

AGENDA
PLANNING BOARD MEETING
THURSDAY AUGUST 12, 2021
LISBON TOWN OFFICE
7:00 PM MEETING

1. TO ORDER –

2. ROLL CALL

____Curtis Lunt (Vice-Chair)

____William Kuhl (Chair)

____Shaun Carr

____Chris Huston

____Lisa Ward

____Patrick Maloy (Associate)

____Dan Leeman (Associate)

3. CHAIRMAN’S REVIEW OF MEETING RULES

4. WRITTEN COMMUNICATIONS – Minutes of July 22, 2021

5. PUBLIC HEARINGS – **None**

6. UNFINISHED BUSINESS – **None**

7. NEW BUSINESS – **Case # 21-12 Tier II Pre Application**
5 Memorial Street

Rural Open Space II Zoning District Language Modification

8. OTHER BUSINESS – **Case # 21-11 Subdivision Review Application Amendment**

Johnson Woods Estates Phase II

David A. Johnson

Hatch Road & Ferry Road

9. CODE ENFORCEMENT OFFICER – **None**

10. ADJOURN–



PLANNING BOARD MINUTES JULY 22, 2021

Christopher Huston- Regular 2022
Curtis Lunt- Regular 2022
Patrick Maloy - Associate 2024
William Kuhl - Regular 2023
Lisa Ward - Regular 2024
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 Lisa Ward. Alternate member Dan Leeman was present as well as Town Council representative Don Fellows and no audience members. Chris Huston and Pat Maloy were excused. Voting privileges were extended to Dan Leeman.

REVIEW OF MEETING RULES:

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

3. **WRITTEN COMMUNICATIONS:** Minutes of July 8, 2021

The meeting minutes of July 8, 2021 were distributed to all the members. The Chairman asked if there were corrections or additions.

Mr Lunt, seconded by Mrs. Ward moved to approve the Minutes of July 8, 2021.

VOTE (2021-56) Vote 5-0 Carried.

4. **PUBLIC HEARING – None**
5. **UNFINISHED BUSINESS- None**
6. **NEW BUSINESS- None**
7. **OTHER BUSINESS –Proposed Changes to Ground Mounted Solar Energy Systems Ordinance**

The Chairman passed around copies of the questions from Councilor Fellows and Councilor Ganong. The Vice-Chairman passed around examples of other Lot Coverage Definitions from five different towns.

Councilor Fellows stated his concerns for Section 4. Definitions, where the language states “the total airspace projected over the ground that is greater than 20,000 square feet; and (c) that is not directly connected to a residential structure. Mr. Lunt suggested section (c) be taken out since it is not necessary and just causes confusion.

Councilor Fellows stated his confusion as well for Section 5. Dimensional Requirements - part C., lot coverage definitions and suggested eliminating it. Mr. Lunt stated that the definition referring to Airspace talks about the panels and not the structure. The Airspace means the size of the panels. He stated the Lot coverage definition refers to the mounting post.

Mrs. Ward clarified that they were talking about two different issues which are 1. To make sure that the land stays as pristine as possible and 2. To limit the amount of visual coverage of the panels.

Councilor Fellows stated he would propose an Amendment to Section 4. Definitions and Section 5. Dimensional Requirements, part C. Lot Coverage to the Town Council with no objections from the Planning Board.

The Chair read an email from Shelley Norton, Land use Planner for AVCOG (Androscoggin Valley Council of Governments) regarding changes to Solar Requirements as follows:

Maine has a new law regulating ground-mounted solar projects that are 3 or more acres in size. Any ground-mounted solar project starting construction on or after October 1, 2021 or changing ownership on or after October 1, 2021 and that is 3 or more acres in size must file with MDEP (Maine Department of Environmental Protection) a decommissioning

plan and have said plan approved prior to the start of construction. Please notify projects you may have approved or future projects that come to your boards. You may also want to adjust your ordinances to reference this requirement.

Mr. Lunt suggested instead of changing the Ordinance to reflect the State requirement changes, maybe they could make it as a condition to require future Ground Mounted Solar Projects show proof of submitting the required State and MDEP decommissioning paperwork. There were no objections.

8. CODE ENFORCEMENT OFFICER - None

9. ADJOURN— Mr. Carr, seconded by Mrs. Ward moved to adjourn at 7:25 p.m.

VOTE: (2021-57) Vote 5-0 Carried.

Respectfully Submitted:

Lisa B. Smith

Date Approved: August 12, 2021

clerk

From: Don Fellows
Sent: Wednesday, August 4, 2021 12:45 AM
To: Jay Raitt - Little River Land Surveying; Diane Barnes; Bill Kuhl
Subject: Re: ROSII District

Jay - Here are my thoughts regarding ROSII. Although I do not dispute what you have written, I know that the zoning ordinance was changed in 2011. I cannot remember just where the property in question is exactly, I think that the proper way to address this is to formally request a zoning change for that particular area. I am not sure that will work but it is possible. A more formal discussion with the Planning Board may be the proper course. The zone change was officially accepted on November 15th 2011 by the sitting TC. Here is an excerpt of the minutes.

ORDINANCE AMENDMENT TO
CHAPTER 70 ZONING
(First Reading – Roll Call Vote)

Mr. Eldridge explained that the Planning Board had been working on this for quite some time. Part of the hold-up was making sure that the wellhead protection ordinance passed first.

Don Fellows, Planning Board member, said the Zoning Ordinance has been in place for some time. The Planning Board has been working on these amendments for a really long time. Councilor Cote said this was originally slated to be changed in 2007 with the Comprehensive Plan. Mr. Fellows indicated this had been under discussion since before his time on the Planning Board and so he did not know everything there was to know about it. He said the major change he noted was that everything has gone to chart form, which makes it much easier to read and compare zones.

Mr. Fellows said another major zoning change that happened as a result of this is Rural Open Space II, which was part of the Comprehensive Plan development. It had some minor tweaks, for example on page 16 and 17 Rural Open Space II is explained. He indicated that the purpose of the Rural Open Space zone was to keep that area in town agricultural and not have it divided and subdivided. He said the Planning Board spoke with current owners and that they listened to owners' concerns about selling or giving property to their own family members or others. He said there isn't a frontage requirement for that space, but a minimum of 60,000 square feet or a maximum of 100,000 square feet is set. Even though it is not stated, that frontage is essentially 200 feet and the depth 300 feet. Any subdivision after the passing of this ordinance has to happen on an existing public road. He said you can't put a road in and start dividing in the background.

Councilor Larochelle said for this to move forward from the Planning Board, it has to have a majority vote of the Planning Board. Mr. Fellows said, yes, that was done in October.

Councilor Cote said he reviewed this document and talked to Michael Cote about it. He said, I sat on the Comprehensive Plan Steering Committee back in 2007 and this reflects what came out of the Comprehensive Plan. I want to thank the Planning Board for all they have done. I am definitely in favor of it.

Councilor Lunt said I worked on this a bit while I was on the Planning Board three years ago. I think you have done a great job.

VOTE (2011-208) Councilor Cote, seconded by Councilor Pomelow moved to adopt the Ordinance Amendment to Chapter 70 Zoning as presented (see attached).

Vote By Roll Call - Yeas: Councilor Larochelle, Bickford, Cote, Pomelow, and Lunt. Nays: None. Order Passed.

Councilor Lunt said we will have a public hearing and the second reading at the next meeting.

There may be reason to change this now, but I think a formal request would be the way to beconsidered.

I will forward a copy to the Chair of the PB. Knowing that we are in a bit of flux right now regarding staff for the PB, I anticipate it being resolved in the not to distant future

I realize that you have been discussing this for some time and your recollection of the times are most likely correct. Since we do not have any record of the workshop discussion, it is hard to determine and I could not find specifics in the minutes of any discussion, while I could see it in the agendas.

Hope this helps, but feel free to discuss with Diane as you want to move forward.

Don F

From: Jay Raitt - Little River Land Surveying <jraitt@lrsls.net>
Sent: Tuesday, August 3, 2021 4:43:03 PM
To: Don Fellows; Diane Barnes
Subject: ROSII District

Hello Diane and Don,

I am trying to determine where we are with modifying the language for the ROSII zoning district, which can be difficult to interpret as a surveyor and to enforce as a CEO. That zone appears to have been the result of the 2009 era Comp Plan.

The recent 2019 Comp Plan seems to have been cut and pasted from the earlier 2009 plan when it comes to that topic, see below:

Amend the Zoning Ordinance to require new residential lots in the Rural/Open Space II Area to have a maximum lot area and frontage on a publically maintained road/street.

Responsibility/Time Frame

Planning Board/Short

Amend the Zoning Ordinance to prohibit back lots in the Rural/Open Space II Area.

Responsibility/Time Frame

Planning Board/Short

Those things had already been adopted after the 2009 plan was in place so this section of the recent plan doesn't make much sense.

This was first on the agenda for January 28, 2021 and again for February 11, 2021. I attended those meetings and stayed for some of the workshops in order to address the planning board on the topic. Don may recall we discussed possible resolutions at that time.

At the time I had two of my clients who were trying to acquire building permits. One of them (the Kelly family) appears to have found a working solution with Dennis Douglass but the other has not.

Could you please advise as to what steps are needed next to improve this ordinance?

--

Little River Land Surveying, Inc.

Jeramiah Raitt, ME PLS 2376, NH LLS 957, MA LS 56221

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August 6, 2021

Town of Lisbon
Planning Board
300 Lisbon Street
Lisbon, ME 04250

RE: Amended Subdivision Plan of Johnson Woods Estates Phase 2

Dear Planning Board Members,

Enclosed please find an Amended Subdivision Plan for Johnson Woods Estates Phase 2 as approved July 8, 2021 and recorded in the Androscoggin County Registry of Deeds in Plan Book 53, Page 175. Johnson Woods Estates Phase 2 is a 9-lot subdivision on property located at the corner of Hatch Road and Ferry Road with $\pm 1233'$ frontage on Hatch Road and $\pm 662'$ frontage on Ferry Road and shown on Town of Lisbon Tax Map R7, Lot 54. The 9 Lot Subdivision consisting of 19.5 acres and being land currently owned by David A. Johnson as described in Deed Book 3972, Page 13.

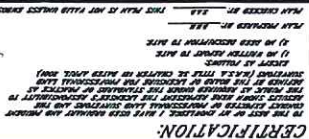
The reason for the amended Plan is to fix a minor revision to Note 6 which the Plan Book as referenced was missing the Page #. The other revision is based on having to move the southeasterly sideline along land of Hathaway and Davis northwesterly 1.4 feet due to wrong location of existing pins back when the original Boundary Survey was done around 2005.

The result of having to shift the southeasterly sideline 1.4 feet northerly changed Lot areas by very little for Lots 1-5. For example, Lot 1 on approved Plan had an area of 115,671.5 sq.ft. or 2.7 acres – Amended Plan has Lot 1 now as 115,479.7 sq.ft. or 2.7 acres being a difference of ± 192 sq.ft. The area for each lot changed by only a few hundred square feet or less per lot as exemplified above. All Lots affected have had the areas recalculated along with wetland areas per Lot adjusted and lot dimensions adjusted as well. Lots 1-9 still meet or exceed the minimum lot area of 60,000 sq.ft. and all still have a minimum road frontage of 200.0' within the Rural Residential Zone

We look forward to the opportunity to discuss the project with the Planning Board and welcome any comments and suggestions.

Respectfully Submitted,

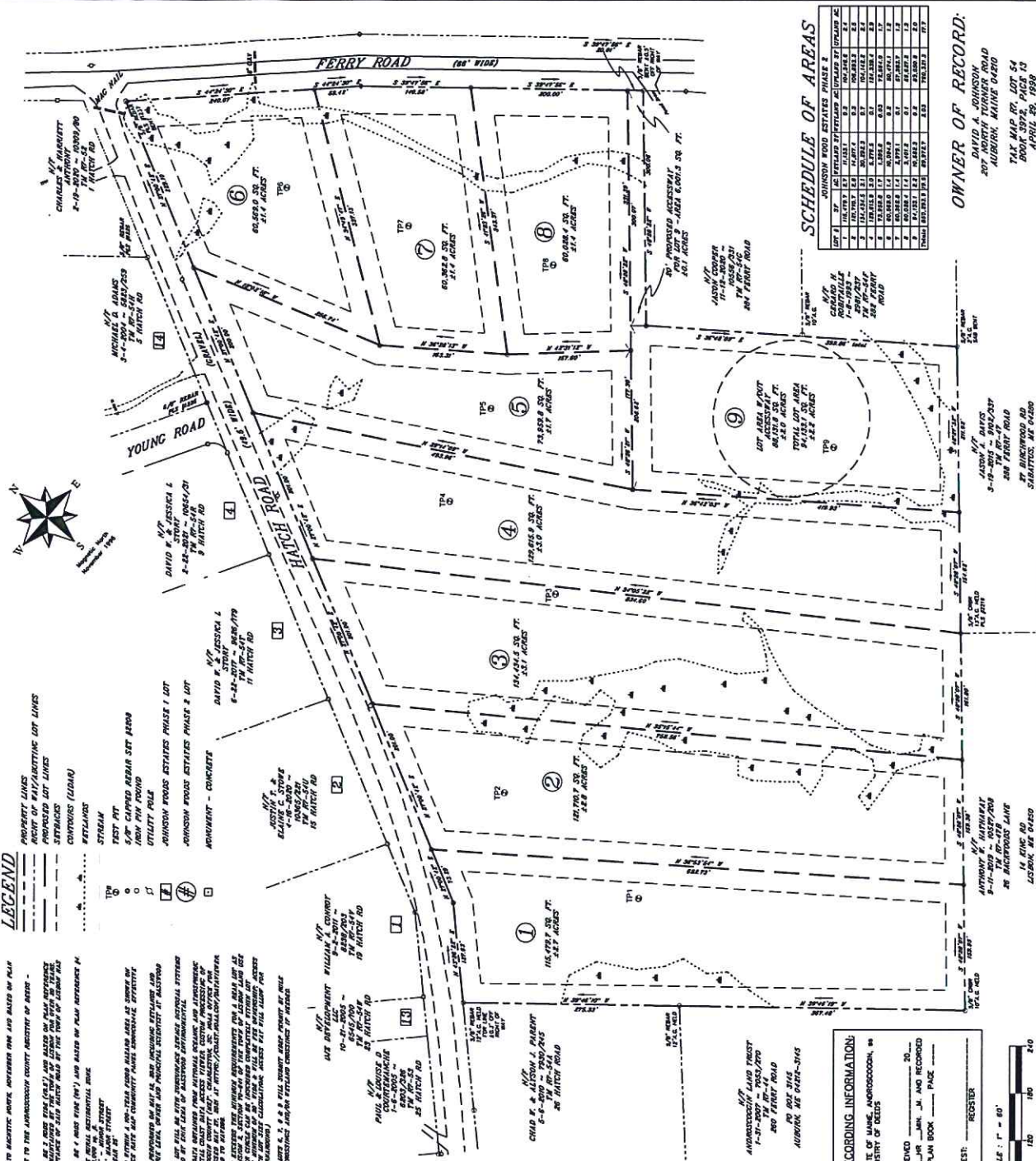
Stuart Davis, PLS



DAVIS LAND SURVEYING, LLC
990 MINOT AVENUE
AUBURN, MAINE 04210
OFFICE (207) 545-8501 ~ CELL (207) 545-8549
FAX (207) 545-8501 ~ E-MAIL: info@dlssurveying.com
2010 JUN 30 10:52 AM - 1210 5-8-2010

--- AMENDED SUBDIVISION PLAN ---
JOHNSON WOODS ESTATES PHASE 2
HATCH ROAD AND FERRY ROAD
LISBON, MAINE
DAVID JOHNSON
207 NORTH RIVER ROAD
YUBA, MAINE 04210

JOB NO.: 21-038
FILE NO.: 472R

[illegible]

OWNER OF RECORD:
DAVID A. JOHNSON
207 NORTH TURNER ROAD
AUBURN, MAINE 04210

TAX MAP R7, LOT 54
BOOK 3992, PAGE 13
APRIL 29, 1998

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PLAN REFERENCES:

[illegible]

DEED RESTRICTIONS

[illegible]

CONDITIONS OF APPROVAL

RECORDING INFORMATION:

STATE OF MAINE, ANTHROPOLOGICAL SOCIETY OF DEEDS

CEIVED _____ 20____
_____ HR _____ MIN. _____ AM. AND RECORDED _____
_____ PLAN BOOK _____ PAGE _____

TEST: _____ REGISTER _____

ALB: 1" = 50'

[illegible]