

AGENDA
PLANNING BOARD MEETING
AUGUST 11, 2022
LISBON TOWN OFFICE
7:00 PM

William Kuhl - Regular 2023
Curtis Lunt – Regular 2025
Shaun Carr – Regular 2024
Chris Huston – Regular 2025
Patrick Maloy – Regular 2024
Dan Leeman – Associate 2025
Nicholas Craig – Associate 2024

1. CALL TO ORDER
2. ROLL CALL

____William Kuhl (Chair)		
____Curtis Lunt (Vice-Chair)	____Chris Huston	____Nicholas Craig (Associate)
____Shaun Carr	____Patrick Maloy	____Dan Leeman (Associate)
3. CHAIRMAN’S REVIEW OF MEETING RULES
4. OTHER BUSINESS - Sign Ordinance Discussion
Solar Ordinance Discussion
5. WRITTEN COMMUNICATIONS – Minutes of July 28, 2022
6. PUBLIC HEARINGS – NONE
7. UNFINISHED BUSINESS – **Findings of Fact – Case #22-12 Conditional Use Application**
Findings of Fact – Case #22-13 Conditional Use Application
8. NEW BUSINESS – Discussion of Non-Conforming Structures Ordinance. Article I Section 70-5(d)
9. CODE ENFORCEMENT OFFICER ITEMS
10. ADJOURNMENT/ADJOURN TO WORKSHOP

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 JULY 28, 2022

William Kuhl, Chair- Regular 2023
Curtis Lunt, Vice Chair- Regular 2025
Christopher Huston- Regular 2025
Patrick Maloy - Member 2024
Shaun Carr - Regular 2024
Dan Leeman - Associate 2025
Nicholas Craig - Associate 2024

1. **CALL TO ORDER:** The Chairman, Mr. Kuhl called the meeting to order at 7:00 PM.
2. **ELECTION OF OFFICERS:** Election of Chair: Motion by Curt Lunt to nominate William Kuhl. Seconded by Shaun Carr. All in Favor. Election of Vice Chair: Motion by William Kuhl to nominate Curt Lunt. Seconded by Shaun Carr. All in Favor.

VOTE: (2022-58) Vote Carried 4-0.

3. **ROLL CALL:** Regular members present were William Kuhl, Curtis Lunt, Shaun Carr and Patrick Maloy. Chris Huston was excused. Associate Members Dan Leeman and Nicholas Craig were present as well. Also present was Mark Stambach, Code Enforcement Officer; Councilor Fellows, Town Council Liaison; Ross Cunningham, Economic and Community Development Director and 6 audience members. The Chairman extended voting privileges to Mr. Craig.

4. REVIEW OF MEETING RULES:

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

5. WRITTEN COMMUNICATIONS: Minutes of July 7, 2022

The meeting minutes of July 7, 2022 were distributed to all the members. The Chairman asked if there were corrections or additions.

VOTE (2022-59) Mr. Lunt, seconded by Mr. Maloy moved to approve the Minutes of July 7, 2022.

Vote: 5-0 Carried.

6. **PUBLIC HEARINGS - Case #22-12 Conditional Use Application – Smoky Falls**
Case #22-13 Conditional Use Application – East Coast Cure

The Chairman opened the Public Hearings, seeing no comments, the Chairman closed the Public Hearings.

7. UNFINISHED BUSINESS - Findings of Fact – Case #21-16A

In the Matter of:

Case 21-16A: Amendment to the Approved Site Plan for Grandview Estates

**Grandview Estates
11 Grandview Street
Lisbon, ME 04250
Map U18- Lot 032**

Findings of Fact

The applicant submitted a modification of the site plan Case #21-16 that was approved on January 13, 2022 for the construction of two duplex (two unit) dwelling units at 11 Grandview Street, Lisbon ME. The modification was the relocation of one of the units due to existing foundation structures located in the location previously approved.

The Planning Board received the application on 6/23/2022. The Planning Board first heard the application on 6/23/2022 and accepted the application as complete. The Planning Board held a Public Hearing on 7/7/2022. The Planning Board approved the application on 7/7/2022 with no additional conditions.

Conclusion of Law

The Planning Board approved the modification and referenced the Review and Performance Standards of the original approval.

Therefore, the Town of Lisbon Planning Board hereby approves the amendment to Case #21-16 with no additional conditions

Case #22-12 – Conditional Use Application

Smoky Falls
Ashley St. Amand
694 Lisbon Street
Lisbon Falls, Me 04252
Map U05 Lot 219

Mr. Stambach went through the Conditional Use Standards, Local Ordinance and Site Plan Review Checklists. Mr. Lunt asked if they are required to adhere to the Rt. 196 Design Standards. Mr. Stambach said yes. Mr. Lunt stated there is a lack of landscaping on that property and requested the applicants add something. Brittney St. Amand, co-owner, stated they plan to put planters on the front and side of the building to spruce it up and will work on the back lot as well for landscaping possibilities.

VOTE: (2022-60) Mr. Lunt, seconded by Mr. Carr moved to approve the application for Case #22-12, Smoky Falls, 694 Lisbon St., Lisbon Falls, 04252.

Vote: 5-0-Carried.

Case #22-13 – Conditional Use Application

East Coast Cure
Dylan Proctor
580 Lisbon Street
Lisbon Falls, Me 04252
Map U09 Lot 015

Mr. Stambach went through the required Checklists. Mr. Lunt asked if they had to adhere to the Rt. 196 Design Standards. Mr. Stambach said yes and will work with the applicant, although it is an existing building with no Landscape.

VOTE: (2022-61) Mr. Lunt, seconded by Mr. Carr moved to approve the application for Case #22-13, East Coast Cure, 580 Lisbon St, Lisbon Falls 04252.

Vote: 5-0 Carried.

8. NEW BUSINESS – NONE

9. OTHER BUSINESS – Marijuana Business Steering Committee Discussion –

Mr. Stambach mentioned the Assistant Town Manager is looking for Volunteers for the creation of the Marijuana Business Steering Committee. Mr. Lunt and Mr. Craig volunteered to sit on the Committee.

MS4/LID (Low Impact Development) Discussion

Mr. Stambach stated because of the Population of Lisbon, the Town needs to adopt a Low Impact Development Ordinance as part of Lisbon's MS4 Ordinance. He said the State will put together a Model Ordinance for the town to adjust as needed and submit for approval to Maine DEP by September 1st. Mr. Stambach asked if someone from the Board could assist him in developing this Ordinance. Mr. Kuhl said he would help him out.

Update from Casey Clark, Resource Management Coordinator, Maine Department of Marine Resources; 'Upper Dam next steps and contract review'

Mr. Clark presented the Planning Board with the Dam Removal Plan. He shared the benefits of the plan as follows:

1. Reduced flood risk upstream of the Dam
2. Reduced risk of catastrophic failure downstream of the dam.
3. Restored natural process
4. Restored natural aesthetics

Mr. Kuhl asked if this will change the FEMA (Federal Emergency Management Agency) Flood Designation. Mr. Clark said yes and he is working on that with the State.

Pre-application discussion of proposed Solar Farm

Forbes Road, Lisbon Falls

Map U26/Lot 091

Simon Courtney

Solar Provider Group

Mr. Courtney stated he proposed this Solar System two years ago and was held up due to CMP issues. He said those issues have been resolved and would like to move forward with the project. He said the site is fully forested. They discovered a significant sized wetland which they will have to avoid. The access would be on Forbes Road and the back of the landowner's property and would involve upgrading the existing electrical line along Forbes Road and connect to the 3 phase system on Main Street. This system will be open as a subscription to the residential community and beyond. Mr. Kuhl stated, the Board, with no objections, would recommend he start with the Application process and did not see that it would not be able to move forward from there.

Sign Ordinance Discussion

Councilor Fellows stated the Attorney sent back the changes to the Sign Ordinance. Councilor Fellows requested the Ordinance deal with the situation of extreme construction disruptions. The Attorney felt that was covered in the current draft, which exempts signs placed by the Town or State in their entirety. Councilor Fellows does not believe that includes temporary Signs for businesses and suggested the Planning Board come up with the specific wording on the construction disrupting businesses and signage. The Planning Board decided to have a Workshop at their next scheduled meeting discuss the changes needed.

10. CODE ENFORCEMENT OFFICER – NONE

11. ADJOURNMENT

VOTE: (2022-62) Mr. Carr, seconded by Mr. Maloy moved to adjourn at 8:50pm. **Vote: 5-0 Carried**

Respectfully Submitted: _____

Lisa B. Smith, Deputy Town Clerk

Date Approved: August 11, 2022



Town of Lisbon

Planning Board

300 Lisbon Street
Lisbon, ME 04250

In the Matter of:

Case #22-12 Smokey Falls Conditional Use Permit

**Medical Marijuana Retail Establishment
Smokey Falls
Ashley St. Amand
694 Lisbon Street
Lisbon Falls, ME 04252
Map U05 / Lot 219**

Findings of Fact

The applicant proposed the creation of a medical marijuana retail establishment in an existing building at the location referenced above

The Planning Board first considered the application on June 23, 2022 and accepted the application as complete. On July 28, 2022 the Board conducted a public hearing. On July 28, 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 Smokey Falls with the following conditions

- 1) There shall be landscaping and/or planters located in front and on the western side of the property**

By: _____
William Kuhl
Lisbon Planning Board Chair

Date _____



Town of Lisbon

Planning Board

300 Lisbon Street
Lisbon, ME 04250

In the Matter of:

Case #22-13 East Coast Cure Conditional Use Permit

Medical Marijuana Retail Establishment
East Coast Cure
580 Lisbon Street
Lisbon Falls, ME 04252
Map U09/Lot 015

Findings of Fact

The applicant proposed the creation of a medical marijuana retail establishment in an existing building space at the location referenced above

The Planning Board first considered the application on June 23, 2022 and accepted the application as complete. On July 28, 2022 the Board conducted a public hearing. On July 28, 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 East Coast Cure as a medical marijuana retail establishment.

By: _____
William Kuhl
Lisbon Planning Board Chair

Date _____