11-15-2011, V. 2011-208)

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Secs. 70-363—70-380. Reserved.

Sec. 70-536. Dimensional requirements.

District	Minimum Lot Size/Density	Minimum Road Frontage	Minimum Shore Frontage	Minimum Front Setback	Shoreland Area Minimum Setback/ Normal High Water Line/ Upland Edge/ Wetland	Minimum Side Setback	Minimum Rear Setback	Maximum Lot Coverage	Minimum Lot Width	Maximum Ratio Impervious surface	Maximum Floor Area Ratio
Resource Protection	WO/Water & Sewer 3 acres W/Water & Sewer 2 acres	200'	200'	50' arterial 35' collector 25' Minor	100'	50'	100'	5 Percent			
Limited Residential ¹	Single family WO/Water & Sewer- 30,000 sq. ft. Single family W/Water & Sewer 15,000 sq. ft. Duplex	Single family 100' Duplex 150' 100'	200'	50' arterial 35' collector 25' minor	75'	15'	25'	20 Percent			

	WO/Water & Sewer- 50,000 sq. ft. Duplex W/Water & Sewer 23,000 sq. ft. Non Residential WO/Water & Sewer- 30,000 sq. ft. W/Water & Sewer 15,000 sq. ft.																		
General Residential	Single family WO/Water & Sewer- 25,000 sq. ft. Single family W/Water & Sewer 10,000 sq. ft. Multi-	Single family 100' Multi- family 50' per DU Other Uses 100'	100'	50' arterial 35' collector 25' minor	75'	10'	10'	10'	25 Percent	100'									

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(Supp. No. 39)

	family WO/Water & Sewer- 20,000 sq. ft. per DU Multi- family W/Water & Sewer- 10,000 sq. ft. per DU Other Uses 10,000 sq. ft.																		
Limited Rural Residential	Single family WO/Water & Sewer- 60,000 sq. ft. Single family W/Water & Sewer 20,000 sq. ft. Multi- family ² WO/Water & Sewer-	200'	200'				50' arterial 35' collector 25' minor	75'	25'	25'		20 Percent							

	45,000 sq. ft. per DU Multi-family ² W/Water & Sewer-15,000 sq. ft. per DU Other Uses 30,000																		
Rural Open Space I	Single family 100,000 sq. ft. Multi-family 60,000 sq. ft. per DU Agriculture/ high intensity farming 5 acres Other Uses 100,000 sq. ft.	Single family 300' Multi-family Up to 4 DU 300' Five + DU 300' + 75' per DU over four Other Uses 300'	Single family 300' Multi-family Up to 4 DU 300' Five + DU 300' + 75' per DU over four Other Uses 300'	50' arterial 35' collector 25' minor	75'	25' ³	25' ³	25' ³	20 Percent High intensity farming 25 Percent										
Rural Open Space II	60,000 sq. ft. Minimum	See Sec. 70-361(2)a 200'	200'	50'	75'	25'	25'	25'	20 Percent										

	W/Water & Sewer 1 acre							collector 25' minor									
Industrial	WO/Water & Sewer- 5 acres W/Water & Sewer 2 acres	200'	100'		25'	25'	25'	50' arterial 35' collector 25' minor							30 Percent ⁷		
Diversified Development	Non residential 60,000 sq. ft. (transition subdistrict) 20,000 sq. ft. (non transition subdistrict) Residential 20,000 sq. ft. Multi-family 20,000 sq. ft. + 1,500 sq. ft. per DU	Non residential 100' Residential 50' 50'	Non residential Residential	Non residential 50' Arterial ⁸ 35' collector ⁸ 25' minor ⁸ Residential 50' arterial 35' collector 25' minor		Non residential 10' ⁸ Residential 25' ¹³	Non residential 20' ⁹ Residential 10'	Non residential 60 Percent ¹⁰ Residential 75 Percent	Non residential Residential 50'	Non residential 70 Percent	Non residential 1.00						

Aquifer Protection Overlay ¹¹										
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NOTES:

¹ Minimum lot sizes of 10,000 square feet in subdivisions approved during the period June 29, 1971, through March 10, 1975, under the previous ordinance, shall remain valid.

² Up to two dwelling units.

³ Setbacks for high intensive farm use shall conform with performance standards in article VI of this chapter.

⁴ Without public water and sanitary sewer, 20,000 square feet or large enough to provide adequate on-site sewage disposal, depending on soil type and amount of water.

⁵ Front setback, the lesser of ten feet or the established uniform setback. The established uniform setback is the average of the setbacks of the structures on the two parcels to the left and the two parcels to the right of the subject parcel. Undeveloped parcels among these four shall be included in the calculation using a ten-foot setback.

⁶ Side setback for fireproof buildings, common walls permitted.

⁷ The ratio of impervious surface to total lot area shall not exceed 30 percent; except that where a stormwater management plan indicates no net stormwater runoff increase, a ratio in excess of 30 percent but not more than 60 percent may be authorized by the permitting authority.

⁸ Side setback, ten feet except where buffers are required in accordance with subsection (3).

⁹ Rear setback, 20 feet except where buffers are required in accordance with subsection (3).

¹⁰ Maximum lot coverage ratio, 0.60 (requires stormwater management plan if lot coverage ratio is greater than 0.40).

¹¹ See section 70-564 for dimensional requirements.

(C.M. of 11-15-2011, V. 2011-208; C.M. of 2-3-2015, V. 2015-39)

May 12, 2022

To : Town Council

From: Planning Board, William Kuhl, Chairman

Re Planning Services

Thank you for meeting with us on April 5 to discuss Zoning and Comprehensive Planning. We need your help in developing any changes to keep pace with A growing town and landowner desires.

Most of our discussion was about Rural Open Space 2 (RO2). RO2 was carved out of RO1 in 2011, based on a 2007 Comprehensive Plan. which was written by a committee of citizens with a great deal of local input. The intent for changes was to help preserve farming and open space. RO1 is also restricted, only allowing open space (cluster) subdivisions.

In order to determine whether those objectives are being met or what modifications to propose, we need to seek community and landowner input. To provide meaningful dialogue with the 30 landowners in RO2 and the 300 in RO1 we need professional help. Not knowing how long this will take or exactly the outcome, we do know there will be the need to send notices, conduct multiple meeting and surveys and the Comprehensive Plan will need to be changed and resubmitted to the State for approval. We ask the Town Council to authorize the Planning Board to contract with North Star Planning on an hourly basis, not to exceed \$15,000.

There may be other Zoning changes we can review at the same time. The Town Council has tasked the Planning Board with reviewing the Sign Ordinance for updates. We could better review the ordinance with professional help. We know there is currently strong housing demand. We would want input from the Economic Development Director on housing data and needs, as well as advice from real estate and development professionals.

Thank you for your assistance in planning for a better Lisbon future.