

**AGENDA**  
**PLANNING BOARD MEETING**  
**OCTOBER 14, 2021**  
**LISBON TOWN OFFICE**  
**7:00 PM**

1. CALL 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

**Additional information on meeting participation:** The Planning Board will also be conducting this meeting using our live video streaming format on the town's website. Email comments directly to [mstambach@lisbonme.org](mailto:mstambach@lisbonme.org) for Planning Board consideration.

4. WRITTEN COMMUNICATIONS – Minutes of September 09, 2021

5. PUBLIC HEARINGS – **Case 21-01** Amended Site Plan Review Application – Decrease Size  
Frost Hill Solar 1, LLC  
c/o Borrego Solar Systems, Inc.  
101 Frost Hill Avenue  
Lisbon, Maine

6. UNFINISHED BUSINESS – **Case # 21-13** Proposed Build-Out of Marshall Field Subdivision  
Maine Affordable Properties, LLC  
Bartholomew and Emery Streets  
Map U-15A, Lots 68 & 69 and 80 thru 104

7. NEW BUSINESS – **Case # 21-14** Site Plan Review Application – Create Rear Lot  
Morse Property/Sabattus Creek Mobile Home Park  
Greg & Katheryn Morse  
101 Lisbon Street, Lisbon, Maine  
Map U-22, Lot 011 – Register of Deeds Book 53 Page 193  
Split Parcel into 2 Lots in order to sell Sabattus Creek Mobile Home Park

8. OTHER BUSINESS - Rural Open Space II Zoning District Language Modification  
Shelley Norton - AVCOG

9. CODE ENFORCEMENT OFFICER ITEMS

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 SEPTEMBER 09, 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 Vice Chairman, Mr. Lunt called the meeting to order at 7:00 PM.
2. **ROLL CALL:** Regular members present were Curtis Lunt, Shaun Carr, Lisa Ward and Chris Huston. William Kuhl, Dan Leeman and Patrick Maloy were excused. Also present were Diane Barnes, Town Manager; Don Fellows, Town Council Representative and Mark Stambach, Code Enforcement Officer. There were 5 audience members.

### 3. REVIEW OF MEETING RULES:

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

### 4. WRITTEN COMMUNICATIONS: Minutes of August 26, 2021

The meeting minutes of August 26, 2021 were distributed to all the members. The Vice Chairman asked if there were corrections or additions.

**VOTE (2021-63)** Mr Carr, seconded by Mrs. Ward moved to approve the Minutes of August 26, 2021.

**Vote: 4-0 Carried.**

### 5. PUBLIC HEARING – None

### 6. UNFINISHED BUSINESS- None

### 7. NEW BUSINESS- Amended Site Plan Review Application 101 Frost Hill Solar 1, LLC Lisbon, Maine 04250

Weston Standish, Civil Engineer with Borrego Solar Systems, Inc., spoke about the request for a smaller system size for the Solar project on 101 Frost Hill Avenue, Lisbon Falls. They are dropping the system size from 4.99 Megawatts (AC) down to 1.99 Megawatts (AC). He said this is driven by a new State Law change, incentivizing smaller systems for Solar Farms. He stated the Western System on Frost Hill Avenue will drop about five acres with less tree clearing.

Mr. Lunt asked if all they were changing is the location. Mr. Standish said yes, just shrinking the system size within the fenced area and the amount of modules and only one equipment area. The equipment area to the North has dropped off. Mr. Huston asked if the road and turnaround area would stay the same. Mr. Standish said yes. Mr. Lunt asked if the fence would still have enough room underneath for wildlife to get through. Mr. Standish said yes. Mr. Carr asked when this change would happen. Ryan Bagley from Borrego Solar Systems Inc., said they are planning on doing this in the spring of 2022.

**VOTE: (2021-64)** Mr. Carr, seconded by Mr. Huston moved to accept the Application as complete and schedule a Public Hearing for September 23, 2021 at 7:00pm. **Vote: 4-0 Carried**

### 8. OTHER BUSINESS

#### Rural Open Space II Zoning District Language Modification

Shelley Norton from AVCOG (Androscoggin Valley Council of Governments) stated that she looked at the prior Comprehensive Plan and the current Plan that was adopted in 2019 and compared the language from both. Ms. Norton said the Comprehensive Plan would need to be updated if the Planning Board makes changes to the Ordinance to either eliminate the maximum lot size or to allow for divisions or subdivisions. She suggested having a Workshop to clarify exactly what the Board wants to change in this ordinance and the vision they want for the neighborhood. Ms. Norton said the Town's Comprehensive Plan is currently consistent with the State Growth Management Act, which means the Town would want to have the State review the changes that are made to stay consistent. She described a subdivision as three or more lots or dwelling units, as long as they're not family, and if the intent is to allow people to do lesser size divisions and not a full blown subdivision then they can decide what would be allowed in that neighborhood. Mr. Lunt

said the objective of the Board should be to try and retain the general character of the neighborhood, which is farming. He stated that there is about 60 lots in this zone that are affected by the language that's been changed. A house or two added would be ok, but the Board does not want to see mini subdivisions of four or five lots carving up the farmland.

Mr. Carr stated that farming in Lisbon has ended with no more agriculture in the area. Farmers now want to get a return on their land and maybe the farmers want subdivisions. He said that the Board wants Lisbon to be an affordable Town and if they restrict the building of housing, the Town is going to get too expensive in the long run. They need to think about keeping the Town affordable which means allowing development to take place.

Ms. Norton stated the other consideration with price flow is the services that residential requires are greater than open space or farming. Ms. Norton said she would put together some suggestions for the Planning Board and present them at one of their meetings in October. Mr. Carr asked how quickly this process would take to figure everything out. Ms. Norton said it would take about 2-5 months.

#### Street Acceptance - One Consecutive Freeze Thaw Cycle

Scott Kelly, representing Premier Development, asked for guidance and understating from the Planning Board regarding a street acceptance language. He said he prepared Wine Time Circle in Kelly Park and surface paved it at the end of August. He has Site-Lines working on the package which is complete and ready to turn over. He reached out to Public Works, who said they could not approve or accept the street because it had not been through a frost cycle. Mr. Kelly spoke with the Public Works Director who said that that is how it is written and he had to follow the Ordinance. Mr. Kelly read the language of the ordinance which reads, *proof that the private way has endured without damage at least one consecutive freeze thaw cycle after construction*. Mr. Kelly said the road has been constructed and binder paved since 2018, so construction was done. He elected to turn over to the Town a newly paved street, which was recently done. He said it is a full street with lights installed and at capacity with one home left that is not under contract at least not until maybe Monday.

Mr. Lunt stated that the Planning Board did not write the Ordinance and that it was passed in 2018 by the Council without the Planning Board's input nor does the Planning Board currently have input for that Ordinance and recommended Mr. Kelly meet with the Council regarding this matter.

#### Remote Participation Ordinance

Councilor Fellows made the Planning Board aware that the Town Council recently adopted a Remote Participation Ordinance for Emergency or Urgent Issue Conditions Only, (First Reading) in which Members of the body are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via remote methods. He stated each individual Board within the Town, according to the Town Attorney, needs to create their own Ordinance in accordance with the law if they so choose to.

#### LDC (Lisbon Development Committee) Meeting regarding the Worumbo Site

Mrs. Ward wanted to make everyone aware that there will be an LDC meeting on Wednesday September 15, 2021 at 6:00pm here at the Town Office Public Meeting Room. This meeting will be open to the public and will be livestreamed as well. She said one of the biggest issues is the development of the Worumbo Site. She stated there has been a lot of work done on that site over the last year and a half and people have gotten together to promote more input on it.

- 9. CODE ENFORCEMENT OFFICER** – Mark Stambach, the new Code Enforcement Officer for Lisbon introduced himself stating that he would be starting on Monday and is looking forward to serving the community. He said he has lived in Lisbon for 35 years, raised three boys here and it has been a good place to live.

- 10. ADJOURNMENT– VOTE: (2021-65)** Mr. Carr, seconded by Mrs. Ward moved to adjourn at 7:55 p.m.  
**Vote 4-0 Carried.**

Respectfully Submitted: \_\_\_\_\_

Lisa B. Smith, Deputy Town Clerk

Date Approved: October 14, 2021





September 23, 2021

Mr. Curtis Lunt, Chairman  
**Town of Lisbon Planning Board**  
300 Lisbon Street  
Lisbon, ME 04250

RE: **101 Frost Hill Ave Solar**  
**Project Amendment Narrative**  
**101 Frost Hill Solar 1, LLC c/o Borrego**  
**Lisbon, Maine**

101 Frost Hill Ave Solar Project-Amendment Narrative:

The current proposed project-amendment at 101 Frost Hill Ave is nearly the same as what was approved on April 29, 2021. The solar energy generating system has been reduced in capacity from 4.99 MW AC to 1.99 MW AC, a change driven by policy changes at the state and utility level.

The fenced area is now 11.86 acres, a 6.14 acre reduction. The project site remains in the same location as was approved, approximately 1550 ft north of Frost Hill Ave. The solar area will be screened from view from Frost Hill Ave and existing abutting residences by existing woodland. The seven-foot-tall chain link fence will surround the solar system and small electrical equipment area. The access gravel road is proposed in the same location and will follow a largely existing farmstead road off Frost Hill Ave.

The changes in the site plan from the original approval can simply be viewed as a reduction in project area, a decrease of about 6.14 acres of occupied land. The approach to the project and goal of providing clean energy to the community remains the same.

Sincerely  
Borrego Solar Systems, Inc.

David M. Albrecht, P.E.  
Principal Civil Engineer

September 21, 2021

Mark Stambach  
Codes Enforcement Officer  
Lisbon Town Offices  
300 Lisbon Street  
Lisbon, ME 04250

**RE: Proposed Build-out of Marshall Field Subdivision  
Bartholomew and Emery Streets**

Dear Mark and Members of the Planning Board,

Pursuant to the meeting on August 26 we have revised the existing subdivision plan to reflect the discussions held at the meeting. As previously mentioned, Maine Affordable Properties, LLC, purchased the remaining undeveloped lots within the Marshall Field Subdivision from Marshall Gross and would like to move forward with the final construction of the infrastructure in order to begin the construction of homes and the sale of lots. The subdivision is recorded in the Registry of Deeds as Marshall Field, dated 1988, and revised on March 13, 1990. The latest revised plan states that the Planning Board waived the requirements for sidewalks. This is the current legally recorded plan for the subdivision.

With this submission, we are proposing an additional waiver on the Street Monumentation as noted in "Other Notes", #7 on the 1990 plan, that states "Street monuments to be 5' granite encased in concrete". It was brought up by Jay Raitt, professional land surveyor and owner of Little River Land Surveying, Inc. in Lisbon that this is a very antiquated requirement that is no longer performed. His recommendation is to conform to the current Ordinance requirements of survey pins, same as what will be set for each lot corner.

Additionally, several Board members asked if Emery Street will be connected to Irene Street in order to provide 2 points of access for fire and rescue and also the residents. Maine Affordable Properties is in agreement with this and intends to make this connection.

Following Board approval, we are planning to meet with staff at the Public Works, Water and Sewer Departments to make sure any new construction complies with current codes and acceptable construction practices, including any requirements for the sewer proposed pump station.



Snapshot of the Lisbon Zoning Map. Previously approved Marshall Field Subdivision shown in Black outline with the unbuilt portion shown in green.



Snapshot of Google Earth image with Town parcels showing Marshall Field Subdivision. Tan areas have been built and sold. Green areas are proposed for construction.

We look forward to discussing our plans and information with the Board at the October 2021 meeting.

Thank you,

A handwritten signature in black ink, appearing to read 'Tom Farmer'.

Tom Farmer  
Landscape Architect





**LEGEND**

○ REBAR SET AND CAPPED 213K

\_\_\_\_\_ ROAD LINE

----- PROPERTY LINE

----- PROPERTY LINE, NOT SURVEYED

## PLAN REFERENCES

7. FINAL PLAN OF THE ENTRANCE OWNER DEVELOPER FRANK D. GROSS, JR. DATED JUNE 15, 1974 BY EDWARD P. BARBEE AND RECORDED IN PLAIN BOOK 22 PAGE 38

## AMENDMENT NOTES

[illegible]

**AMENDED FINAL SUBDIVISION PLAN  
MARSHALL FIELD**

MAINE AFFORDABLE PROPERTIES, LLC  
335 MEMORIAL HIGHWAY, NORTH YARMOUTH, ME 04097

NERISSA STREET, EMERY STREET &  
BARTHOLOMEW STREET, LISBON, MAINE

**LITTLE RIVER**  
  
**LAND SURVEYING, INC.**  
 1621 S. 222ND AVE. SUITE 100  
 BOCA RATON, FL 33433  
 (561) 995-1000

**CERTIFICATION**



APPROVED: TOWN OF LISBON PLANNING BOARD

DIAGNOSIS	DATE

ANDROSCOGGIN. IV. REGISTRY OF DEEDS

Received \_\_\_\_\_  
At \_\_\_\_\_ h \_\_\_\_\_ m \_\_\_\_\_ M. and \_\_\_\_\_  
Filed in Plan Book \_\_\_\_\_ Page \_\_\_\_\_  
ATTEST: \_\_\_\_\_ Executive \_\_\_\_\_

Dear Planning Board Members,

We are hoping to get an approval for the right of way on Sabattus Creek Dr. and our Commercial Bldg. located at 101 Lisbon St. (as shown on Survey map.)

Unfortunately the need for this was not known to us until yesterday Sept. 29th.

We are under contract with the buyer for our Park and it is a time sensitive matter. Our Closing date is Oct. 31.

We hope to get approval as soon as possible.

Thank you for considering this matter.

Much Appreciation

Greg & Kathy Mose



OFFICE USE ONLY – Site Plan Review (REFERENCE Chapter 62 Site Plans, Lisbon Code of Ordinances)	
Application Number: <u>21-20</u>	Date Received: <u>9-30-21</u>
Project Name: <u>Sabattus Creek / 101 Lisbon St.</u>	Fee Paid (amount): <u>150</u> pd <u>10/7/21</u> ✓
Applicant: <u>Kathryn Morse</u>	Tier 1 _____ Tier 2 <u>✓</u>

1315



## Town of Lisbon, Maine

### SITE PLAN REVIEW APPLICATION

Site Plan Name/Title: Sabattus Creek / 101 Lisbon Street

This application must be received at the Town Office by close of business on the 2<sup>nd</sup> Thursday of the month to be considered at the regular Planning Board meeting on the 4<sup>th</sup> Thursday of the month.

#### Applicant Information

2. Name of Applicant:

GREG MORSE Morse Properties LLC.

Address

Telephone

(207) 576 2823

1. Name of Property Owner (if different):

Greg Morse

Address

PO BX. 55 LISBON FALLS ME. 04252

Telephone

(207)

3. Name of authorized agent (if different):

Kathryn Morse (Kathy)

Address

PO BX 55 LISBON FALLS ME.

Telephone

(207) 576-6382

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

Kathryn Morse

Address

~~Kathy~~ Kathy.morse1958@gmail.com

Telephone

( ) 576-6382

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.

Kathryn Morse  
Signature of Applicant

9-30-21  
Date



Application Number:

Project Name:

**Property Information**6. Location of Property (Street or Road) 101 LISBON ST.

Register of Deeds

Book 53Page 193

Lisbon Tax Maps

Map 422Lot 011

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.

Not being developed. Splitting a lot

8. What interest does the applicant/owner have in any property abutting the parcel to be developed?

We own front lot separating M.H.P.

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:

Mobile Home Park & Commercial Bldg.11. Is any part of the project or property(s) in question part of an overlay zone? NO       Aquifer Protection Overlay       Wellhead Protection Overlay

12. 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 planning board or appeals board review:

M.H.P. approved years ago as well as  
Commercial Bldgs.**Project Information**

13. Proposed use of property:

Separate the front<sup>lot</sup> giving access to Mobile Park  
by way of a deeded easement.14. Nature of the Project. Provide a brief description of the proposed project, including proposed businesses and/or 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.Selling M.H.P. (Keeping Commercial Buildings  
and land)

Application Number:

Project Name:

15. Total acreage of parcel: 8.51 Acreage to be developed: 016. Please indicate classification (per Chpt 62-31, Site Plan Ordinance): \_\_\_\_\_ Tier 1 ☒ Tier 2

*All new construction or expansion of buildings or use of land for commercial, industrial or institutional use where the activity is greater than 1,000 square feet shall be subject to site plan review. This includes multifamily developments that are not considered a subdivision, and site improvements which involve filling, cutting and/or earth moving of greater than 500 cubic yards of soil (for other than new single-family residential construction and municipal roads).*

*A project is classified as Tier 1 if: (1) Less than 5,000 square feet of floor or land area, (2) a residential structure with fewer than 5,000 square feet of floor area converted to nonresidential use; (3) a change in use of a nonresidential structure, (4) a residential structure altered to create fewer than eight dwelling units and not considered to be a subdivision. All other projects are Tier 2.*

17. Are there any state or federal permits required for the proposed use? \_\_\_\_\_ Yes ☒ No

If yes, please attach a list of all required permits and the status of any permitting activities.

18. Please list all professional surveyors, engineers, architects, or others preparing this Site Plan (if applicable):

Firm or Licensed Individual:

Daniel P. Colby PLS 2101

Firm or Licensed Individual:

If additional professionals, attach separate list.

19. Does this development propose the extension of public infrastructure? \_\_\_\_\_ Yes ☒ No

If yes, what kind:

_____ streets/roads	_____ sewer lines
_____ sidewalks	_____ storm drains
_____ fire hydrants	_____ water lines
_____ other: _____	

20. Proposed water supply:

_____ individual well(s)
_____ central well with distribution lines
_____ connection to public water system
_____ other: _____

~~ext~~ existing

21. Proposed sewage disposal:

_____ individual subsurface disposal system(s)
_____ central on-site disposal with collection lines
_____ connection to public sewer system
_____ other: _____

existing

22. Does the applicant intend to request waivers of any requirements? \_\_\_\_\_ Yes ☒ No

(See attached Waiver Request Form if applicable)



<b>OFFICE USE ONLY – Site Plan Review (REFERENCE Chapter 62 Site Plans, Lisbon Code of Ordinances)</b>	
Application Number:	Date Received:
Project Name:	Fee Paid (amount):
Applicant:	Tier 1 _____ Tier 2 _____

## Waiver Request Form

### Site Plan Review 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 the 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 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:

NA

2. Standard/requirement to be waived:

Need/reason for waiver:

NA

3. Standard/requirement to be waived:

Need/reason for waiver:

NA

4. Standard/requirement to be waived:

Need/reason for waiver:

NA

*Attach additional page(s) if necessary.*



OFFICE USE ONLY – Site Plan Review (REFERENCE Chapter 62 Site Plans, Lisbon Code of Ordinances)	
Application Number:	Date Received:
Project Name: <i>Sabbathus Creek</i>	Fee Paid (amount):
Applicant: <i>Kathryn Morse</i>	Tier 1 _____ Tier 2 _____

## Site Plan Application

### REQUIRED ATTACHMENTS CHECKLIST

**Tier 1 Applications:** all attachments must be included with the completed application form.

**Tier 2 Applications:** for the Pre-application meeting, applicant must submit a draft Site Plan drawing and list of abutters along with a completed application form. The remaining required attachments shall be submitted with the full application prior to scheduling the planning board hearing.

REFERENCE Chapter 62-111 through 62-131, Lisbon Code of Ordinances

✓ or N/A	REQUIRED ATTACHMENT	OFFICE USE ONLY
	<b>For all Tier 1 &amp; Tier 2 Applications:</b>	
✓	A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title or interest in the property on the part of the applicant	
✓	Copies of existing covenants or deed restrictions	
✓	Site plan (drawn to scale) and set of drawings as appropriate (see below), drawn at a scale sufficient to allow for review, but not more than 50 feet per 1 inch; Tier 1= 3 copies, Tier 2= 10 copies	
✓	List of names and addresses of all abutting property owners including those across any streets <i>Get From Amy</i>	
	A list of all required state and federal permits.	
	<b>The Tier 1 and Tier 2 Site Plan (drawing or set of drawings) shall include:</b>	
✓	Property owner's name and address	
✓	Name, registration #, and seal of land surveyor, architect, engineer and/or other professional(s) preparing the plan	
✓	Tax map and lot number of the parcel(s)	
✓	Location map, showing the general location within the town	
✓	Boundaries of all contiguous properties under the control of the owner or applicant, regardless of whether all or part is being developed at this time	
✓	Location and dimensions of any existing easements	
P✓	All existing and proposed setback dimensions as required by Chapter 70 of the Code of Ordinances ( <i>see Dimensional Standards table</i> )	
P✓	Zoning classifications of the property, and the location of zoning district boundaries, including aquifer protection overlay zones, if the property is located in two or more zoning districts or abuts a different district	
P✓	Location, name, and present widths of existing streets and rights-of-way within or adjacent to the proposed development <i>Sabbathus Creek Dr.</i>	

Application Number:

Project Name:

N/A	The location of any of the features below, with a description of how such features will be maintained or impacts upon them minimized: <ul style="list-style-type: none"> <li>– open drainage courses</li> <li>– wetlands</li> <li>– significant wildlife habitat</li> <li>– known or potential archaeological resources</li> <li>– designated trails</li> <li>– historic buildings and site</li> <li>– significant scenic areas</li> <li>– mapped sand and gravel aquifers</li> <li>– rare and endangered species</li> <li>– other important natural features</li> </ul>	
N/A	Location of the 100-year floodplain and its elevation, if applicable	
N/A	Location, type, size (dimensions) and layout of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking space areas	
N/A	Location and dimensions of all proposed water supply and wastewater disposal infrastructure	
N/A	The direction of existing surface water drainage across the site	
N/A	The direction of proposed surface water drainage across the site	
N/A	Methods of controlling erosion and sedimentation during and after construction	
N/A	Location, dimensions and ground floor elevations of all existing and proposed buildings on the site, using a convenient fixed point for a benchmark	
N/A	Design and exterior materials of all proposed buildings and structures	
N/A	A landscape plan indicating all landscaped areas, fencing and size, and type of plant material proposed to be retained or planted with emphasis on front setback areas	
N/A	Location, front view and dimensions of existing and proposed signs	
N/A	Location, type and direction of exterior lighting	
N/A	Type, size and location of incineration devices	
N/A	Type, size and location of all machinery or devices likely to generate appreciable noise at the lot lines	
N/A	Identification of the amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties	
	<b>Additional, specific requirements for Tier 2 Applications ONLY</b>	
	Existing and proposed topography of the site at 2-foot contour intervals	
	Bearings and distances of all property lines of the property to be developed and the source of this information	



Application Number:

Project Name:

NA	For projects that do not require permitting under the stormwater management law, a stormwater drainage plan showing: <ul style="list-style-type: none"> <li>– existing and proposed method of handling stormwater runoff</li> <li>– direction of flow of the runoff through the use of arrows</li> <li>– location, elevation and size of all catch basins, dry wells, drainage ditches, swales retention basins, and storm sewers</li> <li>– engineering calculations used to determine drainage requirements based upon the 2, 10 and 25 year 24-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the proposed new pervious surfaces (such as paving and building area)</li> </ul>	
✓	Location and size of any existing sewer and water infrastructure, culverts, and drains on the property to be developed, and any that will serve the development from abutting streets or land	
NA	A high intensity soil survey by a certified soil scientist	
NA	A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site	
NA	A planting schedule keyed to the site plan and indicating the general varieties and sizes of trees, shrubs and other plants to be planted on the site	
NA	Traffic data shall include: <ul style="list-style-type: none"> <li>– estimated peak-hour traffic to be generated by the proposal</li> <li>– existing traffic counts and volumes</li> <li>– traffic accident data</li> <li>– the capacity of surrounding roads and any improvements which may be necessary on such roads to accommodate anticipated traffic generation</li> <li>– the need for traffic signals and signs or other directional markers to regulate anticipated traffic</li> </ul>	
NA	Location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks	
NA	Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing, indicating the name of the project, amount of financing proposed, and interest in financing the project.	
NA	When required by the planning board, a municipal service impact analysis. This list shall include but not be limited to: <ul style="list-style-type: none"> <li>– schools, including busing</li> <li>– street reconstruction</li> <li>– maintenance and snow removal</li> <li>– solid waste disposal</li> <li>– recreation facilities</li> <li>– police and fire protection.</li> </ul> A municipal service impact analysis that includes a list of construction and maintenance items, with both capital and annual operating cost estimates, as would be incurred by the Town of Lisbon.	



Application Number:

Project Name:

	<b>Other Site Plan application attachments that may be required:</b> <i>These additional submission requirements may be required by the Planning Board if the Board deems the information necessary to review and make a decision. Applicants are encouraged to consult with the Code Enforcement Officer and discuss these additional submission requirements at a Planning Board pre-application meeting.</i>	
NA	An on-site soils investigation report by a Maine Department of Human Services licensed evaluator. The report shall identify the types of soil, location of test pits, and proposed location and design for any subsurface wastewater disposal system(s).	
NA	If required by 23 MRSA §§704 or 704A, a copy of the approved driveway, entrance or traffic movement permit issued by the Maine Department of Transportation.	
NA	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.	
NA	If sewage disposal is to be connected to the public sewer, a letter from the Lisbon Sewer Department stating the department has the capacity to collect and treat the waste water shall be provided.	
NA	If water is to be supplied by public water supply, a written statement from the Lisbon Water Department shall be submitted indicating that there is adequate supply and pressure for the development and that the department approves the plans for extensions where necessary.	

For informational purposes, applicant not required to submit this form.

## 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 <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	<b>Table of Land Uses, Table of Dimensional Requirements.</b> Chapter 70, Article IV, Division 13 and Division 14 <i>These tables list all permitted and non-permitted land uses by zone/district, and indicate dimensional requirements (lot size, density, frontage, setbacks) by zone.</i>
N/A <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	<b>Manufactured Housing, Mobile Homes and Trailers, [Parks].</b> Chapter 22, Article II <i>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.</i>
N/A <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	<b>Entrances onto Public Ways.</b> Chapter 46, Article V <i>Any new entrance onto a public way requires a permit and must meet specified standards. <b>Access Management (Sec. 46-134):</b> 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.</i>
N/A <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	<b>Building Code.</b> Chapter 54, Article II <i>In accordance with 30-A M.R.S.A. § 3003, the Town of Lisbon has adopted the mandatory standards and regulations of the International Building Code 2003 and the International Residential Code 2003, both published by the International Code Council, Inc.</i>
N/A <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	<b>Floodplain Management.</b> Chapter 58, Article II <i>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.</i>
N/A <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	<b>Shoreland Zoning.</b> <i>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.</i>



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N/A 	Met <input type="checkbox"/>	<b>Subdivisions.</b> Chapter 66, Article I <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. <b>Subdivisions in ROS Districts:</b> All subdivisions in ROS zones greater than 10 acres must meet the Open Space Subdivision standards. <b>Open Space Subdivisions:</b> This chapter includes specific provisions to allow for open space preservation through increased flexibility in subdivision standards and requirements.</i>
N/A 	Met <input type="checkbox"/>	<b>Groundwater &amp; Wellhead Protection.</b> Chapter 70, Article V, Division 2 <i>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.</i>
N/A 	Met <input type="checkbox"/>	<b>Supplementary Zoning Regulations.</b> Chapter 70, Article VI, Division I <i>Includes additional regulations for the following:</i> <ul style="list-style-type: none"> <li>• Accessory buildings</li> <li>• Agriculture</li> <li>• Campgrounds</li> <li>• Filling, grading, dredging, earth moving</li> <li>• High-intensity farming</li> <li>• Home occupations</li> <li>• Sanitation</li> <li>• Drainage</li> <li>• Conversion of existing building to multi-unit housing</li> <li>• Water quality</li> <li>• Archeological sites</li> <li>• Roads and driveways</li> <li>• Essential services</li> </ul>
N/A 	Met <input type="checkbox"/>	<b>Rear Lots.</b> Chapter 70, Article VI, Division 2, Sec. 70-641 <i>The creation of a rear lot may be permitted through conditional use review, and must meet the requirements within this section.</i>
N/A 	Met <input type="checkbox"/>	<b>Off-Street Parking and Loading.</b> Chapter 70, Article VI, Division 3 <i>Includes standards for the provision of off-street parking and loading areas, excluding single-family and duplex units.</i>
N/A 	Met <input type="checkbox"/>	<b>Marine Structures.</b> Chapter 70, Article VI, Division 4 <i>Includes standards for piers, docks or other shoreline construction. (See also Shoreland Zoning.)</i>



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<p>N/A</p> <input checked="checked" type="checkbox"/>	<p>Met</p> <input type="checkbox"/>	<p><b>Signs.</b> 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.)</p>
<p>N/A</p> <input checked="checked" type="checkbox"/>	<p>Met</p> <input type="checkbox"/>	<p><b>Timber Harvesting and Clearing Vegetation.</b> 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.</p>
<p>N/A</p> <input checked="checked" type="checkbox"/>	<p>Met</p> <input type="checkbox"/>	<p><b>Planned Unit or Cluster Development.</b> 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.</p>
<p>N/A</p> <input checked="checked" type="checkbox"/>	<p>Met</p> <input type="checkbox"/>	<p><b>Expansion of Sand and Gravel Mining within Aquifer Protection Overlay District.</b> Chapter 70, Article VI, Division 9 Standards applying to overlay district zones 2 or 3, zone 1 expansions not permitted.</p>

For informational purposes, applicant not required to submit this form.

## Site Plan Review – Tier 2

### Applicant Procedure Checklist:

REFERENCE Chapter 62-71 through 62-76, Lisbon Code of Ordinances

Date completed	Please refer any questions regarding the procedure to appropriate town staff.
9/27/21	<b>1. Schedule a pre-application meeting:</b> Applicants are encouraged to schedule a meeting with the Planning Board prior to a formal application submission and review, to discuss their plans and gain an understanding of review procedures and standards.
	<b>2. Submit Application to Town Office (Code Enforcement Officer), by the 2<sup>nd</sup> Thursday of the month:</b> a. Complete application form and prepare all required submission materials (see checklist), provide 10 copies of all forms and materials; b. Applicant must pay any required fee(s) at time of submission; c. Schedule an initial submission review meeting with Planning Board (regular meetings are 4 <sup>th</sup> Thursdays of the month).
	<b>3. Attend first Planning Board meeting, initial application review:</b> a. 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; b. 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 Code Enforcement and will then be issued a written notice of completeness; c. A public hearing with the Planning Board will be scheduled (date within 30 days of the written notice of a complete application); the Town will send notices to all abutters and publish a public notice of scheduled hearing; d. Board may request and schedule a site visit prior to the public hearing (not required); e. Application will be referred to appropriate town departments/staff as appropriate, prior to public hearing.
	<b>4. Site visit:</b> The Town shall publish notice of the scheduled site visit; the applicant must be present at the Board site visit.
	<b>5. Attend public hearing:</b> a. Applicant (or representative) will be allowed a brief presentation; b. Town staff will present any comments; c. Public hearing will be opened, Board will make a note of all public and abutter comments;

*For informational purposes, applicant not required to submit this form.*

	<p>d. 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);</p>
	<p><b>6. Planning Board Review (same or separate meeting from the date of hearing):</b></p> <p>a. Planning Board shall conduct a review of the proposed Site Plan application based on the standards and requirements of town ordinance(s) (see Standards Checklist, reference Chapter 62-161 through 62-185);</p> <p>b. The Board shall make a decision to (a) approve, (b) approve with conditions, or (c) deny the proposed site plan, and will indicate any specific conditions and requirements of approval in its written notice of decision.</p>
	<p><b>7. Written notice of decision:</b></p> <p>The Town shall provide the applicant with a written notice of the decision, including reasons for decision and any conditions (must be provided within 60 days of the initial receipt of the application).</p>
	<p><b>8. Issuance of permits and compliance with conditions:</b></p> <p>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.</p>



For informational purposes, applicant not required to submit this form.

## Site Plan Review

### Tier 1 and Tier 2 Review Standards Checklist:

REFERENCE Chapter 62-161 through 62-185, Lisbon Code of Ordinances

**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.

Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b><u>Proof of Federal or State Required Permits.</u></b> The applicant shall provide proof of any required state or federal permits.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b><u>Landscape Preservation.</u></b> The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b><u>Vehicular Access.</u></b> The proposed development shall provide safe vehicular access to and from public and private streets. When conflicts exist between this section and a driveway permit, entrance permit or traffic movement permit issued by the Maine Department of Transportation, the most stringent or restrictive shall apply.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b><u>Parking Requirements.</u></b> Development parking must meet the town standards as set forth in <b>section 70-661</b> et seq.</p> <p><b>Conditions:</b></p>

For informational purposes, applicant not required to submit this form.

Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b><u>Pedestrian Circulation.</u></b> The development plan will provide for a system of pedestrian circulation within the development and interconnection with existing facilities.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b><u>Stormwater Management.</u></b> Adequate provision shall be made for disposal of all storm water generated within the development through a management system of ditches, swales, culverts, underdrains, and/or storm drains. For projects that do not require a permit under the stormwater management law, additional standards as listed in the ordinance will be considered.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b><u>Conservation, erosion, sediment control.</u></b> Stripping of vegetation or other development shall be done in such a way as to minimize erosion and sedimentation. The development shall include best management practices as provided by the Maine Department of Environmental Protection.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b><u>Signs.</u></b> Development signs must meet section 70-711 et seq. sign requirements.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b><u>Exterior Lighting.</u></b> All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicle traffic and potential damage to the value of adjacent properties. Lighting fixtures must be shielded or hooded so that lighting elements are not exposed to normal view by motorists, adjacent properties and so that they do not light the night sky.</p> <p><b>Conditions:</b></p>



For informational purposes, applicant not required to submit this form.

Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b>Emergency Vehicle Access.</b> Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b>Water Supply.</b> The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the state for drinking water.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b>Groundwater.</b> Projects involving common on-site water supply or sewage disposal systems with a capacity of 2,000 gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the state.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b>Air Emissions.</b> All air pollution control shall comply with minimum state requirements.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b>Odor.</b> The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b>Noise.</b> Noise shall comply with the standards as set forth in Chapter 26, Article IV of this Code.</p> <p><b>Conditions:</b></p>

For informational purposes, applicant not required to submit this form.

Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b><u>Sewage Disposal.</u></b> A sanitary sewer system will be installed at the expense of the developer; if in the opinion of the planning board service by a sanitary sewer system is not feasible, the board may allow individual subsurface waste disposal systems to be used.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b><u>Waste Disposal.</u></b> The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b><u>Compliance with Comprehensive Plan.</u></b> All new development and redevelopment shall be in conformance with the town's comprehensive plan and shall be consistent with the goals and objectives stated in such plan.</p> <p><b>Conditions:</b></p>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p><b><u>Archaeological Resources.</u></b> Any proposed development involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the code enforcement officer and/or planning board shall be submitted by the developer to the Maine Historic Preservation Commission and Lisbon Historical Society for review and comment, at least 20 days prior to action being taken by the code enforcement officer and/or planning board on the application. The code enforcement officer and/or planning board shall consider comments received from the commission and/or society prior to rendering a decision on the application.</p> <p><b>Conditions:</b></p>



For informational purposes, applicant not required to submit this form.

<b>Met</b> <input checked="checked" type="checkbox"/>	<b>Not</b> <input type="checkbox"/>	<b>Waived</b> <input type="checkbox"/>	<p><b>Protection of Significant Wildlife Habitat.</b> Applicants proposing to develop land in or within 75 feet to wildlife resources identified in the Town of Lisbon comprehensive plan or by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the code enforcement officer and/or planning board. The code enforcement officer and/or planning board may consult with the Maine Department of Inland Fisheries and Wildlife and may impose any recommendations by the state department or consultant as conditions of approval.</p> <p><b>Conditions:</b></p>
<b>Met</b> <input checked="checked" type="checkbox"/>	<b>Not</b> <input type="checkbox"/>	<b>Waived</b> <input type="checkbox"/>	<p><b>Rare and Endangered Species.</b> The code enforcement officer and/or planning board shall consider the existence of rare or endangered species as may be identified by the Maine Natural Areas Program. As a condition of approval the code enforcement officer and/or planning board may require the applicant to undertake protective measures as recommended by the Maine Natural Areas Program.</p> <p><b>Conditions:</b></p>
<b>Met</b> <input checked="checked" type="checkbox"/>	<b>Not</b> <input type="checkbox"/>	<b>Waived</b> <input type="checkbox"/>	<p><b>Building Design.</b> Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures so as to have a minimally adverse effect on the aesthetic qualities of the developed and neighboring areas. The code enforcement officer and/or planning board shall consider additional criteria as listed in the ordinance.</p> <p><b>Conditions:</b></p>
<b>Met</b> <input checked="checked" type="checkbox"/>	<b>Not</b> <input type="checkbox"/>	<b>Waived</b> <input type="checkbox"/>	<p><b>Impacts on Public Facilities and Services.</b> When the planning board finds, based on the results of any municipal impact analysis, that municipal services do not have the capacity to provide services to the proposed development, the planning board will make additional requirements as provided in the ordinance.</p> <p><b>Conditions:</b></p>



## Memo

DATE: October 8, 2021

TO: Lisbon Planning Board  
Town of Lisbon

FROM: Shelley Norton

RE: ROSII Zoning Review

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Context: The Planning Board has been made aware of a few situations where land owners have objected to current zoning which requires houses to be built upon small lots. This zoning was developed intentionally as a result of the Comprehensive Planning process in 2007 which sought to preserve the land designated in the ROSII area as open space for agricultural purposes. The zoning that was adopted restricts the amount of residential development as well as residential lot sizes with the result of maintaining large tracts of land for agricultural use.

At its September 9, 2021 meeting, the board asked AVCOG to prepare some alternatives to the current zoning restrictions that may address land owner concerns. A set of alternatives with analysis of current zoning is provided below. It should be noted that any changes that veer away from the current vision for the district, as found in the 2019 Comprehensive Plan, will require a deeper dive into developing a new vision for this district with community input.

One further note before delving into the specifics, the board should be mindful of the fact that wider context may impact this process. First, any zoning changes will need to be adopted by the Town Council. It is my understanding that in the upcoming November election, four of the seven council seats will change membership. This significant change on the board is worth considering. The board may want to wait on expending significant time or expense on zoning changes until the issue can be discussed with the new council to ensure their interest and support in exploring changes. In addition, a market analysis is underway in town which is expected to have results in early 2022 which is considering where additional housing density in town should be concentrated. In light of these two events, the board may want to pause this process or approach it cautiously. I think it is still a valid exercise for the board to consider what is presented here and discuss these alternatives, with the wider context in mind.



## **Rural Open Space II (ROSII) Current Characteristics:**

### **Allowed Uses and Dimensional Requirements:**

Non-Residential: Agriculture, Forest Management Activities, Timber Harvesting, Open Space Use, High Intensity Farming (limited to 25% of the lot), Business occupations by resident in detached buildings (C), Lawn & Garden Equipment Sales/Service (C), Warehouses (C), Retail Sales of Products Manufactured on Premises (C).

Residential: Single-family dwelling, mobile home, two-family, ADU (C) (lot size restrictions apply).

Planned Unit Development/ Cluster is not allowed.

Residential Subdivision is not allowed.

Backlots are prohibited.

Lots must be 60,000 – 100,000 sf in size and have frontage on an existing public street with 1:1.5 lot ratio. *[Effectively, this requires houses be built upon new residential lots of 1.4-2.3 acres in size, with a road frontage of 200-260 feet, and a depth of 300-390 feet.]*

### **Evaluation:**

This method of land management has concentrated any new house construction along Gould Road and Upland Road. It has restricted residential uses to along the road instead of deeper in the lot. This has had the benefit of limiting how much new impervious surface (driveway) is created by limiting driveway length, and has allowed open lands to be aggregated behind 300-390 feet from the road for agricultural use, habitat and open space.

The restriction for lot size for residential use has allowed creation of new residential lots of 1.4 acres – 2.3 acres in size only. This has limited the amount of land used for a house lot allowing larger tracts of land to be kept for agricultural purposes. It has meant that a number of existing lots and lots created by devise (divorce, will, court, etc.) cannot be built upon without creating a new lot on the road. It has prevented property owners from building in the rear of a lot, from dividing and selling or gifting land for house construction, except along the road and in limited quantity (limit come from how much frontage a lot has and not triggering subdivision law), from building subdivision roads, and from dividing more than a few lots in a handful of years.

If left in place, it is likely that the land will continue being divided along the road into house lots with 200-260 feet of frontage with the larger back lots all left as open space, forested, or agricultural lands. This has been successful at slowing residential growth. It may also have been successful in encouraging continued and new farming. There are a couple of notable farms in this zoning district, Little Ridge Farm on Gould Road, and a property on Upland Road just east of Old Meadow Road (Map 05 Lot 39) which has hay operations and a standing stone in the front yard (I couldn't tell from the road if they also have animals or just produce hay). There are also a number of forested or hay/ag fields in this district.

### **Alternatives:**

The Planning Board has asked for alternatives to the current method for restricting development. In this process the board is going to want to evaluate the benefits to the community for keeping the current restrictions or making changes against the interest of the land owners in this district. It may be of benefit to consider more broadly how the ROSI district is currently being used and what distinguishes these two districts from each other. It will also be helpful to consider what additional or alternative measures can be put into place to make farming more viable and protect farm land for future use.

Finally, it is by no means clear that good farmland in town is restricted to the area currently zoned ROSII, there are other areas rated as prime farmland or farmland of statewide importance in town, although it is typically in a scattered pattern not aggregated in one area. This is also not the only district with large forested or field parcels. Agricultural protections may be appropriate in additional areas of town. Doing a land use study would be helpful. This could identify areas which are conserved, actively farmed, have good agricultural soils, are poor for development (due to soils or wet), areas of outstanding habitat and other features.

Finally, farming aside, maintaining rural character and open lands outside of the downtown and villages is likely important to many residents who moved to Lisbon for its more rural character. Large house lots with suburban landscape is not the same visual experience as forested, farmed or otherwise open lands.

With these things in mind, here are some options for zoning change to the ROSII District. For each of these, there are details that would need to be teased out for how it would work, therefore, these are just conceptual in nature.

#### **Option. 1\***

**Keep housing density the same but allow construction anywhere on the lot.** Allow for a transfer of development rights so to speak from the area adjacent to the existing public street to allow the same density development set further back. This wouldn't change the frontage requirement (currently 200-260 feet) and wouldn't allow backlots, it just wouldn't restrict the development on the lot to be within 390 feet of the road as it is restricted now. A few alternatives for how to implement this: 1. This could be done for all lots regardless of use. 2. This could be done for just land in active agriculture where the owner can show that the land by the road is better used for farming. Some criteria would need to be established for this such as good soils, good location for a farm stand, level or well drained land, already cleared, etc. *\*I am not sure exactly how this would work given that current density is a factor of road frontage available and lot size, but we can probably find a way to make it work.*

#### **Option 2.**



**Allowing a farmer or farmers to live on the land which they farm by waiving the lot size for a house for active farmers, thereby eliminating the requirement of a division of land.** This option would be to allow the primary farmer to have a house (and possibly living quarters for farm workers) on the lot where the farm is located without requiring them to divide the land. It could be combined with option #1 above that allows the construction deeper in the lot if the land by the road is better utilized by the farm. The town will want to set a standard for what constitutes a farm or an eligible agricultural practice and how someone is defined as being actively involved in the farm activity. This is discussed in more detail below.

An additional consideration here would be if an existing farm family member wishes to build a house close to the main homestead where both house occupants would be closely connected to the farm operation, should that be allowed? What would be the limit on dwelling units for a farm?

### **Option 3.**

A Planned Unit Development (PUD) option could be developed. This is a flexible development type which allows some relief from zoning standards for a development that has benefit to the public. The appropriateness of this may be limited, but a farm that addresses food needs of the local market might be allowed farm worker housing on site, for example. Everyone gets something, the farm gets greater density or other benefits and the community has a benefit.

### **Option 4.**

A more intensive option would be to allow subdivision but only when it sets aside large contiguous tracts of land for farming, conservation, forestry, flood protection, habitat, etc. In this case, the house area would be smaller than normal for a rural district (1/2 acre or less per house) and they would be grouped together to limit road length and to allow the open space to be aggregated together. Conceptually this is used to preserve unbroken tracts of land and to reduce infrastructure and impervious surfaces built. While small lot sizes can be less popular in areas people deem as “rural” smaller lot sizes are attractive to many buyers who do not want a lot of yard maintenance, or who are looking for a smaller home or lower new home cost. This would provide some subdivision options but probably only for the large parcels.

### **Further Context and Discussion on “What is a Farm or Someone involved in Agriculture”**

I am going to turn the discussion now to Auburn. You may know that approximately 40% of Auburn is zoned for Agriculture and Forest uses and that there are significant restrictions to residential use in this district. I think this is a good reference as we look at the ROSII. Auburn

requires that lots be a minimum of 10 acres in size and that to build a house you must be engaged in farming/ forestry and have a certain amount of household income from farming. There are criticisms to this approach, not dissimilar to the criticisms to Lisbon's approach. For them the biggest issue is non-farming landowners can't reside on their land and they can't subdivide and sell house lots. The other problem is that it has tied up at least 10 acres of land for each house built. There are efforts to get around these requirements with "gentlemen farmers" people who do some small farming activity to qualify. This lot size and income requirement has, however, done a fairly good job of limiting divisions and preserving farm and forest land.

A takeaway here is that nothing is perfect, but there are some good features about the approach that Lisbon took 10-15 years ago. Land owners can still divide a lot here and there and sell it to whoever they want, but large tracts of land are still maintained as open space and available for farming. According to my predecessor who was involved in writing the Comprehensive Plan, this process was very collaborative and land owners at the time were consulted extensively. At that time, the Comprehensive Planning process for the state required a rural area be identified. While there are less restrictions in this process now, it is beneficial to have an area where land is available for farming instead of having all the large tracts of land broken up and built upon. This is why we do land use planning for the future, to avoid that sort of situation.

Auburn hired Crossroads Resource Center which prepared a set of recommendations for their agricultural zone in 2018. In this document, Crossroads looked at USDA guidelines and came up with some possible criteria for determining what would meet the criteria for a farm or "meaningful engagement with the land" which is a term they more commonly used. This sort of discussion would likely be necessary if we were devising special exceptions for those building a house who are "farming." We then need to determine what constitutes a farm, farmer, someone engaged in agriculture, etc., whatever we call it. They came up with the below suggestions as an alternative criteria to the family income requirement the City of Auburn has for determining if a home can be built in the ag zone, any one of the below would qualify the land for one home to be constructed by the owner:

- a. A farm that sells at least \$25,000 of products in an average year to any market, anywhere, as recorded on an IRS Schedule F tax return, **OR it must document any of the following:**
- b. The farm sells at least \$2,500 of consumer food items to (insert geographic area);
- c. The farm sells at least \$2,500 of firewood, or wood chippings for pelletizing, to Lisbon and area residents for home woodstove heating;
- d. The farm sells or donates at least \$2,500 of consumer food items to Good Shepard Food Bank or any similar local food relief effort;



- e. The farm sells or donates at least \$2,500 of clean compost to gardeners and farmers in Lisbon;
- f. The farm sells or donates at least \$2,500 of consumer food items to schools, hospitals, or colleges located in the region.

*[Note: other specific sales figures may be inserted here.]*

The challenge identified by Crossroads is that this may encourage applicants to meet specific criteria without actually launching a genuine farm operation.

**Comparison to the ROSI District (provided as a point of reference/comparison):**

Zone is intended for a range of family and rural residential uses, primarily as rural and low-density residential. Also appropriate for commercial uses related to the sale of agricultural products and home occupations.

Single-family – 100,000 sf minimum lot size, 300-feet road frontage;

multi-family – 60,000 sf minimum lot size per DU, 300-feet frontage (4 lots) more for additional DU;

Ag/high density farming – 5 acre minimum with 25% of lot used, 300-feet frontage

Other uses – 100,000 sf, 300-feet frontage

No restrictions on backlots, planned unit development/cluster, or subdivisions. No restrictions on where the house is located.

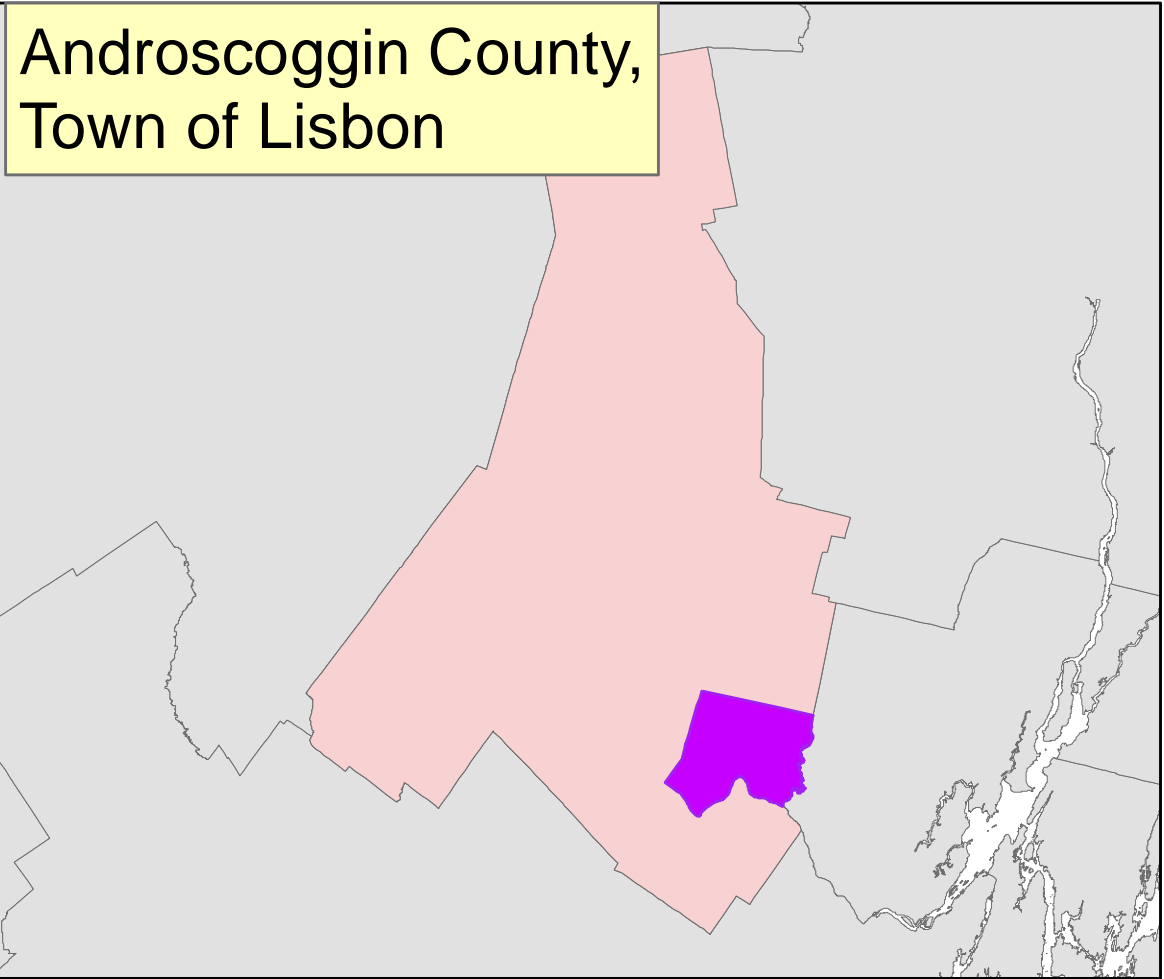
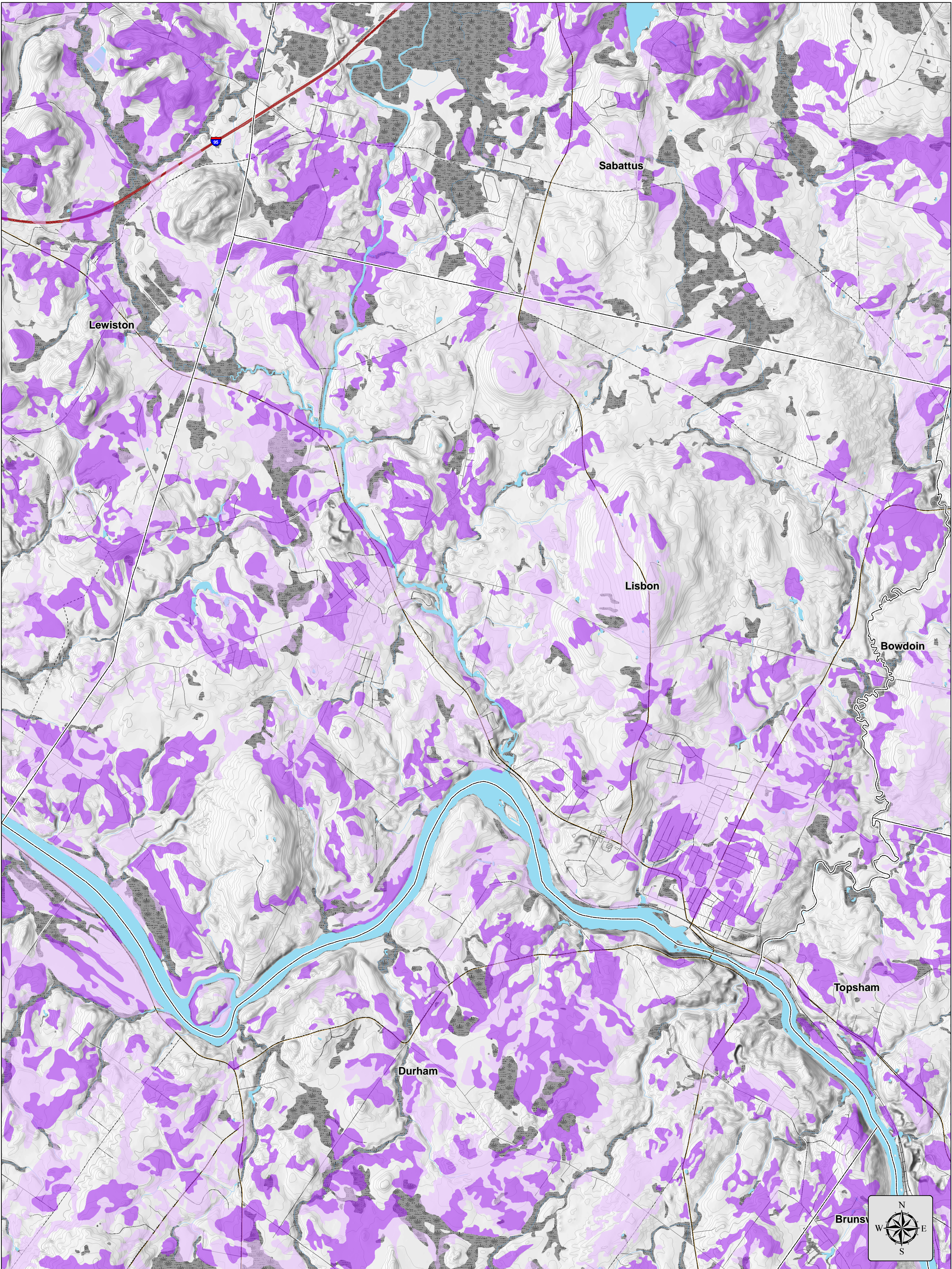
**Concluding Thoughts**

Finally, as the town considers changes to the ROSI, I think the following questions are good for consideration and I encourage the board members to drive these districts and get familiar with what uses are currently happening in the ROSI and ROSII district.

***Question:*** *Has the development in this zone been desirable? Are the zone requirements giving the town what it wants?*

***Question:*** *Where is the farming taking place in town? Which zones? Where is there good land for farming in the future?*







# Lisbon Agricultural Resources


Source Data: USDA, MEGIS, Maine DACF  
Projection: UTM, NAD83, Zone 19, Meters  
Produced by: Municipal Planning  
Assistance Program, DACF  
April 2017





Legend


Municipal border

Farmland of statewide importance

Prime farmland

Rivers/Streams

Waterbody

Wetlands