



**AGENDA**  
**PLANNING BOARD MEETING**  
**MARCH 23, 2023**  
**LISBON TOWN OFFICE**  
**7:00 PM**

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

1. CALL TO ORDER

2. ROLL CALL

\_\_\_\_ William Kuhl (Chair)

\_\_\_\_ Curtis Lunt (Vice-Chair)

\_\_\_\_ Shaun Carr

\_\_\_\_ Chris Huston

\_\_\_\_ Patrick Maloy

\_\_\_\_ Nicholas Craig (Associate)

\_\_\_\_ Dan Leeman (Associate)

3. CHAIRMAN'S REVIEW OF MEETING RULES

4. WRITTEN COMMUNICATIONS – Minutes of March 9, 2023

5. PUBLIC HEARINGS – NONE

6. UNFINISHED BUSINESS – **Findings of Fact – Case #23-03** Cooper's Cub Care

**ROSI & II Update**

7. NEW BUSINESS – **Case #23-04** – Site Plan Review Application– Tier 2  
Springworks Farm Expansion – Phase II & III  
347 Lisbon Street  
Lisbon, Me 04250  
Map U13 Lot 24

**Case #23-05** - Tier II Site Plan Review – Conditional Use Permit  
Littlefield Farm Camp  
Kathryn Daley  
76 Littlefield Road  
Lisbon, Me 04250  
Map R09 Lot 035

**Case #23-06** - Conditional Use Permit - Lot Line Revision  
Mynahan/McDougal  
93/91 Frost Hill Ave  
Lisbon Falls, Me 04252  
Map U11 Lot 14-A

**Case #23-07** - Site Plan Review – Tier II  
Former Lisbon Falls Getty  
686 Lisbon Street  
Lisbon Falls, Me 04252  
Map U-05 Lot 216

**Case #23-08** - Conditional Use Permit – Rear Lot  
Eric Schroeder  
428 Ridge Road  
Lisbon, Me 04250  
Map R09 Lot 013

8. OTHER BUSINESS - Erosion and Sediment Control Ordinance

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 MARCH 9, 2023

William Kuhl, Chair- Regular 2023  
Curtis Lunt, Vice Chair- Regular 2025  
Christopher Huston- Regular 2025  
Patrick Maloy - Regular 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. **ROLL CALL:** Regular members present were William Kuhl, Curtis Lunt, Shaun Carr, Chris Huston and Patrick Maloy. Associate Member Nicholas Craig was present, the Chairman excused Associate Member Dan Leeman. Also present was Kate Burch, Contracted Planner; Councilor Fellows, Town Council Liaison; and 3 audience members.

### 3. REVIEW OF MEETING RULES:

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

### 4. WRITTEN COMMUNICATIONS: Minutes of February 9, 2023

The meeting minutes of February 9, 2023 were distributed to all the members. The Chairman asked if there were corrections or additions.

**VOTE: (2023-18)** Mr. Lunt, seconded by Mr. Maloy, moved to approve the Minutes of February 9, 2023.

**Vote: 5-0 Carried.**

### 5. PUBLIC HEARINGS – A. Case #23-03 – Conditional Use Application – Cooper’s Cub Care – Family Childcare

The Chairman opened the Public Hearing.

Cassidy Williams presented her case, and added that her business plan includes up to 12 children ages 6 months to 12 years.

Mike Cielinski, abutter, stated that he lives on the lot behind the proposed daycare. He asked for a review of the information Ms. Williams had presented due to his inability to hear well. The Chairman asked Ms. Williams to join Mr. Cielinski at the lectern to answer his questions.

Mr. Cielinski asked if the area is zoned for a childcare business. The Chairman said they are in the correct zone for this, and explained what a Conditional Use entails. Mr. Cielinski asked if it was inspected, and the Chairman assured him the necessary Code, Fire and any other inspections had been done. Ms. Williams explained she had been inspected by the necessary State officials as well.

Mr. Cielinski pointed out his safety concerns for children at that location, including neighborhood road & traffic, lack of fencing, and a swimming pool. Ms. Williams stated that a fence is planned for the yard, the pool has been inspected for safety, and the traffic has been addressed.

The Chairman pointed out for Mr. Cielinski that daycares of this type are common throughout town. Mr. Cielinski said yes, but they are not in his back yard.

Ms. Burch read an email from Lisbon resident Patricia White in support of Ms. Williams proposed business.

The Chairman closed the Hearing.

6. **UNFINISHED BUSINESS – A. Case #23-03 – Conditional Use Application**  
Cooper’s Cub Care – Family Childcare  
4 Hewey Street  
Lisbon, ME 04250  
Map U03 Lot 041

Ms. Burch reviewed the Site Plan Review Local Ordinance Checklist with the Board. The Chairman noted there was no need to include any conditions since Ms. Williams stated she will be installing a fence as a part of her current plan.

**VOTE: (2023-19)** Mr. Lunt, seconded by Mr. Maloy, moved to approve the Application for Case #23-03, Cooper's Cub Care – Family Childcare.

**Vote: 5-0 Carried.**

#### **Findings of Facts—**

#### **Case #22-21 – Medical/Adult Use Marijuana Cultivation Conditional Use Permit**

**VOTE: (2023-20)** Mr. Lunt, seconded by Mr. Carr, moved to dispense with the reading of the Findings of Facts and insert it into the record.

**Vote: 5-0 Carried.**

#### **Adult Use Manufacturing Facility**

**Jason Smith**

**743 Lisbon Street**

**Lisbon Falls, ME 04252**

**Map U01 Lot 002**

#### **Findings of Fact**

The applicant proposed a new use and construction of new buildings at the property referenced above. The use is an adult/medical marijuana Cultivation Facility

The Planning Board first considered the application on January 12, 2023 and accepted the application as complete. On February 9, 2023 the Board conducted a public hearing. On February 9, 2023, the Planning Board discussed the application. The decision was made to withdraw the application for the Tier II Site Plan Review at this time and move forward with review and approval of the conditional use permit. The Planning Board approved the Conditional Use Permit with conditions.

#### **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 only, for the adult/medical use marijuana cultivation facility at 743 Lisbon Street, Lisbon Falls, with the conditions that it meet the Route 196 Design Standards for Phase 1 and the applicant will resubmit for Phase II, when the total square footage of the project exceeds 5000 s.f.**

By: \_\_\_\_\_  
Curtis Lunt  
Acting Lisbon Planning Board Chair

Date \_\_\_\_\_

#### **Case #23-01 – Lisbon Cannabis Confections Conditional Use Permit**



**VOTE: (2023-21)** Mr. Lunt, seconded by Mr. Carr, moved to dispense with the reading of the Findings of Facts and insert it into the record.

**Vote: 5-0 Carried.**

**Adult Use Manufacturing Facility- Lisbon Cannabis Confections**

**Jason Smith**

**95 Lisbon Street**

**Lisbon, ME 04250**

**Map U22 Lot 012**

**Findings of Fact**

The applicant proposed a new use at the property referenced above. The use is an adult use manufacturing facility.

The Planning Board first considered the application on January 26, 2023 and accepted the application as complete. On February 9, 2023 the Board conducted a public hearing. On February 9, 2023, the Planning Board approved the Conditional Use Permit with conditions.

**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 the adult use manufacturing facility at 95 Lisbon Street, Lisbon, with the conditions that it meet the Route 196 Design Standards.**

By: \_\_\_\_\_

Curtis Lunt

Acting Lisbon Planning Board Chair

Date \_\_\_\_\_

**7. NEW BUSINESS – NONE**

**8. OTHER BUSINESS – NONE**

**9. CODE ENFORCEMENT OFFICER – NONE**

**10. ADJOURNMENT/WORKSHOP – ROS I & ROS II**

**VOTE: (2023-22)** Mr. Maloy, seconded by Mr. Lunt, moved to adjourn to the workshop at 7:15 pm.

**Vote: 5-0 Carried**

**PLANNING BOARD WORKSHOP—ROS I & ROS II**

Ms. Burch gave a summary of where we are so far with the ROS discussions. She said she reviewed the ordinance and started to look at the parcel data and started doing some math on the parcel size and what's going on in the area. She said she hasn't been able to get building permit data yet, but she will take a look at that too. She said it will be helpful to see

*\* These minutes are not verbatim. A recording of the meeting is on file.*

how much building is going on in these areas right now and will be good to have a baseline even though there isn't much going on right now.

Ms. Burch went on to say that right away, in ROSII, where it says no new residential subdivisions, we definitely want to change that, partly because it won't be enforceable under state law. She said there are a number of parts of state subdivision law where you are allowed to make a subdivision by right in certain cases, including deaths, wills, gifts, with a couple of exceptions where you are allowed to make a subdivision. It's in special cases having to do with estates. The Chairman asked which takes precedent for these laws, the Town or the State? Ms. Burch responded that the Town can be stricter than the State, but there are some land use rules that the State takes precedence. She said it is better to have a regulated procedure to dictate how to do it. She added that another way to do it would be if it's over 10 acres it could be a "conservation" or "cluster" subdivision.

Mr. Lunt said it might be useful for ROSII, because it is intended to preserve farmland and we could do it to still allow subdivisions as long as they are less land-intensive. Ms. Burch agreed that is one way to do it. She said another way would be to set a maximum density and a maximum lot size; she gave some examples of this and pointed out that we see smaller lots close to the road already, so it would fit the existing pattern.

Ms. Burch said that the average parcel size in that area is still very big, more than 10 acres, and that is good to have because it fits the comprehensive plan and the State's goals. She said we want to make sure that you allow people to exercise their rights to do what they want with their land and really prioritize keeping those big blocks of land at the same time.

Mr. Lunt pointed out that currently, in ROSI, there have been a lot of rear lots. He said rear lots are sort of destructive so we might as well allow this type of subdivision.

Ms. Burch said currently no back lots are allowed in ROSII, she recommends saying no back lots in ROSI as well, to just do a subdivision. Mr. Carr brought up the recent case where a resident wanted to divide property but it created a back lot. Mr. Lunt said the problem wasn't the subdivision, it was the frontage required in that earlier case. Ms. Burch responded that we tend to say no to backlots in most cases because they tend to lead to problems such as a backlot on a backlot. She said you wind up with private roads and really long driveways, so it's not always the best way.

Mr. Lunt suggested that in ROS I to allow subdivisions that would allow these density ratios and minimum lot sizes. It would make a lot more sense than big opens space subdivisions, which builders don't seem to want to build.

Ms. Burch brought up the Conservation Subdivision section, also known as a Cluster Subdivision, which is required in ROS I. The Board members discussed the details of that kind of subdivision.

Mr. Carr said it might make more sense to make ROSI & II the same in this respect, to allow maximum acreage to be the rule. We might have to change the comprehensive plan. Ms. Burch said you might not because this is still a way to preserve the farmland, it's just a different way. Mr. Lunt said it is the right idea.

The Chairman said that, whatever we do, we would like something that we won't have to adjust every year. If they want to break their lots up, to my way of thinking, that is their prerogative, but we need to stay within the rules, we need something that is somewhat flexible and there is precedent in other towns.

Ms. Burch explained that this would just be a different strategy to preserve rural character and farmland and preventing someone from turning farmland into, for example, 40 five-acre lots. She said that's what you don't want.

Mr. Fellows interjected that somewhere along the line someone had gotten ahold of Freeport's newer plans that was a lot of rural area and some cluster housing and some kind of ordinance. He said they spent a lot of time doing it, and managed to develop quite a lot of new homes in a lot of space. He wondered if this is a resource we could draw on.

Ms. Burch said that Freeport has a good Conservation Subdivision rule, they require a broad setback from the road so you cannot see them driving by. Right now it is mostly roadside buildings.

Mr. Lunt said he is not opposed to development, he just wants to see nice development. Mr. Kuhl said he would like to see consistent rules so those who succeed us don't curse us. Mr. Huston said that family members should be allowed to do what they want with their land, whether to sell it off in pieces or not. He said it shouldn't be kept as is just because someone else wants to see that farmland.



Ms. Burch brought up the idea that, in addition to updating the ordinance, in terms of fulfilling the comp plan and helping out the farmers, we also need to have some other things in the comp plan to be looked at by other than the Planning Board. Perhaps in terms of incentives for taxes, and having the town help people work with state programs, they can also look at farm-compatible uses in rural areas that may be beyond what is currently allowed. She suggested wedding venues and farm-garden restaurants, like some that appear in other parts of the state, as well as solar farms, etc.

Mr. Huston asked if there is some way to set up a tax break somehow so they don't have to sell the property because of the taxes. Mr. Kuhl suggested that would be a Land Trust. Mr. Huston said they wouldn't want to lose the property.

Ms. Burch said that Topsham has what's called a Rural Entrepreneurial Ordinance, which says that if you want to do another business compatible with your current farm business, they have a process to do that—for example winter boat storage, or a farm market. Things that wouldn't otherwise be allowed there.

Mr. Carr said he would like to see people use their land as they would like. Avoiding the rear lot issue would be good, and also creating something with consistency & simplicity would give more options. He said there really isn't much farming here anymore. Mr. Huston agreed with that.

The Chairman stated that the Planning Board is looking for options, and he knows that Ms. Burch needs to collect more data. He requested she come back with some proposals that would not require a change to the comp plan, to save farmland where appropriate but to give those families options down the road.

Ms. Burch said she would come back with a couple more options. She added that public outreach had been mentioned. Mr. Kuhl said it would be better if we have a more aggressive form of outreach than before, especially in the zones affected.

Ms. Burch said we could send a letter or an online questionnaire but we'll need to be careful. Mr. Carr suggested we have something to show them first. Mr. Fellows said we might get some really diverse ideas from people if we can reach out.

Mr. Carr said that he's okay with more farms, if that is what the landowners want.

The Chairman adjourned the Workshop.

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Lisa M. Ward

Town Clerk

Date Approved: March 23, 2023



# **Town of Lisbon**

## **Planning Board**

**300 Lisbon Street  
Lisbon, ME 04250**

March 23, 2023

### **In the Matter of:**

**Case #23-03 Cooper's Cub Care  
Cassidy Williams  
Conditional Use Application**

**Family Child Care  
4 Hewey Street  
Lisbon Falls, ME 04252  
Map U03 Lot 041**

### **Findings of Fact**

The applicant submitted a Conditional Use Application for a Family Child Care to be located at 4 Hewey St in Lisbon Falls, Tax Map U03 Lot 041.

The Planning Board first considered the application on February 9, 2023 and accepted the application as complete. On March 9, 2023 the Board conducted a Public Hearing. On March 9, 2023, the Planning Board approved the Conditional Use Permit with no conditions.

### **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 Case #23-03 Cooper's Cub Care as submitted.**

By: \_\_\_\_\_  
William Kuhl  
Lisbon Planning Board Chair

Date \_\_\_\_\_





February 23, 2023

4053.01-7

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

**Re: Site Plan Review – Tier 2  
Springworks Farm Expansion – Phase 2 & 3  
347 Lisbon Street, Lisbon, Maine 04250  
Map R6, Lot 19 & Map U13, Lot 24**

Dear Mark:

On behalf of Micro Farm Maine, LLC, please find enclosed one (1) copy of a Site Plan Review – Tier 2 application for a proposed greenhouse expansion to be located at 347 Lisbon Street. This application includes this letter, the application form, the application checklist, and associated drawings and attachments. This letter is intended to summarize the project to facilitate the review process.

**PROPERTY**

Micro Farm Maine, LLC owns two parcels located at 347 Lisbon Street (Tax Map U13, Lot 24 & Tax Map R6, Lot 19). The two parcels contain approximately 168.03 acres and have frontage on Lisbon Street (Rt. 196). The properties are bounded by Lisbon Street to the east and a railroad on the west. The properties are located within the Diversified Development (DD) Zoning District, where Agriculture is a permitted use. There is small portion of the site that is located within the Aquifer Protection Overlay District Zone 2. There are wetlands and streams located on the project site, as shown as the attached wetland delineation by Jones Associates Inc. The existing parcels are currently developed as a commercial greenhouse and farm stand. The existing development includes approximately 160,289 s.f. (3.68 acres) of impervious area. Phase 1 of the greenhouse expansion was approved by the Town in July of 2020, and by the Maine Department of Environmental Protection (MDEP) in August of 2020.

**PROJECT DESCRIPTION**

The applicant is proposing the construction of four (4) one-story greenhouse buildings, two (2) processing buildings, associated access roads and parking and infrastructure. The proposed project will result in approximately 746,176 sq. ft. (17.13 acres) of new impervious area.

Sewer, electric, and natural gas utilities currently serve the parcel and preliminary contact has been made with the respective utility providers to approve their ability to serve the expansion. For water service, multiple wells will be located on the property to serve the new greenhouse and processing buildings. A 2-inch water service will be extended to the new building but is intended to only serve

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as supplemental and backup water service in the event that the new wells are temporarily not available.

As more than three acres of new impervious area will be constructed, the project requires a Site Location of Development Permit from the Maine Department of Environmental Protection (MDEP). As the project results in 12,759 s.f. (0.29 acres) of forested wetland impacts, the project will also require a Tier 1 Wetlands Alteration Permit from the MDEP. Furthermore, a MDEP NRPA Permit-by-Rule will be required for disturbance within the 250-foot buffer of a significant vernal pool. A permit from the U.S. Army Corps of Engineers will also be necessary for the proposed wetland impacts.

#### **REVIEW STANDARDS**

To facilitate review of this application, the following issues are summarized in accordance with *Article IV.-Review Standards* of the Site Plan Ordinance:

*62-161.-Generally:* The project has been designed to meet the standards as outlined within the Ordinance.

*62.162.-Landscape Preservation:* A Landscape Plan was developed as part of the previously approved Phase 1 of the project that included new trees and plantings along Lisbon Street (Route 196). Based on discussions with the applicant, that landscaping has not been installed yet but is still planned to be installed. The previously approved Landscape Plan has been enclosed with this submission.

*62-163.-Vehicular Access:* The site currently is currently accessed by four (4) entrances off Lisbon Street. As part of the proposed project, one of the entrances will be closed to better control traffic entering and exiting the site. A Traffic Impact Study has been developed for the project by Sewall and is enclosed with this submission. The summary of the report is as follows;

*“The planned Phase 1 & 2 expansions, with 50 new employees in each phase, are projected to generate 32 new one-way trips in the AM peak hour and 45 in the PM peak hour. This level of new traffic should not have any significant impact off-site on traffic operations, based upon the trip assignments. A TMP is not required from MaineDOT since total site peak hour trips will remain under the 100-trip threshold. Traffic will be reassessed at the end of Phase 2 to determine if a TMP will be required for a possible phase 3 expansion.*

*The analysis did not identify any capacity concerns and it demonstrated that Route 196 has the capacity to accommodate the additional Springworks trips.*

*In terms of safety, there are no high crash locations within the vicinity of the site. One curb is being eliminated for access management purposes to improve safety. Sight distance from the remaining drives exceed the minimum requirement, providing for safe access. It is important that no signage or landscaping be located in the drive sight distance triangles that could potentially block sight distance in the future.”*



*62-164.-Parking Requirements:* Per the Ordinance, for “industrial use/warehouse”, there is one (1) parking space required for each employee on largest shift. For this development, that results in a required minimum of 136 parking spaces. As shown on the enclosed plans, there are 153 parking spaces proposed as part of the new development. This does not include the informal parking area adjacent to the farm stand which is utilized by the employees and guests visiting the property.

*62-165.-Pedestrian Circulation:* There is an existing sidewalk on Lisbon Street along the frontage of the street. There are no changes proposed to this sidewalk for this project.

*62-166.-Stormwater Management:* As the project results in more than three (3) acres of impervious area, a Site Location of Development Act (SLODA) permit from the Maine Department of Environmental Protection (MDEP) is required. A Stormwater Management Plan has been developed to meet the requirements of MDEP and is enclosed with this submission. This Stormwater Management Plan is still under review by MDEP.

*62-167.-Conservation, Erosion, Sediment Control:* The disturbed areas of the site will be isolated through the use of silt sock and other measures to minimize the transport of sediment from the site. The project has been designed to incorporate Best Management Practices (BMPs) as outlined in the Maine Erosion and Sediment Control BMPs as published by the Maine Department of Environmental Control, current edition. Specific provisions for permanent and temporary erosion control features have been provided in the construction drawings. The contractor will be bound to meet the performance standards of the BMPs including erosion control, stabilization, maintenance, and inspection requirements.

*62-170.-Exterior Lighting:* Lighting will include full cut-off fixtures and house shields where necessary. The proposed signage will be externally illuminated using downward facing fixtures as much as possible. A Lighting Plan, which depicts the light fixture locations, illumination levels, and a schedule of materials, has been developed and is enclosed with this submission.

*62-171.-Emergency Vehicle Access:* As the development has been designed to accommodate tractor-trailer traffic throughout the facility, it will also provide adequate access for emergency vehicles.

*62-172.-Water Supply:* As proposed, the new development will primarily be served via new wells. These wells are being permitted through the Department of Health and Human Services and being reviewed as part of the MDEP permit process. In addition to the new wells, a new water service will be extended from the public water main on Lisbon Street (Route 196) to provide supplemental water and as a backup system. An ability to serve letter has been submitted to the Lisbon Water Department. Upon issuance of a response letter, a copy will be forwarded to the Town for their records.

*62-173.-Groundwater:* As proposed, the new development will primarily be served via new wells. These wells are being permitted through the Department of Health and Human Services and being reviewed as part of the MDEP permit process.



*62-174.-Air Emissions:* As the project consists of a commercial greenhouse, there are no excessive air emissions anticipated as a result of the development.

*62-175.-Odor:* As the project consists of a greenhouse, there are no excessive odors anticipated as a result of the development.

*62-176.-Noise:* As the project consists of a commercial greenhouse, there is no excessive noise anticipated as a result of the development. The project will be in compliance with all noise standards as outlined within the Town of Lisbon Ordinances.

*62-177.-Sewage Disposal:* The new development will be served via a new sewer force main that will discharge into the public sewer system along Lisbon Street (Route 196). An ability to serve letter has been received from the Lisbon Sewer Department and is enclosed with this submission.

*62-178.-Waste Disposal:* The existing operations located on the property generate solid waste that is collected on a weekly basis by Casella. As part of the proposed expansion, the new buildings will also be served by Casella. A letter from Casella, indicating that they have the capability to transport the types and quantities of waste to be generated as result of the project, has been enclosed with this letter.

*62-179.-Compliance with Comprehensive Plan:* As the proposed development is located within the Diversified Development (DD) zoning district within Lisbon, and results in the further development of an existing commercial development, it is in compliance with the vision of the Comprehensive Plan.

*62-180.-Proof of Federal or State Require Permits:* A MDEP SLODA permit application has been submitted and is currently under review. For the wetland impacts associated with the project, a MDEP Tier 1 NRPA permit application and USACOE permit application have been submitted and are currently under review. Upon issuance of the permits, a copy will be provided to the Town for their records. There are no other known Federal or State permits required as part of the project.

*62-181.-Archaeological Resources:* Based on correspondence with the Maine Historic Preservation Commission (MHPC), there are no historic properties (archaeological or architectural) affected by the proposed expansion. A copy of the response letter from MHPC has been enclosed with this submission.

*62-182.-Protection of Significant Wildlife Habitat:* Based on a review of the Comprehensive Plan and the maps generated from the Maine Department of Inland Fisheries and Wildlife (MDIF&W), there are no wildlife resources located within the vicinity of the project site. A copy of the response letter from MDIF&W is enclosed with this submission.

A wetland delineation and vernal pool survey was completed by Jones Associates Inc. Based on their analysis, there are vernal pools located throughout the property, but none are within the



vicinity of the proposed development. A copy of the Wetland Report has been enclosed with this submission.

*62-183.-Rare and Endangered Species:* Based on correspondence with the Maine Department of Agriculture, Conservation & Forestry (MDAC&F), there are no known rare botanical features that would be directly impacted by the project. A copy of the response letter from MDAC&F is enclosed with this submission.

*62-184.-Building Design:* The proposed buildings will be similar in design to the existing processing and greenhouse structures. As shown on the enclosed plans, the buildings are located in the rear of a large wooded property and the existing wooded buffers between the buildings and the surrounding properties will be maintained. The new buildings will not be visible from Lisbon Street (Route 196) or any of the adjacent residential properties.

*62-185.-Impacts on Public Facilities and Services:* As the new development is an expansion to an existing commercial greenhouse, there are no impacts anticipated on public facilities or services.

*62-186.-Waiver of Review Standards:* There are no waivers requested as part of the proposed development.

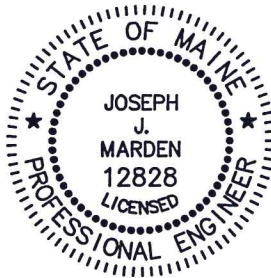
#### SUMMARY

We trust that this information satisfactorily addresses the requirements for Site Plan Review. We look forward to meeting with the Planning Board at their next available meeting to discuss and approve the project. If you have any questions or require additional information, please do not hesitate to call. Thank you for your assistance with this project.

Very Truly Yours,



Joseph J. Marden, P.E.  
Engineering Manager



Enclosures

cc: Trevor Kenkel, Springworks Farm  
Brandon Cummings, Priority Real Estate Group



Springworks Farm Expansion – Phase 2 & 3  
Site Plan Review – Tier 2  
347 Lisbon Street

**Attachment A**  
**Application Form & Checklists**

A

A completed copy of the Site Plan Review Sketch Application Form and the Checklist are enclosed. A letter from the applicant authorizing Sitelines, PA to act as their agent is also enclosed.

Application Form & Checklist

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



## Town of Lisbon, Maine SITE PLAN REVIEW APPLICATION

Site Plan Name/Title: Springworks Farm Expansion - Phase 2 & 3

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: Micro Farm Maine, LLC  
 Address 347 Lisbon Street, Lisbon, ME 04250  
 Telephone ( 207 ) 373-1251

1. Name of Property Owner (if different): \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone (      )

3. Name of authorized agent (if different): Sitelines, PA Attn: Joseph J. Marden, PE  
 Address 119 Purinton Road, Suite A, Brunswick, ME 04011  
 Telephone ( 207 ) 725-1200 EXT. 7005


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 Sitelines, PA Attn: Joseph J. Marden, PE  
 Address 119 Purinton Road, Suite A, Brunswick, ME 04011  
 Telephone ( 207 ) 725-1200 EXT. 7005

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.

 As Agent  
 Signature of Applicant

02/23/2023  
 Date



Application Number:

Project Name:

**Property Information**

6. Location of Property (Street or Road) 347 Lisbon Street
- |                   |      |             |                 |
|-------------------|------|-------------|-----------------|
|                   |      | <u>3014</u> | <u>255</u>      |
| Register of Deeds | Book | <u>5355</u> | Page <u>137</u> |
|                   |      | <u>R6</u>   | <u>19</u>       |
| Lisbon Tax Maps   | Map  | <u>U13</u>  | Lot <u>24</u>   |
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.  
Owner of subject properties \_\_\_\_\_
8. What interest does the applicant/owner have in any property abutting the parcel to be developed?  
None \_\_\_\_\_
9. Are there any easements or restrictive covenants on the property to be developed?  
☒ Yes ☐ No. If yes, please specify: See cover letter.
10. Current zoning of property: Diversified Development (DD) District  
Current use(s) of property: Greenhouse
11. Is any part of the project or property(s) in question part of an overlay zone?  
☒ 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:  
Previous Site Plan Review Approvals  
\_\_\_\_\_  
\_\_\_\_\_

**Project Information**

13. Proposed use of property: New Processing/Greenhouse Buildings
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.  
Refer to Cover Letter  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Application Number:

Project Name:

15. Total acreage of parcel: 168.03 acres      Acreage to be developed: 24.90 acres16. 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.

Site Location of Development Act Permit, NRPA Tier 1 Wetlands Permit, U.S. Army Corps Permit

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

Firm or Licensed Individual: Refer to Cover Sheet on Plan Set

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:

<input type="checkbox"/> streets/roads	<input checked="" type="checkbox"/> sewer lines
<input type="checkbox"/> sidewalks	<input type="checkbox"/> storm drains
<input type="checkbox"/> fire hydrants	<input checked="" type="checkbox"/> water lines
<input checked="" type="checkbox"/> other: <u>Natural Gas</u>	

20. Proposed water supply:

<input type="checkbox"/> individual well(s)
<input type="checkbox"/> central well with distribution lines
<input checked="" type="checkbox"/> connection to public water system
<input type="checkbox"/> other: _____

21. Proposed sewage disposal:

<input type="checkbox"/> individual subsurface disposal system(s)
<input type="checkbox"/> central on-site disposal with collection lines
<input checked="" type="checkbox"/> connection to public sewer system
<input type="checkbox"/> other: _____

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</b> (REFERENCE Chapter 62 Site Plans, Lisbon Code of Ordinances)	
Application Number:	Date Received:
Project Name:	Fee Paid (amount):
Applicant:	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>	
X	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	
N/A	Copies of existing covenants or deed restrictions	
X	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	
X	List of names and addresses of all abutting property owners including those across any streets	
X	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>	
X	Property owner's name and address	
X	Name, registration #, and seal of land surveyor, architect, engineer and/or other professional(s) preparing the plan	
X	Tax map and lot number of the parcel(s)	
X	Location map, showing the general location within the town	
X	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	
X	Location and dimensions of any existing easements	
X	All existing and proposed setback dimensions as required by Chapter 70 of the Code of Ordinances (see <i>Dimensional Standards table</i> )	
X	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	
X	Location, name, and present widths of existing streets and rights-of-way within or adjacent to the proposed development	

Application Number:

Project Name:

X	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>	
X	Location of the 100-year floodplain and its elevation, if applicable	
X	Location, type, size (dimensions) and layout of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking space areas	
X	Location and dimensions of all proposed water supply and wastewater disposal infrastructure	
X	The direction of existing surface water drainage across the site	
X	The direction of proposed surface water drainage across the site	
X	Methods of controlling erosion and sedimentation during and after construction	
X	Location, dimensions and ground floor elevations of all existing and proposed buildings on the site, using a convenient fixed point for a benchmark	
X	Design and exterior materials of all proposed buildings and structures	
X	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	
X	Location, front view and dimensions of existing and proposed signs	
X	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>	
X	Existing and proposed topography of the site at 2-foot contour intervals	
X	Bearings and distances of all property lines of the property to be developed and the source of this information	



Application Number:

Project Name:

X	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>	
X	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	
N/A	A high intensity soil survey by a certified soil scientist	
X	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	
X	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	
X	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>	
X	Location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks	
X	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.	
N/A	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>	
N/A	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).	
X	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.	
X	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.	
X	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.	
X	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.	



January 7, 2022

4053.01-2

Mr. Trevor Kenkel  
Micro Farm Maine, LLC  
347 Lisbon Street, Lisbon, Maine 04250  
<via email>

**Re: Designation of Agent Authorization  
Springworks Farm Phase 2 & 3 Expansion  
347 Lisbon Street, Lisbon, Maine  
Tax Map U13, Lot 24 - Tax Map R6, Lot 19**

Dear Trevor:

As required by various approval agencies, please indicate by signing below that Sitelines, PA is authorized to act as agent for Micro Farm Maine, LLC, for the specific purpose of preparation and submission of local and state permitting applications on your behalf for the proposed Springworks Farm Phase 2 & 3 Expansion located at 347 Lisbon Street in Lisbon, Maine.

Sincerely,

Joseph J. Marden, P.E.  
Project Manager

The undersigned hereby gives Sitelines, PA the authority to act as agent for Micro Farm Maine, LLC for the specific purpose of preparation and submission of local and state permitting applications for the project specifically identified above.

Trevor Kenkel, Micro Farm Maine, LLC

1/13/22

Date



Springworks Farm Expansion – Phase 2 & 3  
Site Plan Review – Tier 2  
347 Lisbon Street

**Attachment B**  
**Right, Title, & Interest**

Copies of the current deeds are included with this attachment.

B

Right, Title, & Interest

QUITCLAIM DEED WITH COVENANT

KNOW ALL BY THESE PRESENTS That **CAP LLC**, a Maine limited liability company with a place of business at 119 Lisbon Road, Lisbon, Maine 04250 ("Grantor"), for consideration paid, grant to **MICRO FARM LLC** a Montana limited liability company with an address of 5 Elmo Lane, Gloucester, Massachusetts 01930 ("Grantee"), with Quitclaim Covenant, the real property in the Town of Lisbon, County of Androscoggin, State of Maine, described as follows:

**TRACT I**

A certain parcel of land with any improvements thereon, situated on the apparent southwesterly right of way line of Route 196, Town of Lisbon, County of Androscoggin, State of Maine, being more particularly described as follows:

**BEGINNING** at a rebar to be set on the said southwesterly right of way line of Route 196 and the easterly corner of land now or formerly of David M. and Faith A. Perron as described in Book 4443, Page 84;

Thence, S 41°18'57" E along said right of way line a distance of 347.66 feet to a found 8 inch by 5 inch stone bound;

Thence, S 43°25'06" E along said right of way line a distance of 319.30 feet to a found one inch iron pipe at the northerly corner of land now or formerly of Timothy M. and Beth A. Haggerty as described in Book 2135, Page 48;

Thence, S 44°17'15" W along lands of Haggerty a distance of 321.75 feet to a rebar, to be set;

Thence, S 44°29'52" E along lands of Haggerty a distance of 180.00 feet to a rebar to be set at the westerly corner of land now or formerly of Neal Q. Buiniskas as described in Book 2559, Page 25;

Thence, S 41°44'27" E along land of Buiniskas a distance of 370.11 feet to the westerly line of Lisbon Center Community Cemetery partially described in Book 24, Page 142, Book 101, Page 30, Book 285, Page 340, Book 288, Page 600, and Book 315, Page 77;

Thence, S 18°03'23" W along land of Lisbon Center Community Cemetery a distance of 242.50 feet;

Thence S 18°03'23" W along lands conveyed by deed to Lisbon Center Cemetery Association recorded in Book 315, Page 77 a distance of 25 feet;

MAINE REAL ESTATE  
TRANSFER TAX PAID

Thence, S 71°28'22" E along land of Lisbon Center Community Cemetery a distance of 156.94 feet to a point on the westerly line of land now or formerly of James D. and Judith E. Denham as described in Book 3474, Page 177, said point lies S12°29'22"W a distance of 25.14 feet from a found 1 ½ inch iron pipe near the corner of the cemetery fence;

Thence, S 12°29'22" W along land of Denham a distance of 253.15 feet to a found 1 ½ inch iron pipe;

Thence, N 41°22'34" E along land of Denham, land now or formerly of George Marchant as described in Book 2508, Page 237, and land now or formerly of Norman and Noella Ouellette as described in Book 4582, Page 305 a distance of 561.68 feet to the southwesterly corner of lands of the Heirs of Walter King as described in Book 770, Page 289;

Thence, S 40°52'59" E along land of Heirs of King a distance of 120.27 feet to a found 1 ¼ inch iron pipe at the westerly corner of land now or formerly of Carol Trotter as described in Book 3644, Page 196 and the northerly corner of land now or formerly of Woodside Housing Authority as described in Book 2351, Page 26;

Thence, S 46°03'03" W along land of Woodside Housing Authorities a distance of 665.26 feet to a rebar to be set at the westerly corner of land now or formerly of Adams Associates as described in Book 1742, Page 170;

Thence, S 12°27'14" W along land of Adams Associates a total distance of 694.61 feet to stump, passing through a found 1 ½ inch iron pipe at a distance of 693.61 feet;

Thence, N 88°58'40" E along land of Adams Associates and land now or formerly of Center Housing Associates as described in Book 1742, Page 167 a distance of 1178.25 feet to a found ¾ inch rebar with aluminum cap stamped "AL&H Lewiston ME 492";

Thence, N 67°15'40" E along land of Center Housing Associates a distance of 125.55 feet to a rebar to be set on the southwesterly right of way line of Route 196;

Thence, S 22°44'20" E along said right of way line a distance of 50.00 feet to a rebar to be set at the northerly corner of land now or formerly of Frank J. and Pamela B. Hogan as described in Book 4666, Page 8;

Thence, S 14°26'46" W along land of Hogan a distance of 323.57 feet to a found 1 ¾ inch iron pipe at the northwesterly corner of land now or formerly of Byron A. and Lorraine C. Bickford as described in Book 3233, Page 162;

Thence, S 26°52'25" W along land of Bickford a distance of 751.83 feet to the easterly side of Maine Central Railroad, passing through a found 5/8 inch rebar with aluminum cap stamped "AARC PLS 492" at a distance of 751.45 feet;



Thence, N 71°37'22" W along Maine Central Railroad a distance of 297.69 feet to a rebar, to be set;

Thence, N 53°11'30" W along Maine Central Railroad a distance of 107.70 feet to a rebar, to be set;

Thence, S 88°58'02" W along Maine Central Railroad a distance of 208.10 feet to a rebar, to be set;

Thence, N 74°59'35" W along Maine Central Railroad a distance of 550.42 feet to a rebar, to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 2832.46 feet, a delta of 11°00'00", an arc length of 543.79 feet, a chord bearing of N69°29'35"W and a chord length of 542.96 feet to rebar, to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 2371.58 feet, a delta of 09°32'00", an arc length of 394.60 feet, a chord bearing of N59°13'35"W and a chord length of 394.15 feet to a rebar, to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 5339.73 feet, a delta of 00°03'23", an arc length of 5.26 feet, a chord bearing of N 54°25'53" W and a chord length of 5.26 feet to a rebar to be set at land now or formerly of Lisbon Community Federal Credit Union as described in Book 1874, Page 113;

Thence, N 13°15'12" E along land of Lisbon Community Federal Credit Union passing through a found 1 ½ inch iron pipe at 1.55 feet, a total distance of 461.02 feet to a rebar set inside a found 1 ½ inch broken iron pipe;

Thence, N 83°28'04" W along land of Lisbon Community Federal Credit Union a distance of 550.18 feet;

Thence, N 32°30'12" E along land of Lisbon Community Federal Credit Union a distance of 665.00 feet;

Thence, N 21°20'27" E along land of Lisbon Community Federal Credit Union a distance of 239.41 feet to a found 5/8 inch rebar;

Thence, N 12°04'53" E along land of Lisbon Community Federal Credit Union a distance of 1235.43 feet to a found rebar with damaged yellow plastic cap at the southerly corner of land now or formerly of Paul R. Lessard & Son, Inc. as described in Book 3431, Page 250;

Thence, N 12°04'53" E along land of Paul R. Lessard & Son, Inc. a distance of 137.76 feet to a found rebar with yellow plastic cap stamped "LS 436";

Thence, N 71°02'35" E along land of Lessard & Son, Inc. and land now or formerly of David M. and Faith A. Perron as described in Book 4443, Page 84 a distance of 366.98 feet to the POINT OF BEGINNING.

Containing 96.19 acres, more or less.

The basis of bearing for the above described courses is True North 2001, as shown on the Maine Central Railroad Right of Way and Track Maps.

This description is based on a ALTA/ACSM Land Title Survey for The Dingley Press by Lewis and Wasina, Inc., Job #21077, dated January 7, 2002, with revisions through February 11, 2002.

The above mentioned rebar to be set are 5/8 inch rebar with aluminum cap stamped "Lewis & Wasina PLS 2114".

Subject to an easement for a "future" right of way as described in Book 2531, Page 26.

## **TRACT II**

A certain parcel of land with any improvements, thereon, situated southeasterly of, but not adjacent to, Route 196, a.k.a. Lisbon Street, Town of Lisbon, County of Androscoggin, State of Maine, and being a portion of lands described in deeds to Lisbon Community Federal Credit Union recorded in Book 1874, Page 113, said parcel being more particularly described as follows:

**BEGINNING** at a rebar to be set at the southwesterly corner of land now or formerly of The Inhabitants of the Town of Lisbon as described in Book 1339, Page 271, said point lies S 49°26'04" E a distance of 62.08 feet from a found railroad monument in the center of the railroad tracks at station 597+50;

Thence, S 83°35'37" E along The Inhabitants of the Town of Lisbon and land now or formerly of Town of Lisbon Water District as described in Book 980, Page 463 and Book 983, Page 230 a distance of 915.60 feet to a found rebar with yellow plastic cap stamped "LS 436", passing through a found rebar with yellow plastic cap stamped "LS 436" at a distance of 155.02 feet;

Thence, S 50°41'46" E along the remaining lands of Lisbon Community Federal Credit Union a distance of 685.72 feet to a found 5/8 inch rebar at the westerly corner of land now or formerly of Paul R. Lessard & Son, Inc. as described in Book 3431, Page 250;

Thence, S 41°00'06" E along land of Lessard & Son, Inc. a distance of 401.97 feet to a found rebar with damaged yellow plastic cap on the westerly line of land now or formerly of Ronald Ancil as described in Book 932, Page 404, Book 1050, Page 738, and Book 1097, Page 249;

Thence, S 12°04'53" W along land of Ancil a distance of 1235.43 feet to a found 5/8 inch rebar;



Thence, S 21°20'27" W along land of Anctil a distance of 239.41 feet;

Thence, S 32°30'12" W along land of Anctil a distance of 665.00 feet;

Thence, S 83°28'04" E along land of Anctil a distance of 550.18 feet to a set rebar inside a found 1 ½ inch broken iron pipe;

Thence, S 13°15'12" W along land of Anctil a distance of 461.02 feet to the northerly side of said Maine Central Railroad, this course passes through a found 1 ½ inch iron pipe at a distance of 459.47 feet;

Thence, along Maine Central Railroad, following a curve to the right having a radius 5339.74 feet, a delta of 05°16'37", an arc length of 491.79 feet, a chord bearing of N 51°45'53" W and a chord length of 491.62 feet to a rebar to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 2116.09 feet, a delta of 10°40'00", an arc length of 393.95 feet, a chord bearing of N 43°47'05" W and a chord length of 393.38 feet to a rebar to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 1544.32 feet, a delta of 14°32'00", an arc length of 391.72 feet, a chord bearing of N 31°11'35" W and a chord length of 390.67 feet to a rebar to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 2846.85 feet, a delta of 13°10'00", an arc length of 654.21 feet, a chord bearing of N 17°20'35" W and a chord length of 652.77 feet to a rebar to be set;

Thence, N 10°45'35" W along Maine Central Railroad a distance of 1038.60 feet to a rebar to be set, said rebar lies N 79°14'25" E a distance of 33.00 feet from a found railroad monument in the center of the railroad tracks at station 589+00;

Thence, along said Maine Central Railroad, following a curve to the left having a radius 7224.91 feet, a delta of 06°21'15", an arc length of 801.25 feet, a chord bearing of N 13°56'12" W and a chord length of 800.84 feet to the POINT OF BEGINNING.

Containing 71.85 acres, more or less.

The basis of bearing for the above described courses is True North 2001 as shown on the Maine Central Railroad Right of Way and Track Maps.

This description is based on a ALTA/ACSM Land Title Survey for The Dingley Press by Lewis and Wasina, Inc., Job #21077, dated January 7, 2002, with revisions through February 11, 2002.

The above mentioned rebar, to be set, are 5/8 inch rebar with aluminum cap stamped "Lewis & Wasina PLS 2114".



Parcel I and Parcel II are conveyed SUBJECT TO:

1. Rights, conditions, easements and agreements set forth in a deed to Lisbon Acquisition Corp. dated May 25, 2004 and recorded in the Androscoggin County Registry of Deeds in Book 5925, Page 57; and
2. Declaration of Covenants and Restrictions dated March 3, 2004 and recorded in said Registry of Deeds in Book 5819, Page 46.

Being the same premises conveyed by Pierce Corp., f/k/a The Dingley Press to CAP LLC by deed dated December 27, 2004 and recorded in the Androscoggin County Registry of Deeds in Book 6194, Page 183.

IN WITNESS WHEREOF, CAP LLC has caused this instrument to be executed by

Christopher A. Pierce, its President, this 23<sup>rd</sup> day of June, 2014.

CAP LLC, a Maine limited liability company

Christopher A. Pierce

By: CHRISTOPHER A. PIERCE

Its: PRESIDENT

STATE OF MAINE

COUNTY OF Androscoggin, ss.

On June 23<sup>rd</sup>, 2014, personally appeared the above-named Christopher A. Pierce, President of said CAP LLC in his said capacity, and acknowledged the foregoing to be his free act and deed and the free act and deed of said CAP LLC.

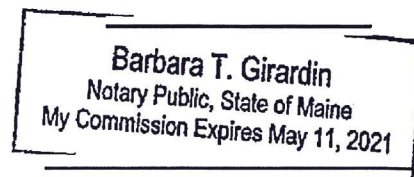
Before me,

Barbara T. Girardin

Notary Public/Attorney at Law

Printed Name:

My Commission Expires:



SEAL

ANDROSCOGGIN COUNTY  
TINA M CHOUINARD  
REGISTER OF DEEDS

My Commission Expires Notary Public, Maine  
My Commission Expires April 7, 2019



**EXHIBIT A**

**TRACT I**

A certain parcel of land with any improvements thereon, situated on the apparent southwesterly right of way line of Route 196, Town of Lisbon, County of Androscoggin, State of Maine, being more particularly described as follows:

**BEGINNING** at a rebar to be set on the said southwesterly right of way line of Route 196 and the easterly corner of land now or formerly of David M. and Faith A. Perron as described in Book 4443, Page 84;

Thence, S 41°18'57" E along said right of way line a distance of 347.66 feet to a found 8 inch by 5 inch stone bound;

Thence, S 43°25'06" E along said right of way line a distance of 319.30 feet to a found one inch iron pipe at the northerly corner of land now or formerly of Timothy M. and Beth A. Haggerty as described in Book 2135, Page 48;

Thence, S 44°17'15" W along lands of Haggerty a distance of 321.75 feet to a rebar, to be set;

Thence, S 44°29'52" E along lands of Haggerty a distance of 180.00 feet to a rebar to be set at the westerly corner of land now or formerly of Neal Q. Buiniskas as described in Book 2559, Page 25;

Thence, S 41°44'27" E along land of Buiniskas a distance of 370.11 feet to the westerly line of Lisbon Center Community Cemetery partially described in Book 24, Page 142, Book 101, Page 30, Book 285, Page 340, Book 288, Page 600, and Book 315, Page 77;

Thence, S 18°03'23" W along land of Lisbon Center Community Cemetery a distance of 242.50 feet;

Thence S 18°03'23" W along lands conveyed by deed to Lisbon Center Cemetery Association recorded in Book 315, Page 77 a distance of 25 feet;

Thence, S 71°28'22" E along land of Lisbon Center Community Cemetery a distance of 156.94 feet to a point on the westerly line of land now or formerly of James D. and Judith E. Denham as described in Book 3474, Page 177, said point lies S12°29'22"W a distance of 25.14 feet from a found 1 ½ inch iron pipe near the corner of the cemetery fence;

Thence, S 12°29'22" W along land of Denham a distance of 253.15 feet to a found 1 ½ inch iron pipe;

Thence, N 41°22'34" E along land of Denham, land now or formerly of George Marchant as described in Book 2508, Page 237, and land now or formerly of Norman and Noella Ouellette as described in Book 4582, Page 305 a distance of 561.68 feet to the southwesterly corner of lands of the Heirs of Walter King as described in Book 770, Page 289;

Thence, S 40°52'59" E along land of Heirs of King a distance of 120.27 feet to a found 1 ¼ inch iron pipe at the westerly corner of land now or formerly of Carol Trottier as

described in Book 3644, Page 196 and the northerly corner of land now or formerly of Woodside Housing Authority as described in Book 2351, Page 26;

Thence, S 46°03'03" W along land of Woodside Housing Authorities a distance of 665.26 feet to a rebar to be set at the westerly corner of land now or formerly of Adams Associates as described in Book 1742, Page 170;

Thence, S 12°27'14" W along land of Adams Associates a total distance of 694.61 feet to stump, passing through a found 1 ½ inch iron pipe at a distance of 693.61 feet;

Thence, N 88°58'40" E along land of Adams Associates and land now or formerly of Center Housing Associates as described in Book 1742, Page 167 a distance of 1178.25 feet to a found ¾ inch rebar with aluminum cap stamped "AL&H Lewiston ME 492";

Thence, N 67°15'40" E along land of Center Housing Associates a distance of 125.55 feet to a rebar to be set on the southwesterly right of way line of Route 196;

Thence, S 22°44'20" E along said right of way line a distance of 50.00 feet to a rebar to be set at the northerly corner of land now or formerly of Frank J. and Pamela B. Hogan as described in Book 4666, Page 8;

Thence, S 14°26'46" W along land of Hogan a distance of 323.57 feet to a found 1 ¼ inch iron pipe at the northwesterly corner of land now or formerly of Byron A. and Lorraine C. Bickford as described in Book 3233, Page 162;

Thence, S 26°52'25" W along land of Bickford a distance of 751.83 feet to the easterly side of Maine Central Railroad, passing through a found 5/8 inch rebar with aluminum cap stamped "AARC PLS 492" at a distance of 751.45 feet;

Thence, N 71°37'22" W along Maine Central Railroad a distance of 297.69 feet to a rebar, to be set;

Thence, N 53°11'30" W along Maine Central Railroad a distance of 107.70 feet to a rebar, to be set;

Thence, S 88°58'02" W along Maine Central Railroad a distance of 208.10 feet to a rebar, to be set;

Thence, N 74°59'35" W along Maine Central Railroad a distance of 550.42 feet to a rebar, to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 2832.46 feet, a delta of 11°00'00", an arc length of 543.79 feet, a chord bearing of N69°29'35"W and a chord length of 542.96 feet to rebar, to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 2371.58 feet, a delta of 09°32'00", an arc length of 394.60 feet, a chord bearing of N59°13'35"W and a chord length of 394.15 feet to a rebar, to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 5339.73 feet, a delta of 00°03'23", an arc length of 5.26 feet, a chord bearing of N 54°25'53" W and a chord length of 5.26 feet to a rebar to be set at land now or formerly of



Lisbon Community Federal Credit Union as described in Book 1874, Page 113;

Thence, N 13°15'12" E along land of Lisbon Community Federal Credit Union passing through a found 1 ½ inch iron pipe at 1.55 feet, a total distance of 461.02 feet to a rebar set inside a found 1 ½ inch broken iron pipe;

Thence, N 83°28'04" W along land of Lisbon Community Federal Credit Union a distance of 550.18 feet;

Thence, N 32°30'12" E along land of Lisbon Community Federal Credit Union a distance of 665.00 feet;

Thence, N 21°20'27" E along land of Lisbon Community Federal Credit Union a distance of 239.41 feet to a found 5/8 inch rebar;

Thence, N 12°04'53" E along land of Lisbon Community Federal Credit Union a distance of 1235.43 feet to a found rebar with damaged yellow plastic cap at the southerly corner of land now or formerly of Paul R. Lessard & Son, Inc. as described in Book 3431, Page 250;

Thence, N 12°04'53" E along land of Paul R. Lessard & Son, Inc. a distance of 137.76 feet to a found rebar with yellow plastic cap stamped "LS 436";

Thence, N 71°02'35" E along land of Lessard & Son, Inc. and land now or formerly of David M. and Faith A. Perron as described in Book 4443, Page 84 a distance of 366.98 feet to the POINT OF BEGINNING.

Containing 96.19 acres, more or less.

The basis of bearing for the above described courses is True North 2001, as shown on the Maine Central Railroad Right of Way and Track Maps.

This description is based on a ALTA/ACSM Land Title Survey for The Dingley Press by Lewis and Wasina, Inc., Job #21077, dated January 7, 2002, with revisions through February 11, 2002.

The above mentioned rebar to be set are 5/8 inch rebar with aluminum cap stamped "Lewis & Wasina PLS 2114".

Subject to an easement for a "future" right of way as described in Book 2531, Page 26.

## **TRACT II**

A certain parcel of land with any improvements, thereon, situated southeasterly of, but not adjacent to, Route 196, a.k.a. Lisbon Street, Town of Lisbon, County of Androscoggin, State of Maine, and being a portion of lands described in deeds to Lisbon Community Federal Credit Union recorded in Book 1874, Page 113, said parcel being more particularly described as follows:

**BEGINNING** at a rebar to be set at the southwesterly corner of land now or formerly of The Inhabitants of the Town of Lisbon as described in Book 1339, Page 271, said point lies S 49°26'04" E a distance of 62.08 feet from a found railroad monument in the center of the railroad tracks at station 597+50;



Thence, S 83°35'37" E along The Inhabitants of the Town of Lisbon and land now or formerly of Town of Lisbon Water District as described in Book 980, Page 463 and Book 983, Page 230 a distance of 915.60 feet to a found rebar with yellow plastic cap stamped "LS 436", passing through a found rebar with yellow plastic cap stamped "LS 436" at a distance of 155.02 feet;

Thence, S 50°41'46" E along the remaining lands of Lisbon Community Federal Credit Union a distance of 685.72 feet to a found 5/8 inch rebar at the westerly corner of land now or formerly of Paul R. Lessard & Son, Inc. as described in Book 3431, Page 250;

Thence, S 41°00'06" E along land of Lessard & Son, Inc. a distance of 401.97 feet to a found rebar with damaged yellow plastic cap on the westerly line of land now or formerly of Ronald Ancil as described in Book 932, Page 404, Book 1050, Page 738, and Book 1097, Page 249;

Thence, S 12°04'53" W along land of Ancil a distance of 1235.43 feet to a found 5/8 inch rebar;

Thence, S 21°20'27" W along land of Ancil a distance of 239.41 feet;

Thence, S 32°30'12" W along land of Ancil a distance of 665.00 feet;

Thence, S 83°28'04" E along land of Ancil a distance of 550.18 feet to a set rebar inside a found 1 1/2 inch broken iron pipe;

Thence, S 13°15'12" W along land of Ancil a distance of 461.02 feet to the northerly side of said Maine Central Railroad, this course passes through a found 1 1/2 inch iron pipe at a distance of 459.47 feet;

Thence, along Maine Central Railroad, following a curve to the right having a radius 5339.74 feet, a delta of 05°16'37", an arc length of 491.79 feet, a chord bearing of N 51°45'53" W and a chord length of 491.62 feet to a rebar to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 2116.09 feet, a delta of 10°40'00", an arc length of 393.95 feet, a chord bearing of N 43°47'05" W and a chord length of 393.38 feet to a rebar to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 1544.32 feet, a delta of 14°32'00", an arc length of 391.72 feet, a chord bearing of N 31°11'35" W and a chord length of 390.67 feet to a rebar to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 2846.85 feet, a delta of 13°10'00", an arc length of 654.21 feet, a chord bearing of N 17°20'35" W and a chord length of 652.77 feet to a rebar to be set;

Thence, N 10°45'35" W along Maine Central Railroad a distance of 1038.60 feet to a rebar to be set, said rebar lies N 79°14'25" E a distance of 33.00 feet from a found railroad monument in the center of the railroad tracks at station 589+00;

Thence, along said Maine Central Railroad, following a curve to the left having a radius 7224.91 feet, a delta of 06°21'15", an arc length of 801.25 feet, a chord bearing of N 13°56'12" W and a chord length of 800.84 feet to the POINT OF BEGINNING.

Containing 71.85 acres, more or less.

The basis of bearing for the above described courses is True North 2001 as shown on the Maine Central Railroad Right of Way and Track Maps.

This description is based on a ALTA/ACSM Land Title Survey for The Dingley Press by Lewis and Wasina, Inc., Job #21077, dated January 7, 2002, with revisions through February 11, 2002.

The above mentioned rebar, to be set, are 5/8 inch rebar with aluminum cap stamped "Lewis & Wasina PLS 2114".

Parcel I and Parcel II are conveyed SUBJECT TO:

1. Rights, conditions, easements and agreements set forth in a deed to Lisbon Acquisition Corp. dated May 25, 2004 and recorded in the Androscoggin County Registry of Deeds in Book 5925, Page 57; and
2. Declaration of Covenants and Restrictions dated March 3, 2004 and recorded in said Registry of Deeds in Book 5819, Page 46.

Being the same premises conveyed by Pierce Corp., f/k/a The Dingley Press to CAP LLC by deed dated December 27, 2004 and recorded in the Androscoggin County Registry of Deeds in Book 6194, Page 183.

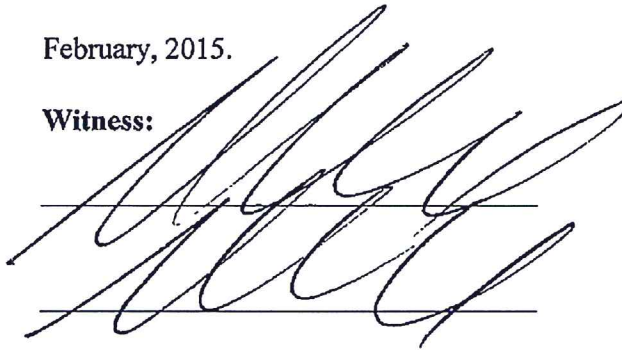
Also Being the same premises conveyed by CAP LLC to Micro Farm LLC by Quitclaim Deed with Covenant dated June 23, 2014 and recorded in the Androscoggin County Registry of Deeds in Book 8940, Page 106.


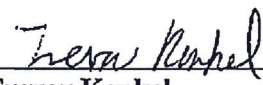
NOTARY  
A N  
QUITCLAIM DEED WITH COVENANT  
A N  
NOTARY

**Trevor Kenkel** and **David Kenkel**, both with a mailing address c/o 347 Lisbon Street,  
Lisbon, Maine 04250 grant to **Micro Farm Maine, LLC**, a Maine Limited Liability Company with a  
mailing address at 347 Lisbon Street, Lisbon, Maine 04250, with **Quitclaim Covenant**, certain lots  
or parcels of land, together with any buildings situated thereon, located in **Lisbon**, County of  
**Androscoggin**, and State of **Maine**, as more fully described in Exhibit "A" attached hereto and made  
a part hereof.

In Witness Whereof, the undersigned has hereunto set its hand effective this 23<sup>rd</sup> day of  
February, 2015.

Witness:



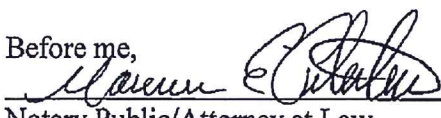
  
\_\_\_\_\_  
David Kenkel  
  
\_\_\_\_\_  
Trevor Kenkel

STATE OF MAINE  
ANDROSCOGGIN, SS

February 23 2015

Personally appeared the above-named **David Kenkel**, and acknowledged the foregoing  
instrument to be his free act and deed.

MAUREEN E. CATALANO, NOTARY PUBLIC  
STATE OF MAINE  
MY COMMISSION EXPIRES 06-09-2019

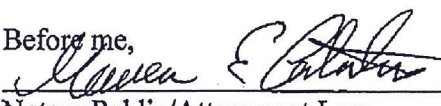
Before me,  
  
\_\_\_\_\_  
Notary Public/Attorney at Law  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF MAINE  
ANDROSCOGGIN, SS

February 23 2015

Personally appeared the above-named **Trevor Kenkel**, and acknowledged the foregoing  
instrument to be his free act and deed.

MAUREEN E. CATALANO, NOTARY PUBLIC  
STATE OF MAINE  
MY COMMISSION EXPIRES 06-09-2019

Before me,  
  
\_\_\_\_\_  
Notary Public/Attorney at Law  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

SEAL

SEAL

NO MAINE R.E.  
TRANSFER TAX PAID



TRACT I                N O T                E X H I B I T A                N O T  
                                A N                                      A N  
O F F I C I A L                      O F F I C I A L  
C O P Y                                      C O P Y

A certain parcel of land with any improvements thereon, situated on the apparent southwesterly right of way line of Route N90, Twn of Lisbon, County of Androscoggin, State of Maine, being more particularly described as follows:

**OFFICIAL OFFICIAL**  
**BEGINNING** at a rebar to be set on the said southwesterly right of way line of Route 196 and the easterly corner of land now or formerly of David M. and Faith A. Perron as described in Book 4443, Page 84;

Thence, S 41°18'57" E along said right of way line a distance of 347.66 feet to a found 8 inch by 5 inch stone bound;

Thence, S 43°25'06" E along said right of way line a distance of 319.30 feet to a found one inch iron pipe at the northerly corner of land now or formerly of Timothy M. and Beth A. Haggerty as described in Book 2135, Page 48;

**Thence, S 44°17'15" W along lands of Haggerty a distance of 321.75 feet to a rebar, to be set:**

Then, S 44°29'52" E along lands of Haggerty a distance of 180.00 feet to a rebar to be set at the westerly corner of land now or formerly of Neal Q. Buiniskas as described in Book 2559, Page 25;

Thence, S 41°44'27" E along land of Buiniskas a distance of 370.11 feet to the westerly line of Lisbon Center Community Cemetery partially described in Book 24, Page 142, Book 101, Page 30, Book 285, Page 340, Book 288, Page 600, and Book 315, Page 77;

Thence, S 18°03'23" W along land of Lisbon Center Community Cemetery a distance of 242.50 feet;

Thence S 18°03'23" W along lands conveyed by deed to Lisbon Center Cemetery Association recorded in Book 315, Page 77 a distance of 25 feet;

Thence, S 71°28'22" E along land of Lisbon Center Community Cemetery a distance of 156.94 feet to a point on the westerly line of land now or formerly of James D. and Judith E. Denham as described in Book 3474, Page 177, said point lies S12°29'22"W a distance of 25.14 feet from a found 1 ½ inch iron pipe near the corner of the cemetery fence;

Thence, S 12°29'22" W along land of Denham a distance of 253.15 feet to a found 1 ½ inch iron pipe;

Thence, N 41°22'34" E along land of Denham, land now or formerly of George Marchant as described in Book 2508, Page 237, and land now or formerly of Norman and Noella Ouellette as described in Book 4582, Page 305 a distance of 561.68 feet to the southwesterly corner of lands of the Heirs of Walter King as described in Book 770, Page 289;

Thence, S 40°52'59" E along land of Heirs of King a distance of 120.27 feet to a found 1 ¼ inch iron pipe at the westerly corner of land now or formerly of Carol Trottier as described in Book 3644, Page 196 and the northerly corner of land now or formerly of Woodside Housing Authority as described in Book 2351, Page 26;

N O T

N O T

Thence, S  $46^{\circ}03'03''$  W along land of Woodside Housing Authorities a distance of 665.26 feet to a rebar to be set at the westerly corner of land now or formerly of Adams Associates as described in Book 1742, Page 170;

C O P Y

Thence, S  $12^{\circ}27'14''$  W along land of Adams Associates a total distance of 694.61 feet to stump, passing through a found  $1\frac{1}{2}$  inch iron pipe at a distance of 693.61 feet;

O F F I C I A L

O F F I C I A L

Thence, N  $88^{\circ}58'40''$  E along land of Adams Associates and land now or formerly of Center Housing Associates as described in Book 1742, Page 167 a distance of 1178.25 feet to a found  $\frac{3}{4}$  inch rebar with aluminum cap stamped "AL&H Lewiston ME 492";

Thence, N  $67^{\circ}15'40''$  E along land of Center Housing Associates a distance of 125.55 feet to a rebar to be set on the southwesterly right of way line of Route 196;

Thence, S  $22^{\circ}44'20''$  E along said right of way line a distance of 50.00 feet to a rebar to be set at the northerly corner of land now or formerly of Frank J. and Pamela B. Hogan as described in Book 4666, Page 8;

Thence, S  $14^{\circ}26'46''$  W along land of Hogan a distance of 323.57 feet to a found  $1\frac{3}{4}$  inch iron pipe at the northwesterly corner of land now or formerly of Byron A. and Lorraine C. Bickford as described in Book 3233, Page 162;

Thence, S  $26^{\circ}52'25''$  W along land of Bickford a distance of 751.83 feet to the easterly side of Maine Central Railroad, passing through a found  $\frac{5}{8}$  inch rebar with aluminum cap stamped "AARC PLS 492" at a distance of 751.45 feet;

Thence, N  $71^{\circ}37'22''$  W along Maine Central Railroad a distance of 297.69 feet to a rebar, to be set;

Thence, N  $53^{\circ}11'30''$  W along Maine Central Railroad a distance of 107.70 feet to a rebar, to be set;

Thence, S  $88^{\circ}58'02''$  W along Maine Central Railroad a distance of 208.10 feet to a rebar, to be set;

Thence, N  $74^{\circ}59'35''$  W along Maine Central Railroad a distance of 550.42 feet to a rebar, to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 2832.46 feet, a delta of  $11^{\circ}00'00''$ , an arc length of 543.79 feet, a chord bearing of N  $69^{\circ}29'35''$  W and a chord length of 542.96 feet to rebar, to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 2371.58 feet, a delta of  $09^{\circ}32'00''$ , an arc length of 394.60 feet, a chord bearing of N  $59^{\circ}13'35''$  W and a chord length of 394.15 feet to a rebar, to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 5339.73 feet, a delta of  $00^{\circ}03'23''$ , an arc length of 5.26 feet, a chord bearing of N  $54^{\circ}25'53''$  W and a chord length of 5.26 feet to a rebar to be set at land now or formerly of Lisbon Community Federal Credit Union as described in Book 1874, Page 113;



Thence, N <sup>N O T</sup>13°15'12" E along land of Lisbon <sup>N O T</sup>Community Federal Credit Union passing through a found <sup>A N</sup>1 ½ inch iron pipe at 1.55 feet, a total distance of 461.02 feet to a rebar set inside a found <sup>O F F I C I A L</sup>1 ½ inch broken iron pipe, <sup>C O P Y</sup>

Thence, N 83°28'04" W along land of Lisbon Community Federal Credit Union a distance of 550.18 feet; <sup>N O T</sup>

Thence, N <sup>A N</sup>32°30'12" E along land of Lisbon <sup>A N</sup>Community Federal Credit Union a distance of 665.00 feet; <sup>C O P Y</sup>

Thence, N 21°20'27" E along land of Lisbon Community Federal Credit Union a distance of 239.41 feet to a found 5/8 inch rebar;

Thence, N 12°04'53" E along land of Lisbon Community Federal Credit Union a distance of 1235.43 feet to a found rebar with damaged yellow plastic cap at the southerly corner of land now or formerly of Paul R. Lessard & Son, Inc. as described in Book 3431, Page 250;

Thence, N 12°04'53" E along land of Paul R. Lessard & Son, Inc. a distance of 137.76 feet to a found rebar with yellow plastic cap stamped "LS 436";

Thence, N 71°02'35" E along land of Lessard & Son, Inc. and land now or formerly of David M. and Faith A. Perron as described in Book 4443, Page 84 a distance of 366.98 feet to the POINT OF BEGINNING.

Containing 96.19 acres, more or less.

The basis of bearing for the above described courses is True North 2001, as shown on the Maine Central Railroad Right of Way and Track Maps.

This description is based on a ALTA/ACSM Land Title Survey for The Dingley Press by Lewis and Wasina, Inc., Job #21077, dated January 7, 2002, with revisions through February 11, 2002.

The above mentioned rebar to be set are 5/8 inch rebar with aluminum cap stamped "Lewis & Wasina PLS 2114".

Subject to an easement for a "future" right of way as described in Book 2531, Page 26.

## **TRACT II**

A certain parcel of land with any improvements, thereon, situated southeasterly of, but not adjacent to, Route 196, a.k.a. Lisbon Street, Town of Lisbon, County of Androscoggin, State of Maine, and being a portion of lands described in deeds to Lisbon Community Federal Credit Union recorded in Book 1874, Page 113, said parcel being more particularly described as follows:

**BEGINNING** at a rebar to be set at the southwesterly corner of land now or formerly of The Inhabitants of the Town of Lisbon as described in Book 1339, Page 271, said point lies S 49°26'04" E a distance of 62.08 feet from a found railroad monument in the center of the railroad tracks at station 597+50;

Thence, S 83°35'37" E along The Inhabitants of the Town of Lisbon and land now or formerly of Town of Lisbon Water District as described in Book 980, Page 463 and Book 983, Page 230 a distance of 915.60 feet to a found rebar with yellow plastic cap stamped "LS



436", passing through a found rebar with yellow plastic cap stamped "LS 436" at a distance of 155.02 feet;

O F F I C I A L O F F I C I A L

Thence, S 50°41'24" E along the remaining lands of Lisbon Community Federal Credit Union a distance of 685.72 feet to a found 5/8 inch rebar at the westerly corner of land now or formerly of Robert Lessard & Son, Inc. as described in Book 3431, Page 250;

Thence, S 41°00'06" E along land of Lessard & Son, Inc. a distance of 401.97 feet to a found rebar with damaged yellow plastic cap on the westerly line of land now or formerly of Ronald Ancil as described in Book 932, Page 404, Book 1050, Page 738, and Book 1097, Page 249;

Thence, S 12°04'53" W along land of Ancil a distance of 1235.43 feet to a found 5/8 inch rebar;

Thence, S 21°20'27" W along land of Ancil a distance of 239.41 feet;

Thence, S 32°30'12" W along land of Ancil a distance of 665.00 feet;

Thence, S 83°28'04" E along land of Ancil a distance of 550.18 feet to a set rebar inside a found 1 1/2 inch broken iron pipe;

Thence, S 13°15'12" W along land of Ancil a distance of 461.02 feet to the northerly side of said Maine Central Railroad, this course passes through a found 1 1/2 inch iron pipe at a distance of 459.47 feet;

Thence, along Maine Central Railroad, following a curve to the right having a radius 5339.74 feet, a delta of 05°16'37", an arc length of 491.79 feet, a chord bearing of N 51°45'53" W and a chord length of 491.62 feet to a rebar to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 2116.09 feet, a delta of 10°40'00", an arc length of 393.95 feet, a chord bearing of N 43°47'05" W and a chord length of 393.38 feet to a rebar to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 1544.32 feet, a delta of 14°32'00", an arc length of 391.72 feet, a chord bearing of N 31°11'35" W and a chord length of 390.67 feet to a rebar to be set;

Thence, along Maine Central Railroad, following a curve to the right having a radius 2846.85 feet, a delta of 13°10'00", an arc length of 654.21 feet, a chord bearing of N 17°20'35" W and a chord length of 652.77 feet to a rebar to be set;

Thence, N 10°45'35" W along Maine Central Railroad a distance of 1038.60 feet to a rebar to be set, said rebar lies N 79°14'25" E a distance of 33.00 feet from a found railroad monument in the center of the railroad tracks at station 589+00;

Thence, along said Maine Central Railroad, following a curve to the left having a radius 7224.91 feet, a delta of 06°21'15", an arc length of 801.25 feet, a chord bearing of N 13°56'12" W and a chord length of 800.84 feet to the POINT OF BEGINNING.

Containing 71.85 acres, more or less.

The basis of bearing for the above described courses is True North 2001 as shown on the Maine

Central Railroad Right of Way and Track Maps. N O T  
A N A N

This description is based on a ALTA/ACSM Land Title Survey for The Dingley Press by Lewis and Wasina, Inc., Job #21072, dated January 7, 2002, with revisions through February 11, 2002.

The above mentioned rebar, to be set, are 5/8 inch rebar with aluminum cap stamped "Lewis & Wasina PLS 2114". A N A N

Parcel I and Parcel II are conveyed SUBJECT TO: O F F I C I A L C O P Y C O P Y

1. Rights, conditions, easements and agreements set forth in a deed to Lisbon Acquisition Corp. dated May 25, 2004 and recorded in the Androscoggin County Registry of Deeds in Book 5925, Page 57; and
2. Declaration of Covenants and Restrictions dated March 3, 2004 and recorded in said Registry of Deeds in Book 5819, Page 46.

Being the same premises conveyed by Pierce Corp., f/k/a The Dingley Press to CAP LLC by deed dated December 27, 2004 and recorded in the Androscoggin County Registry of Deeds in Book 6194, Page 183.

Also Being the same premises conveyed by CAP LLC to Micro Farm LLC by Quitclaim Deed with Covenant dated June 23, 2014 and recorded in the Androscoggin County Registry of Deeds in Book 8940, Page 106.

Further being the same premises conveyed by Micro Farm LLC to Trevor Kenkel and David Kenkel by Quitclaim Deed with Covenant dated September 18, 2014 recorded in said Registry of Deeds at Book 9103, Page 112.

Springworks Farm Expansion – Phase 2 & 3  
Site Plan Review – Tier 2  
347 Lisbon Street

**Attachment C**  
**Abutting Property Owners**

A copy of the abutters map and a list of abutting property owners are included in this attachment for reference.

C

Abutting Property Owners



**Abutters List**  
347 Lisbon Street  
Lisbon, Maine

**Locus Properties**

N/F  
Micro Farm Maine, LLC  
347 Lisbon Street  
Lisbon, ME 04250  
Map R6, Lot 19

N/F  
Micro Farm Maine, LLC  
347 Lisbon Street  
Lisbon, ME 04250  
Map U13, Lot 24

**Abutters**

N/F  
Bickford, Byron A.  
P.O. Box 871  
Lisbon, ME 04250  
Map R6, Lot 4

N/F  
Ross, James  
23 River Road  
Lisbon, ME 04250  
Map R6, Lot 5

N/F  
Cloutier, Jared  
8 Crest Avenue  
Lisbon, ME 04250  
Map R6, Lot 18

N/F  
Maine Central Railroad  
High Street  
North Billerica, MA 01862  
Map R6, Lot 16

N/F  
Deyoung, Simon J  
443 Lewiston Road  
Topsham, ME 04086  
Map U12, Lot 1

N/F  
Bickford, Byron A.  
P.O. Box 871  
Lisbon, ME 04250  
Map U12, Lot 2

N/F  
Bickford, Byron A.  
P.O. Box 871  
Lisbon, ME 04250  
Map U12, Lot 2A

N/F  
Simmons, Meggie M.  
413 Lisbon Street  
Lisbon, ME 04250  
Map U12, Lot 3

N/F  
Hogan, Frank J. & Pamela B.  
2 Barbie Lane  
Lisbon, ME 04250  
Map U12, Lot 4

N/F  
Hogan, Frank J. & Pamela B.  
2 Barbie Lane  
Lisbon, ME 04250  
Map U12, Lot 4A

N/F  
BJB Realty, LLC  
P.O. Box 6842  
Portland, ME 04103  
Map U12, Lot 5A

N/F  
Coburn, Christopher & Cassandra M.  
404 Lisbon Street  
Lisbon, ME 04250  
Map U12, Lot 9

N/F  
Filmore, Melissa  
406 Lisbon Street  
Lisbon, ME 04250  
Map U12, Lot 10

N/F  
Carr, Joseph J. & Celeste J.  
408 Lisbon Street  
Lisbon, ME 04250  
Map U12, Lot 11

N/F

Wile, David C. & Susan M.  
7 Farnsworth Street  
Lisbon, ME 04250  
Map U13, Lot 13

N/F

Weeks, Florence E. C/O Shirley Gray  
363 Lisbon Street  
Lisbon, ME 04250  
Map U13, Lot 19

N/F

Lisbon Center Cemetery  
Route 196  
Lisbon, ME 04250  
Map U13, Lot 19A

N/F

Hogan, Frank J. & Pamela B.  
2 Barbie Lane  
Lisbon, ME 04250  
Map U13, Lot 22

N/F

Haggerty, Timothy M. & Cheryl A.  
353 Lisbon Street  
Lisbon, ME 04250  
Map U13, Lot 23

N/F

Donohue, Shawn  
344 Lisbon Street  
Lisbon, ME 04250  
Map U13, Lot 26

N/F

Lurvey, Amy L.  
346 Lisbon Street  
Lisbon, ME 04250  
Map U13, Lot 27

N/F

Curtis, Stephen J. & Rheaume-Curtis, Lenore M.  
P.O. Box 896  
Lisbon, ME 04250-0896  
Map U13, Lot 28

N/F

Rowland, Paul W. & Susan E.  
350 Lisbon Street  
Lisbon, ME 04250  
Map U13, Lot 29

N/F

Derosier, Lucien D. Jr. & Agathe A.  
352 Lisbon Street  
Lisbon, ME 04250  
Map U13, Lot 30

N/F

Ritchie, Matthew E.  
356 Lisbon Street  
Lisbon, ME 04250  
Map U13, Lot 31

N/F

Williams, Fern D.  
358 Lisbon Street  
Lisbon, ME 04250  
Map U13, Lot 31A

N/F

Woodside Housing Assoc.  
C/O Realty Resource Management  
247 Commercial Street  
Rockport, ME 04856  
Map U13, Lot 56

N/F

Perron, David & Faith A.  
337 Lisbon Street  
Lisbon, ME 04250  
Map U14, Lot 1

N/F

Paul Lessard & Son, Inc.  
455 Webber Avenue  
Lewiston, ME 04240  
Map U14, Lot 1A

N/F

Lisbon Community Federal Credit Union  
P.O. Box 878  
Lisbon, ME 04250-0878  
Map U14, Lot 2

N/F  
Lisbon, Town Of  
300 Lisbon Street  
Lisbon, ME 0420  
Map U14, Lot 3

N/F  
Lisbon, Town Of  
300 Lisbon Street  
Lisbon, ME 04250  
Map U14, Lot 4

N/F  
Brunelle, Christopher  
P.O. Box 806  
Lisbon, ME 04520  
Map U14, Lot 23

N/F  
Black, Paul R. & Claire S.  
9 Nason Street  
Lisbon, ME 04250  
Map U14, Lot 24

N/F  
Sawyer, Ralph J. & Lorraine  
P.O. Box 3486  
Auburn, ME 04210-3486  
Map U14, Lot 25

N/F  
Hazard, David V. & Anne E. Trustees of the  
David V. Hazard Living Trust and Anne E.  
340 Lisbon Street  
Lisbon, ME 04520  
Map U14, Lot 26

N/F  
Brunelle, Christopher  
328 Lisbon Street  
Lisbon, Me 04250  
Map U14, Lot 27

N/F  
Maine Central Railroad  
High Street  
North Billerica, MA 01862  
Map U15, Lot 1





Town of  
**LISBON**  
Maine

Map updated to:  
April 1, 2017



**DISCLAIMER**  
For Assessment Purposes Only  
Not For Property Conveyances

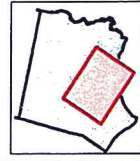
**LEGEND**

- Town Line
- Adjacent Towns
- Parcels
- Streams
- Flood Zones
- Zoning
- Easements
- Adjacent Maps
- Water
- Road ROW

Lisbon 2017 GIS Tax Map  
Revision by:

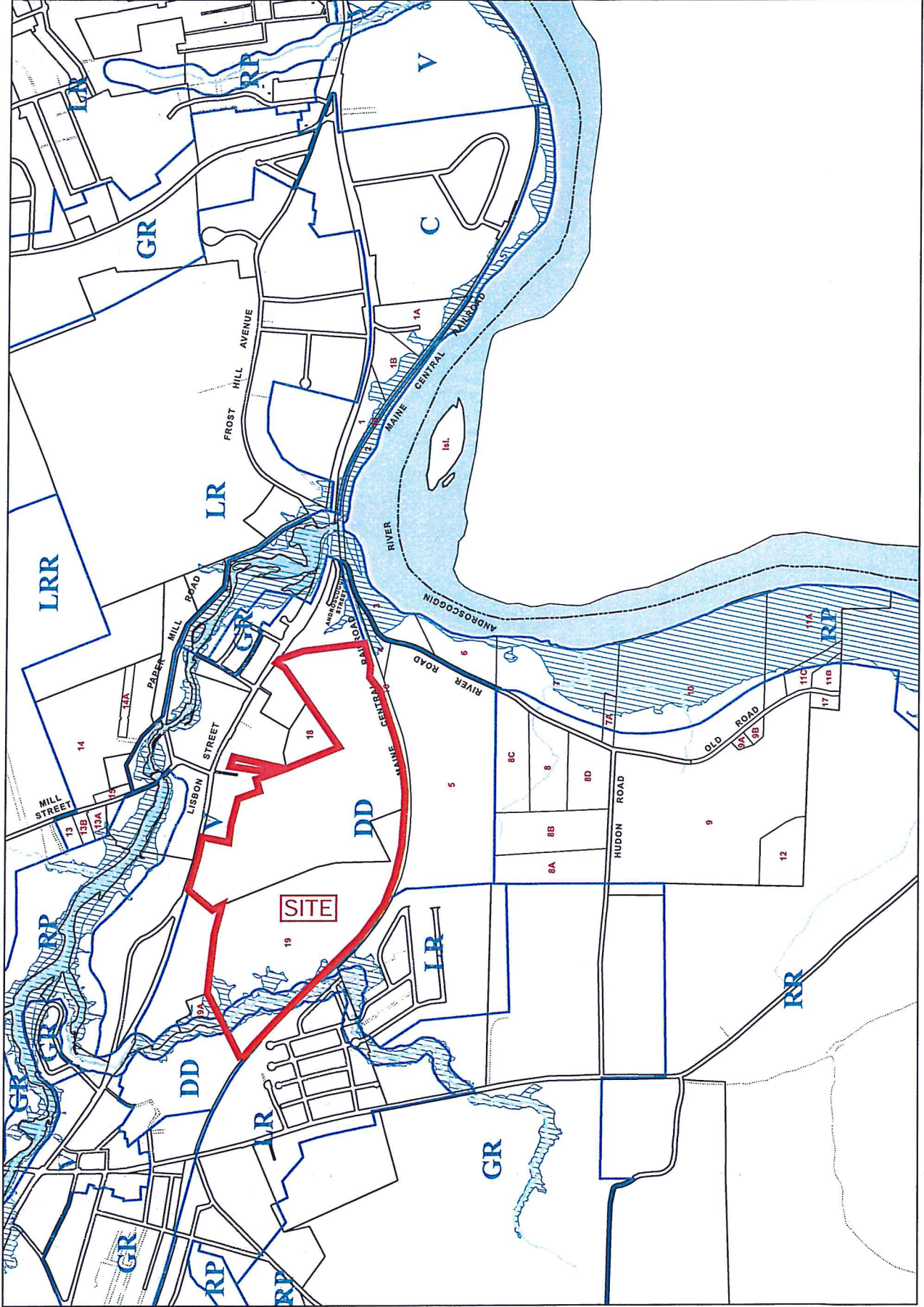


Corsan GIS Solutions



**R-6**  
TAX MAP

0 500 1000  
SCALE: 1" = 500 Feet







Town of  
**LISBON**  
Maine

Map updated by:  
April 1, 2017



**DISCLAIMER**  
For Assessment Purposes Only  
Not For Property Conveyances

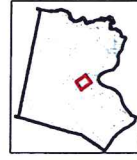
**LEGEND**

- Town Line
- Adjacent Towns
- Parcels
- Streams
- Flood Zones
- Zoning
- Easements
- Adjacent Maps
- Water
- Road ROW

Lisbon 2017 GIS Tax Map  
Revision by:

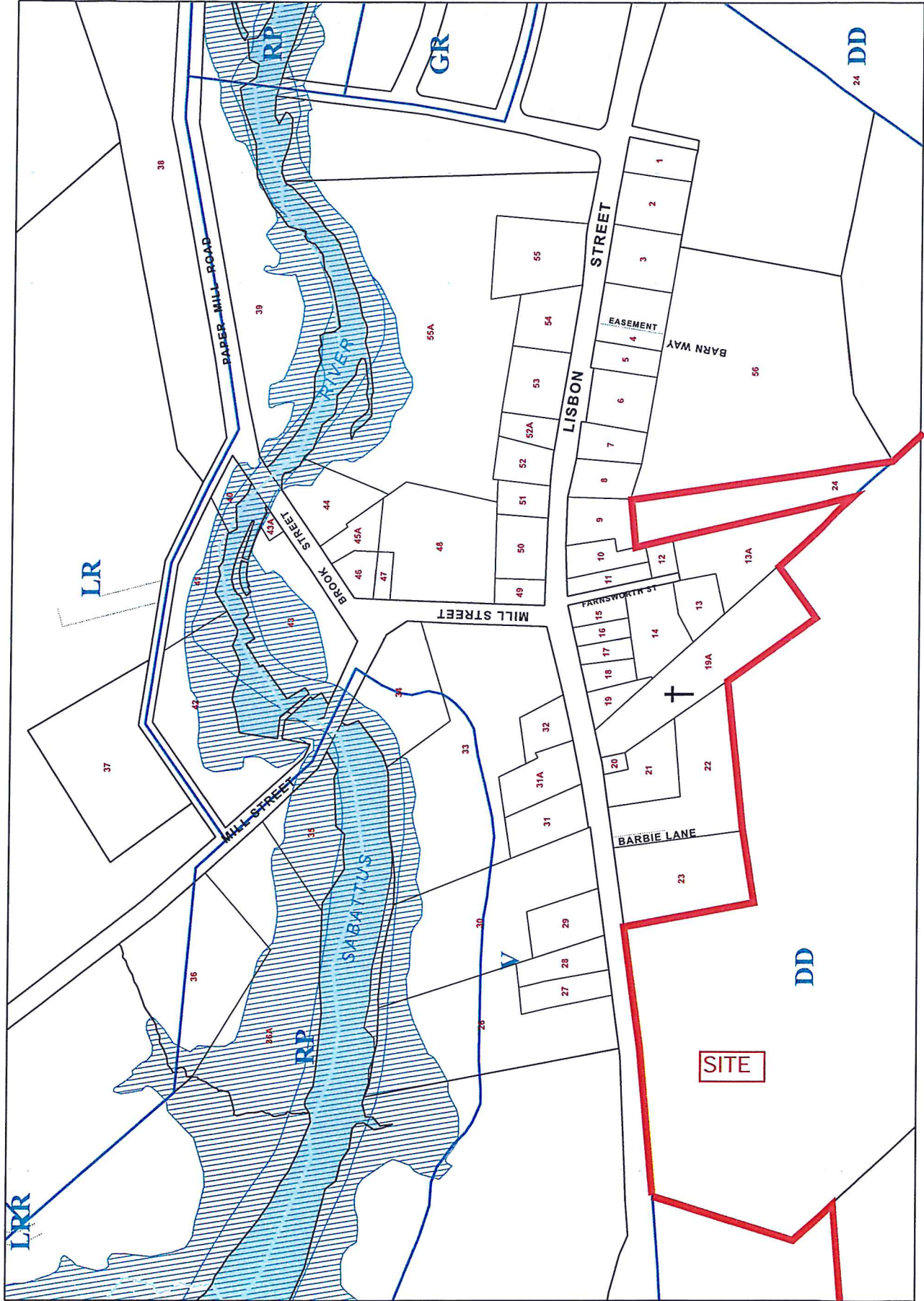


Caryn GIS Solutions



**U-13**  
TAX MAP

0 100 200  
SCALE: 1" = 100 Feet



Pd CLK# 2782 3/8/23

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number: Case # 23-05	Date Received:
Project Name:	Fee Paid (amount):
Applicant:	



## Town of Lisbon, Maine CONDITIONAL USE APPLICATION

Project Name/Title: Littlefield Farm Camp

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. The applicant shall provide **10 copies** of the application form and all submission materials.

### Applicant Information

2. Name of Applicant:

Address

Telephone

Kathryn Daley  
76 Littlefield Rd.  
(207) 219-9089

1. Name of Property Owner (if different):

Address

Telephone

<u>Michael Daley</u>	<u>Susan Thornton</u>
<u>76 Littlefield Rd.</u>	<u>76 Littlefield Rd.</u>
<u>(207) 219 9087</u>	<u>207 219 9091</u>

3. Name of authorized agent (if different):

Address

Telephone

[Signature]

( )

4. If applicant is a corporation, check if licensed in Maine:

☒ No ☐ Yes  
(if yes, attach a copy of State registration)

5. Person and address to which all correspondence regarding this application should be sent (if different):

Name

Address

Telephone

Kathryn Daley  
76 Littlefield Rd.  
(207) 219-9089 / [Signature] daleyk.47@gmail.com

I have reviewed all submission requirements and completed the remaining pages of this application form.

☐ Attachments Checklist

☐ Waiver Request Form

To the best of my knowledge, all the information submitted in this application is complete and correct.

[Signature]  
Signature of Applicant

3/3/23  
Date



OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Project Name:

## Property Information

6. Location of Property (Street or Road) 76 Littlefield Rd.
- Register of Deeds Book 209 Page ✓  
Lisbon Tax Maps Map ✓ Lot 035
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.  
As the daughter of the owner of the property, the applicant is part-owner
8. What interest does the applicant/owner have in any property abutting the parcel to be developed?  
none
9. Are there any easements or restrictive covenants on the property to be developed?  
☒ Yes ☐ No If yes, please specify: The Androscoggin Land Trust
10. Current zoning of property: ~~residential~~ agriculture  
Current use(s) of property: farming and animal husbandry
11. Is any part of the project or property(s) in question part of an overlay zone?  
☐ Aquifer Protection Overlay ☐ Wellhead Protection Overlay
11. Indicate if this property has previously been reviewed and/or permitted as part of a town-approved subdivision, site plan review, conditional use, floodplain development, or other planning board or appeals board review:  
no

## Project Information

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

12. **Nature of the Project.** Provide a brief description of the proposed project, including proposed use(s), proposed buildings and structures, proposed site work and other improvements to the property, or other information to familiarize the Planning Board with your application.  
A summer day camp for ages 6-10 years old, buildings on the site include a cottage, barn and tiny house for camper use. All structures are built.

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Project Name:

## Waiver Request Form

### Conditional Use Application

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

Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of 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.

- Standard/requirement to be waived: Change of use 70.541

Need/reason for waiver: The farm camp should not cause adverse impact on surrounding land, but if it does occur by happens a waiver would be necessary, as the proposed use is for
- Standard/requirement to be waived: institutional development, and the site is

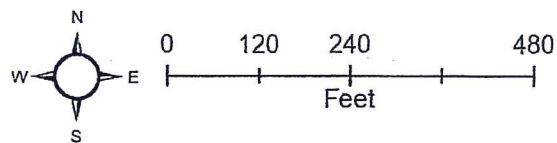
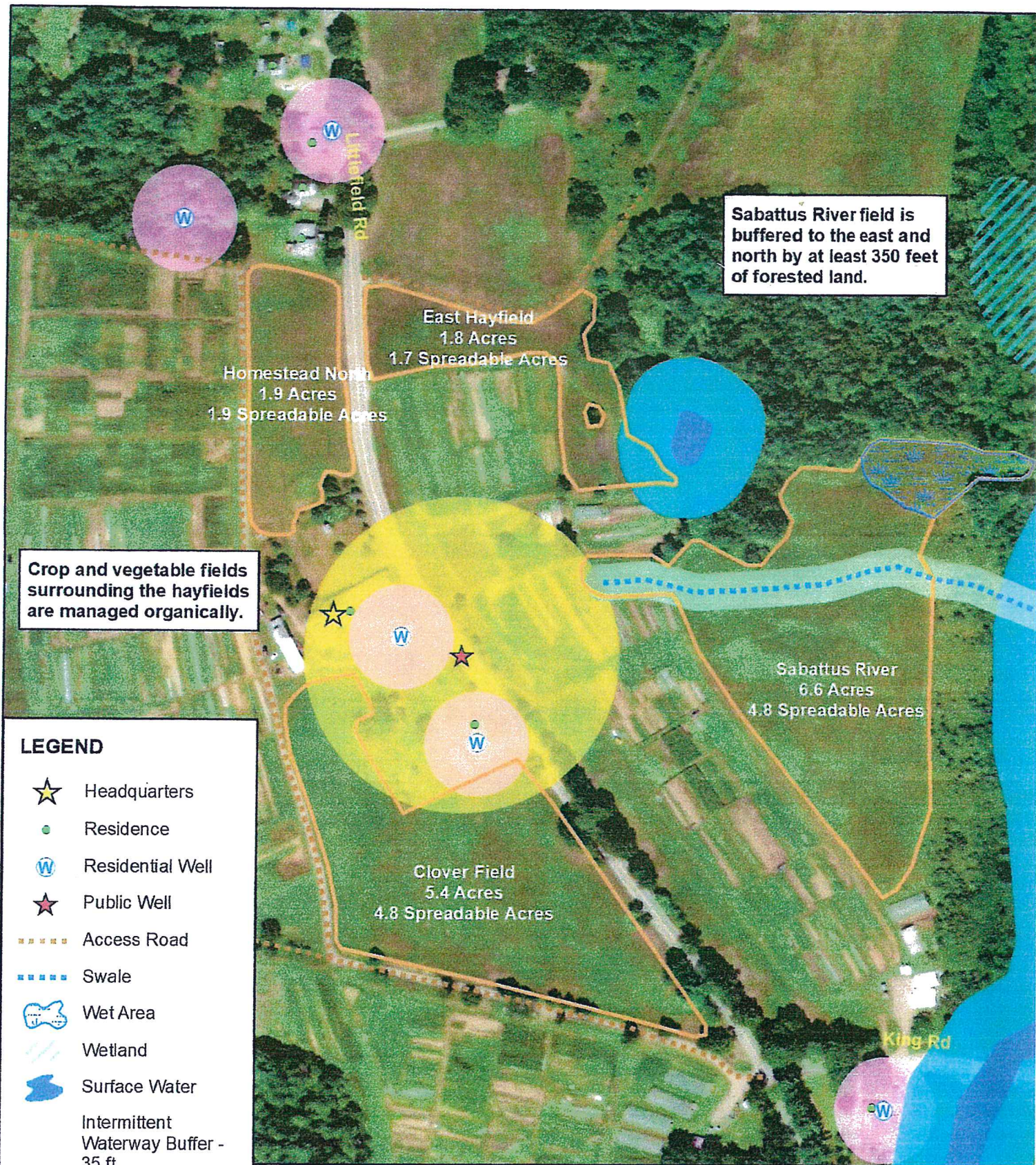
Need/reason for waiver: not currently considered to be a subdivision under 30-A.M.R.S.A. No adverse effects on neighboring facilities should occur, still.
- Standard/requirement to be waived: Plumbing permit

Need/reason for waiver: Because we are planning to construct composting toilets rather than expand our septic system, we would waive the plumbing permit. Composting toilets are a good alternative, and teach the campers about sustainability.
- Standard/requirement to be waived:

Need/reason for waiver:

Attach additional page(s) if necessary.





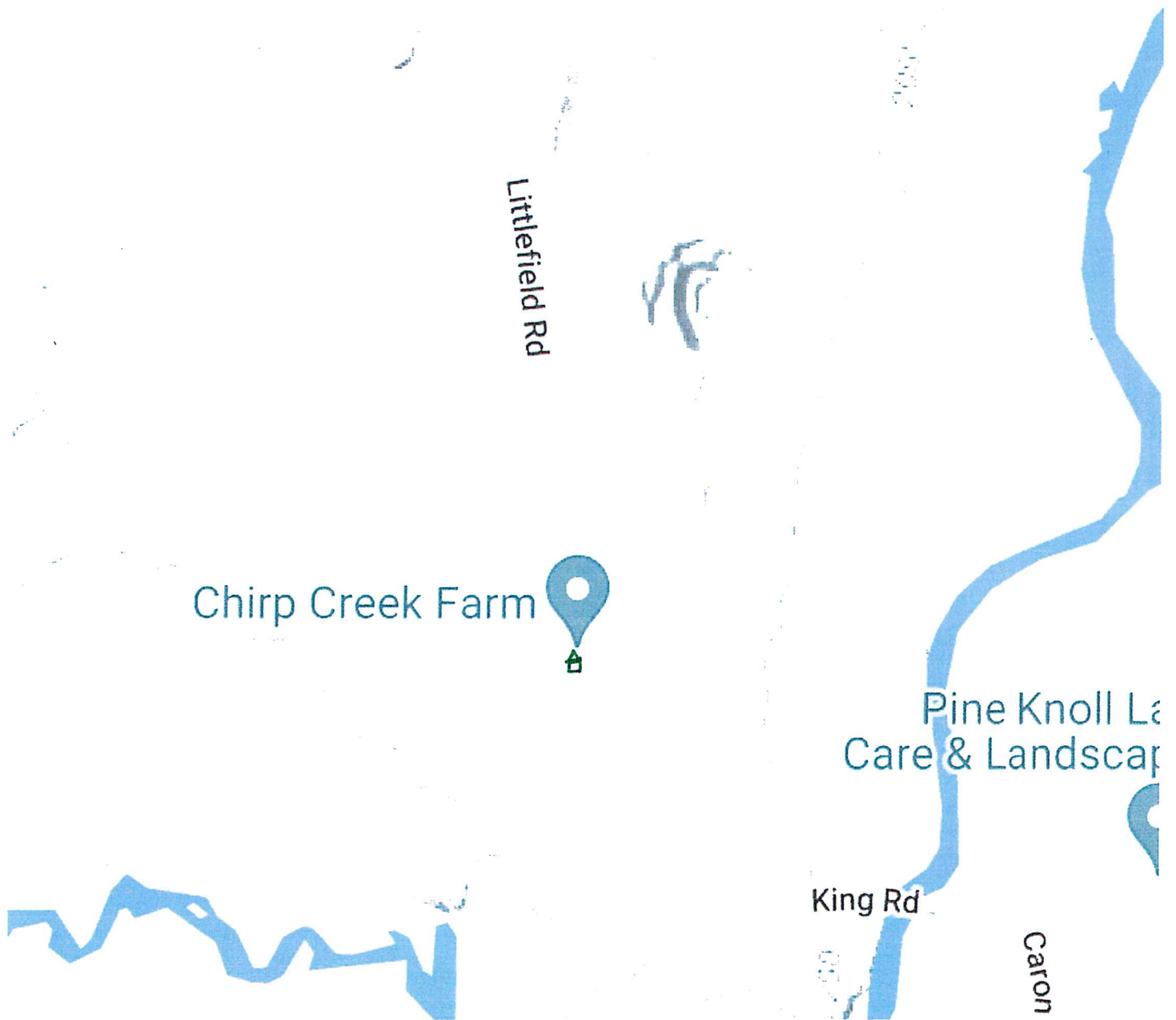
**Packard-Littlefield Farm LLC**  
Home East  
Land Application & Buffer Map

Latitude: 44.0546, Longitude: -70.1163  
Coordinate System: NAD 1983 UTM Zone 19N  
Projection: Transverse Mercator  
Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar  
Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the

Lisbon, Androscoggin County  
Date: 9/2/2022

Northern Tit











Horse stall in shed



Chicken Coops

Old apartment

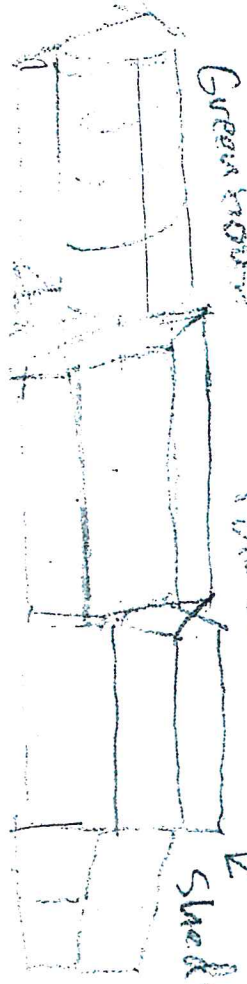


Greenhouse

Pole barn

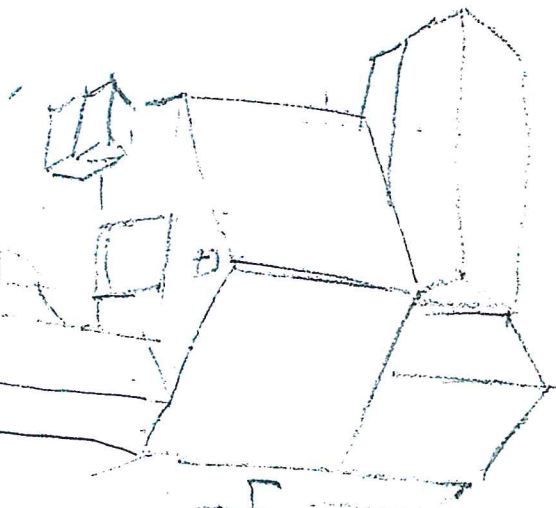
Sheds

Composting toilet



Barn

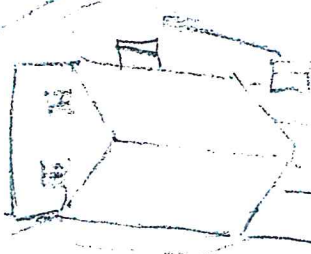
Large Barn



Farm stand



Main house



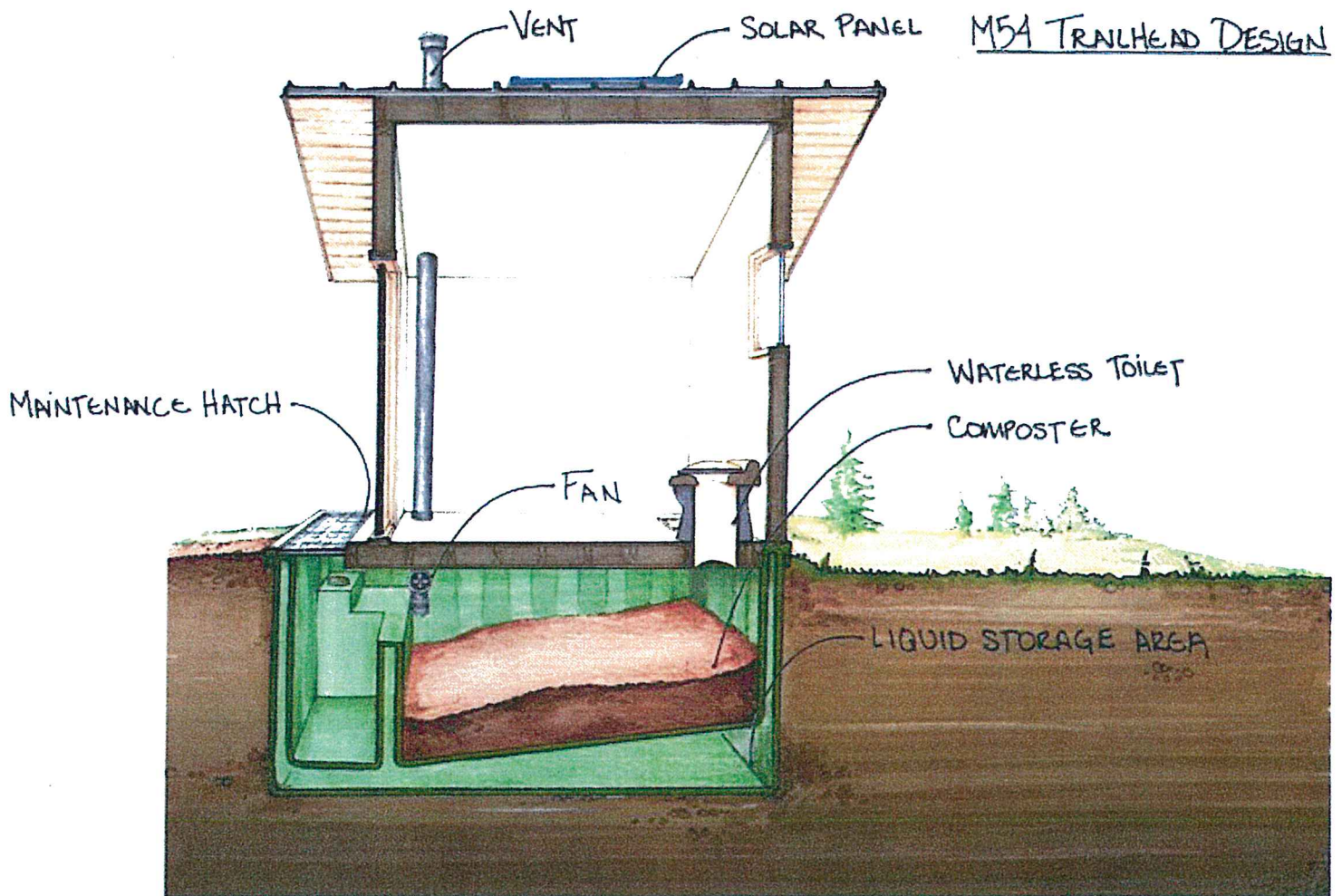
Dish

Hon

North

Littlefield Rd

# composting toilets



We already have a working composting toilet on the premises and are prepared to build more.

We are also prepared to rent port-o-potties and renew them with each session.



## LUNCH MENU

### **Monday:** sandwiches

Chirp Creek Farm cherry tomatoes, lettuce, and cucumbers, and pickles

Maggie's Farm rye bread, herb goat cheese

### **Tuesday:** scrambled eggs

Littlefield Farm fresh chicken eggs

Chirp Creek Farm spinach, garlic, onions, and cherry tomatoes

Lorelai's Loaves molasses cookies

### **Wednesday:** colorful mashed potatoes and carrots

Chirp Creek Farm purple mashed potatoes and rainbow carrots

Jillson's Farm strawberries dipped in chocolate

### **Thursday:** salad and toast with jam

Chirp Creek Farm lettuce, radishes, beets, cherry tomatoes, husk cherries, and optional balsamic vinaigrette salad dressing

Bread & Friends bread loaf and jam

### **Friday:** DIY pizzas

Littlefield Farm dough

Chirp Creek Farm tomato sauce, peppers, eggplant slices, sun-dried cherry tomatoes, onions, Maggie's Farm goat cheese, and Fresh Pickin's Farm honey  
Stillbrook Acres mozzarella and parmesan cheese

### **Snacks:**

SPÜN granola, pretzel sticks, apples, oranges, Clubhouse Original crackers

**Our goal is to incorporate local foods in with our farm- fresh produce. For years Chirp Creek Farm has been a vendor at the Falmouth and Cumberland Farmer's markets, and our priority is to support other local vendors just like us, in any way we can. Menu may be subject to change depending on availability of produce during the summer season.**

Janet T. Mills  
Governor

Jeanne M. Lambrew, Ph.D.  
Commissioner



Maine Department of Health and Human Services  
Child and Family Services  
Child Care Subsidy Program  
11 State House Station  
2 Anthony Avenue  
Augusta, Maine 04333-0011  
Tel.: (207) 624-7999; Toll Free: (877) 680-5866  
TTY: Dial 711 (Maine Relay); Fax: (207) 287-6308  
TTY Users: Dial 711 (Maine Relay)

January 26, 2023

KATHRYN DALEY  
76 LITTLEFIELD RD  
LISBON, ME 04250

Unique ID # TME166230090

Dear KATHRYN DALEY:

The Department has completed your background check. Based on information contained in your background check report, you are **ELIGIBLE** to provide child care. A copy is enclosed for you to provide to your employer.

If you have any questions, contact (207)-624-7903 or [Childcareoosbgc@maine.gov](mailto:Childcareoosbgc@maine.gov).

Sincerely,

A handwritten signature in cursive script that reads "Todd A. Landry".

Dr. Todd A. Landry  
Director, Office of Child and Family Services



## **Applicable Factors**

76 Littlefield Rd. maintains safe and healthful conditions for the current residents of the single- family home dwelling, and the abutting land.

Streams and water sources are on low- lying ground, far from permanent structures and the fields where the campers will spend their time. The water and plumbing are from a sanctioned well, which is not impacted by sedimentation.

The building sites are already approved- of, and the placements are in cooperation with surrounding land use.

The wildlife habitat (such as the farm animals) are kept in pastures with large fences, and the campers will be kept away from the farm inhabitants, so there is no issue using adjacent outdoor land for child care.

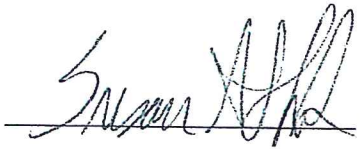
The farm camp would be incredibly compatible with the large fields and trails, as well as the permanent structures located at 76 Littlefield Rd.

Farm camp needs to happen at Littlefield Farm because there is an educational opportunity for school- aged children, it's a way for kids to better connect to the environment and their community, and it fosters a love for the outdoors, which improves mental and physical health.

Littlefield Rd. is perpendicular to Lisbon St. which is the town's main road, and it lies near King Rd. and Crowley Rd. so there is access from multiple sources, including the city of Lewiston and Auburn.

The location of the site (since it is on a hill) is in accordance with the floodplain and floodways of rivers and streams in the nearby area.

The amount and type of wastes generated by opening farm camp should not exceed the capacity of the proposed disposal system, given the attached dimensions of 76 Littlefield Rd.'s sewage tank and system.

On March 4th 2023 I, Susan Thornton,  authorize the application for conditional use of my property 76 Littlefield Road for Littlefield Farm Camp, acknowledging the various outdoor summer camp activities and time spent inside the permanent structures.



OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number: <u>23-06</u>	Date Received:
Project Name:	Fee Paid (amount):
Applicant:	



## Town of Lisbon, Maine

### CONDITIONAL USE APPLICATION

Project Name/Title: MYNAHAN/MCDOUGAL LOT LINE REVISION

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. The applicant shall provide **10 copies** of the application form and all submission materials.

### Applicant Information

- Name of Applicant: JOHN L. MYNAHAN, JR.

Address: 93 FROST HILL AVENUE, LISBON FALLS

Telephone: ( 207 ) 592-0105
- Name of Property Owner (if different): WILLIAM D. MCDOUGAL & LISA A. PELLETIER

Address: 91 FROST HILL AVENUE, LISBON FALLS

Telephone: ( )
- Name of authorized agent (if different): JAY RAITT OF LITTLE RIVER LAND SURVEYING, INC.

Address: PO BOX 332, LISBON FALLS, ME 04252

Telephone: ( 207 ) 841-0056
- If applicant is a corporation, check if licensed in Maine: N/A        No        Yes  
(if yes, attach a copy of State registration)
- Person and address to which all correspondence regarding this application should be sent (if different):

Name: JAY RAITT OF LITTLE RIVER LAND SURVEYING, INC.

Address: PO BOX 332, LISBON FALLS, ME 04252

Telephone: ( 207 ) 841-0056

I have reviewed all submission requirements and completed the remaining pages of this application form.

X Attachments Checklist

X Waiver Request Form

To the best of my knowledge, all the information submitted in this application is complete and correct.

  
Signature of Applicant

02-27-2023  
Date

Application Number:

Project Name:

**Property Information**6. Location of Property (Street or Road) 91 FROST HILL AVENUE

Register of Deeds

Book 9276 Page 68

Lisbon Tax Maps

Map U11 Lot 14-A

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.

OWNER: FEE INTEREST, APPLICANT: PURCHASE AND SALE AGREEMENT, SEE DEED8. What interest does the applicant/owner have in any property abutting the parcel to be developed?OWNER: NONE, APPLICANT: FEE INTEREST

9. Are there any easements or restrictive covenants on the property to be developed?

Yes X No If yes, please specify: \_\_\_\_\_10. Current zoning of property: LIMITED RESIDENTIALCurrent use(s) of property: RESIDENTIAL11. Is any part of the project or property(s) in question part of an overlay zone? N/A\_\_\_\_\_ Aquifer Protection Overlay \_\_\_\_\_ Wellhead Protection Overlay

11. Indicate if this property has previously been reviewed and/or permitted as part of a town-approved subdivision, site plan review, conditional use, floodplain development, or other planning board or appeals board review:

NOT TO OUR KNOWLEDGE**Project Information***If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner.*12. Nature of the Project. Provide a brief description of the proposed project, including proposed use(s), proposed buildings and structures, proposed site work and other improvements to the property, or other information to familiarize the Planning Board with your application.OWNER AND APPLICANT PROPOSE THE REVISION OF LOT LINES TO PROVIDEMORE AREA FOR TAX MAP U11, LOT 13 FROM LOT 14-A. THIS WILL RESULT IN THELARGER PARCEL HAVING FRONTAGE BELOW THE MINIMUM REQUIRED IN THEZONE NECESSITATING THE CONDITIONAL USE APPLICATION.



OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Project Name:

## Waiver Request Form

### Conditional Use Application

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

*Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of 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: NONE REQUESTED  
 Need/reason for waiver: \_\_\_\_\_  
 \_\_\_\_\_
2. Standard/requirement to be waived: \_\_\_\_\_  
 Need/reason for waiver: \_\_\_\_\_  
 \_\_\_\_\_
3. Standard/requirement to be waived: \_\_\_\_\_  
 Need/reason for waiver: \_\_\_\_\_  
 \_\_\_\_\_
4. Standard/requirement to be waived: \_\_\_\_\_  
 Need/reason for waiver: \_\_\_\_\_  
 \_\_\_\_\_

*Attach additional page(s) if necessary.*

<b>OFFICE USE ONLY – Conditional Use Application</b> (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Date Received:
Project Name:	Fee Paid (amount):
Applicant:	

## Conditional Use Application ATTACHMENTS CHECKLIST

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

✓ or N/A		OFFICE USE ONLY
	<b>Basic Required Attachments:</b>	
X	1. A complete set of plans in accordance with the submission requirements under section 66-52 (3) of the Town of Lisbon Subdivision Ordinance: <i>Preliminary Plan</i> . The preliminary plan and all application material shall be submitted in <b>ten (10) copies</b> of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The plan shall be drawn to a scale of not more than 100 feet to the inch.	
X	2. If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner, <b>10 copies</b> .	
X	3. A statement addressing all of the applicable factors listed in section 70-194 of this Zoning Ordinance ( <b>10 copies</b> ):  <b>Factors applicable to conditional uses</b>	
	A. <i>Primary factors</i> . In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon: <ul style="list-style-type: none"> <li>i. <i>Health</i>. The maintenance of safe and healthful conditions.</li> <li>ii. <i>Pollution</i>. The prevention and control of water pollution and sedimentation.</li> <li>iii. <i>Building sites</i>. The control of building sites, placement of structures and land uses.</li> <li>iv. <i>Wildlife habitat</i>. The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat.</li> <li>v. <i>Shore cover</i>. The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.</li> </ul>	
	B. <i>Additional factors</i> . The planning board shall also consider the following factors: <ul style="list-style-type: none"> <li>i. <i>Compatibility with area</i>. The compatibility of the proposed use with adjacent land uses.</li> <li>ii. <i>Need</i>. The need of a particular location for the proposed use.</li> <li>iii. <i>Access</i>. Access to the site from existing or proposed roads.</li> <li>iv. <i>Flooding</i>. The location of the site with respect to floodplains and floodways of rivers or streams.</li> <li>v. <i>Waste disposal</i>. The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems.</li> </ul>	



	<p>vi. <i>Impact on land and water.</i> The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.</p> <p>vii. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site.</p> <p>viii. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.</p> <p>ix. <i>Transportation.</i> The impact of the proposed use on transportation facilities.</p> <p>x. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities.</p> <p>xi. <i>Water supply.</i> The impact of the proposed use on local water supplies.</p>	
	<b>Possible Additional Attachments:</b>	
	<i>In order to secure information upon which to base its determination, the planning board may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:</i>	
	1. <i>Contours; groundwater; bedrock; slope; vegetation.</i> A plan of the area showing contours at intervals to be determined by the planning board and referred to mean sea level, normal high water elevation, groundwater conditions, bedrock, slope and vegetative cover.	
	2. <i>Soils.</i> A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification.	
	3. <i>Buildings; access; open space.</i> Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.	
	4. <i>Sewage; water.</i> Plans of buildings, sewage disposal facilities, and water supply systems.	
	5. <i>Technical assistance.</i> Other pertinent information necessary to determine if the proposed use meets the provisions of this chapter. In evaluating each application, the planning board may request the assistance of the regional planning commission, county soil and water conservation district, and any other state or federal agency which can provide technical assistance.	
	6. <i>Access management.</i> 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.	

## LETTER OF AUTHORIZATION & STATEMENT OF PROPOSED USE

William McDougal & Lisa Pelletier  
91 Frost Hill Avenue  
Lisbon Falls, ME 04252

Re: Lot Line Revision

To whom it may concern,

This letter authorizes our neighbor John Mynahan, Jr. as well as our surveyor, Jeramiah Raitt of Little River Land Surveying, Inc. to represent us before town staff and at planning board meetings for purposes of acquiring a conditional use permit for our property located at 91 Frost Hill Avenue as described in deed book 9276, page 68.

We have reviewed the plan provided by Little River Land Surveying, Inc. and understand it will remain substantially the same with only minor variation if required by the planning board.

Furthermore we have reviewed the factors applicable to conditional uses outlined in section 70-194 of the zoning ordinance and do not believe there will be any detrimental impact related to the primary factors listed there including:

- health,
- pollution,
- building sites,
- wildlife habitat, or
- shore cover.



Neither will there be any detrimental impact related to the additional factors enumerated therein.

The parcels of land have been developed for many years as single family homes and no further development is anticipated. There are no changes to net residential density as a result of this modification nor are there increases to impermeable areas. There is definitely no impact to shore cover as we are quite far from the nearest body of water. We just want to move a property line to provide a larger yard for our neighbors children to play in.

Thank you for your cooperation.

Sincerely,

William McDougal

A handwritten signature in cursive script, appearing to read "William McDougal".

Lisa ~~Pallo~~ McDougal

A handwritten signature in cursive script, appearing to read "Lisa McDougal".

**EXHIBIT A**  
**(DEED)**

The land with all the buildings and improvements thereon, situated on the northeasterly side of the road leading from Lisbon Falls to Lisbon center via Frost Hill, in the town of Lisbon, Androscoggin County, State of Maine, said premises being further described as follows:

Beginning at an iron pipe set in the ground on the northeasterly boundary line of said road at the southeasterly boundary line of land of Mary Sawyer, formerly of Ham; thence in a general northeasterly direction along the line of said Sawyer one hundred fifty (150) feet to another iron pipe set in the ground; thence in a general southeasterly direction on a course parallel with said road one hundred twenty-five (125) feet to another iron pipe set in the ground; thence in a general southwesterly direction on a course parallel with said boundary line of said Sawyer's land one hundred fifty (150) feet to another iron pipe set in the ground on the northeasterly boundary line of said road; thence in a general northwesterly direction along said road one hundred and twenty-five (125) feet, more or less, to the point of beginning.

Any and all other rights, easements, privileges and appurtenances are hereby conveyed.

Reference is made to a deed from Louis A. Stessl and Constance L. Stessl to Dale A. Denbow, Sr. and Bernadette M. Denbow dated September 14, 2016 and recorded in said Registry of Deeds in Book 9457, Page 332. Further reference is made to an Abstract of Divorce Decree dated September 9, 2020 between Dale A. Denbow, Sr. and Bernadette Denbow recorded in said Registry of Deeds in Book 10490, Page 54. All terms and conditions of the Abstract of Divorce have been met and satisfied.

ANDROSCOGGIN COUNTY  
TINA M CHOUINARD  
REGISTER OF DEEDS



**WARRANTY DEED**  
Maine Statutory Short Form

**KNOW ALL MEN BY THESE PRESENTS**, That **Bernadette Denbow** of Lisbon Falls in the County of Androscoggin and State of Maine, for consideration paid, grant(s) to **John L. Mynahan Jr**, whose mailing address is 76 Summer Street Lot #79, Lisbon Falls, ME 04252, with **WARRANTY COVENANTS** as **Sole Owner**, the real property situated in **Lisbon Falls**, County of **Androscoggin** and State of **Maine** more particularly described in Exhibit A attached hereto and incorporated herein by reference.

**IN WITNESS WHEREOF**, this instrument has been executed this 29th day of September, 2020.

MAINE REAL ESTATE  
TRANSFER TAX PAID

  
Witness

  
Bernadette Denbow

State of Maine  
County of Androscoggin, ss.

September 29, 2020

Personally appeared before me the above named **Bernadette Denbow** and acknowledged the foregoing instrument to be her free act and deed.



  
Notary Public/Attorney at Law

N O T  
A N  
O F F I C I A L  
C O P Y

N O T  
A N  
O F F I C I A L  
C O P Y

N O T  
A N  
O F F I C I A L  
C O P Y

N O T  
A N  
O F F I C I A L  
C O P Y

## Warranty Deed

**K**now All Men By These Presents that We, **FRANK J. HOGAN AND PAMELA B. HOGAN**, both of Lisbon, in the County of Androscoggin and State of Maine, for consideration paid, GRANT TO **WILLIAM D. McDOUGAL and LISA A. PELLETIER**, both of West Bath, in the County of Sagadahoc and State of Maine, and whose mailing address is 1 Broad Cove Road, West Bath, Maine 04530, with WARRANTY COVENANTS and as JOINT TENANTS, the following described land in Lisbon, in the County of Androscoggin and State of Maine:

A certain lot or parcel of land, together with any buildings thereon, situated in Lisbon, Androscoggin County, State of Maine, bounded and described as follows:

Beginning at a 5/8" iron rod with identification cap set on the assumed Northerly right of way line of Frost Hill Avenue where it is intersected by the Easterly line of land of Conrad N. and Cheryl A. Goddard, said rod being located S 58° 19' 15" E, one hundred and twenty-five (125) feet from an iron pipe found on the assumed Northerly right of way line of Frost Hill Avenue;

Thence along the Easterly line of land of Conrad N. and Cheryl A. Goddard N 28° 30' 15" E one hundred fifty and two tenths (150.02) feet to a similar iron rod;

Thence along the Northerly line of land of Conrad N. and Cheryl A. Goddard N 57° 45' 45" W eighty-three and one tenth (83.1) feet to a similar iron rod;

Thence along the same N 59° 44' 45" W forty-one and nine tenths (41.9) feet to a similar iron rod on the Easterly line of land of Ralph and Mary E. Sawyer;

Thence along the Easterly line of land of Ralph and Mary E. Sawyer N 28° 30' 15" E one hundred ninety-two and one tenth (192.1) feet to an iron pipe found;

Thence along the Southerly line of land of Ralph and Mary E. Sawyer S 61° 53' 15" E two hundred and twenty-four and five tenths (224.5) feet to a 5/8" iron rod with identification cap set said rod being located N 61° 53' 15" W eighty-eight and one tenth (88.1) feet from an iron rod found;

Thence along land to be retained by Linwood J. and Judith F. Goddard S 28° 30' 15" three hundred fifty-eight and one tenth (158.1) feet to a similar iron rod set on the assumed Northerly right of way line of Frost Hill Avenue;

MAINE REAL ESTATE  
TRANSFER TAX PAID

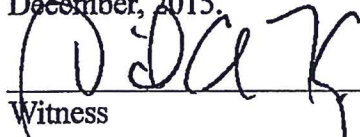



Thence Westerly along the assumed Northerly right of way line of Frost Hill Avenue one hundred (100) feet to the iron rod at the point of beginning, a straight line between these iron rods being N 57° 11' 45" W one hundred (100.00) feet.

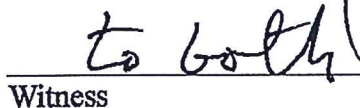
Containing one and four tenths (1.4) feet acres more or less. All bearings referenced to magnetic North as observed in 1988.

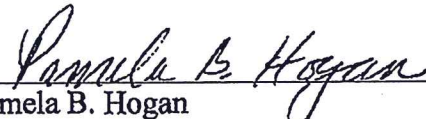
For Source of Title, reference may be had to a Warranty Deed from Linwood J. Goddard and Judith F. Goddard to the Grantors herein, dated July 22, 1988 and recorded in the Androscoggin County Registry of Deeds in Book 2287, Page 79.

**In Witness Whereof**, We have hereunto set our hands and seals this 14<sup>th</sup> day of December, 2015.

  
Witness

  
Frank J. Hogan

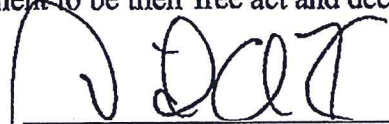
  
Witness

  
Pamela B. Hogan

**STATE OF MAINE**  
**SAGadahoc, ss.**

December 14, 2015

Personally appeared before me the above-named **FRANK J. HOGAN** and **PAMELA B. HOGAN** and acknowledged the foregoing instrument to be their free act and deed.

  
Notary Public **David A. King**

OFFICE USE ONLY – Site Plan Review (REFERENCE Chapter 62 Site Plans, Lisbon Code of Ordinances)	
Application Number: <u>2023-07</u>	Date Received:
Project Name:	Fee Paid (amount):
Applicant:	Tier 1 _____ Tier 2 _____



## Town of Lisbon, Maine SITE PLAN REVIEW APPLICATION

Site Plan Name/Title: Lisbon Falls Farmer GETTY

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

- Name of Applicant: LISBON ARTIST COLLABORATIVE  
Address: 40 LA METRO CHAMBERL, 415 LISBON ST LISBON  
Telephone: (207) 344-5957
- Name of Property Owner (if different): CROSS AMERICA PARTNERS - TYLER TRENDY  
Address: 645 HAMILTON ST ST 400, ALLENSTOWN PA  
Telephone: (908) 216-0908 18101
- Name of authorized agent (if different): N/A  
Address: \_\_\_\_\_  
Telephone: ( )
- If applicant is a corporation, check if licensed in Maine: ☒ No ☐ Yes  
(if yes, attach a copy of State registration)
- Person and address to which all correspondence regarding this application should be sent (if different):  
Name: COSETTE FAZIO  
Address: 668 LISBON ST APT B, LISBON ME  
Telephone: (207) 344-5957

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.

Colette Fazio  
Signature of Applicant

3/8/2023  
Date



Application Number:

Project Name:

**Property Information**6. Location of Property (Street or Road) 686 LISBON ST, LISBON FALLS

Register of Deeds

Book

1994

Page

265

Lisbon Tax Maps

Map U-05Lot 216

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.

LEASE8. What interest does the applicant/owner have in any property abutting the parcel to be developed?NONE

9. Are there any easements or restrictive covenants on the property to be developed?

Yes X No. If yes, please specify:10. Current zoning of property: VILLAGECurrent use(s) of property: VACANT

11. Is any part of the project or property(s) in question part of an overlay zone?

NO Aquifer Protection Overlay NO 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:

NO**Project Information**13. Proposed use of property: RETAIL STORE14. 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.THIS LOCATION WILL BE A RETAIL STOREFRONT FOR  
LISBON ARTISANS

OFFICE USE ONLY – Site Plan Review (REFERENCE Chapter 62 Site Plans, Lisbon Code of Ordinances)	
Application Number:	Project Name:

15. Total acreage of parcel: 4.2 ACRES Acreage to be developed: N/A

16. 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: N/A

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:

<input type="checkbox"/> streets/roads	<input type="checkbox"/> sewer lines
<input type="checkbox"/> sidewalks	<input type="checkbox"/> storm drains
<input type="checkbox"/> fire hydrants	<input type="checkbox"/> water lines
<input type="checkbox"/> other: _____	

20. Proposed water supply:

<input type="checkbox"/> individual well(s)
<input type="checkbox"/> central well with distribution lines
<input checked="" type="checkbox"/> connection to public water system (IN PLACE)
<input type="checkbox"/> other: _____

21. Proposed sewage disposal:

<input type="checkbox"/> individual subsurface disposal system(s)
<input type="checkbox"/> central on-site disposal with collection lines
<input checked="" type="checkbox"/> connection to public sewer system (IN PLACE)
<input type="checkbox"/> other: _____

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

*(See attached Waiver Request Form if applicable)*



<i>OFFICE USE ONLY – Site Plan Review (REFERENCE Chapter 62 Site Plans, Lisbon Code of Ordinances)</i>	
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: \_\_\_\_\_  
\_\_\_\_\_
  
2. Standard/requirement to be waived: \_\_\_\_\_  
Need/reason for waiver: \_\_\_\_\_  
\_\_\_\_\_
  
3. Standard/requirement to be waived: \_\_\_\_\_  
Need/reason for waiver: \_\_\_\_\_  
\_\_\_\_\_
  
4. Standard/requirement to be waived: \_\_\_\_\_  
Need/reason for waiver: \_\_\_\_\_  
\_\_\_\_\_

*Attach additional page(s) if necessary.*

<b>OFFICE USE ONLY – Site Plan Review</b> (REFERENCE Chapter 62 Site Plans, Lisbon Code of Ordinances)	
Application Number:	Date Received:
Project Name:	Fee Paid (amount):
Applicant:	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	
N/A	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	
N/A	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	
N/A	Location and dimensions of any existing easements	
✓	All existing and proposed setback dimensions as required by Chapter 70 of the Code of Ordinances (see <i>Dimensional Standards table</i> )	
✓	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	
✓	Location, name, and present widths of existing streets and rights-of-way within or adjacent to the proposed development	



Application Number:

Project Name:

✓	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>	
✓	Location of the 100-year floodplain and its elevation, if applicable	
✓	Location, type, size (dimensions) and layout of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking space areas	
✓	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	
✓	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	
✓	Location, front view and dimensions of existing and proposed signs	
✓	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>	
N/A	Existing and proposed topography of the site at 2-foot contour intervals	
N/A	Bearings and distances of all property lines of the property to be developed and the source of this information	

Application Number:

Project Name:

N/A	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	
	A high intensity soil survey by a certified soil scientist	
	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	
	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	
	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>	
	Location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks	
	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.	
N/A	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>	
	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).	
	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.	
	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.	
	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.	
	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.	

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number: <u>Case # 23-08</u>	Date Received:
Project Name:	Fee Paid (amount): <u>180.00</u>
Applicant:	



## Town of Lisbon, Maine CONDITIONAL USE APPLICATION

Project Name/Title: 428 Ridge Road

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. The applicant shall provide 10 copies of the application form and all submission materials.

### Applicant Information

2. Name of Applicant:

Address

Telephone

Eric S. SHERIDAN  
# 5 Crouse Rd, Bowdoin, Maine  
( )

1. Name of Property Owner (if different):

Address

Telephone

( )

3. Name of authorized agent (if different):

Address

Telephone

( )

4. If applicant is a corporation, check if licensed in Maine:

☒ No ☐ Yes  
(if yes, attach a copy of State registration)

5. Person and address to which all correspondence regarding this application should be sent (if different):

Name

Address

Telephone

( )

I have reviewed all submission requirements and completed the remaining pages of this application form.

☐ Attachments Checklist

☐ Waiver Request Form

To the best of my knowledge, all the information submitted in this application is complete and correct.

Signature of Applicant

Date



Application Number:

Project Name:

**Property Information**6. Location of Property (Street or Road) 428 Ridge Road

Register of Deeds

Book 10302 Page 347

Lisbon Tax Maps

Map 12-09 Lot 013

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.

fee ownership - intending to sell or build8. What interest does the applicant/owner have in any property abutting the parcel to be developed?none

9. Are there any easements or restrictive covenants on the property to be developed?

Yes X No If yes, please specify: \_\_\_\_\_10. Current zoning of property: RSICurrent use(s) of property: Vacant land

11. Is any part of the project or property(s) in question part of an overlay zone?

       Aquifer Protection Overlay        Wellhead Protection Overlay

11. Indicate if this property has previously been reviewed and/or permitted as part of a town-approved subdivision, site plan review, conditional use, floodplain development, or other planning board or appeals board review:

not to my knowledge, except possibly due to the structure being demolished by town prior to my ownership.**Project Information***If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner.*12. Nature of the Project. Provide a brief description of the proposed project, including proposed use(s), proposed buildings and structures, proposed site work and other improvements to the property, or other information to familiarize the Planning Board with your application.







# Town of Lisbon Ordinance for Erosion and Sedimentation Control at Construction Sites

Last Revised 3/14/23



Credits: This model ordinance was prepared by SMPDC, CCSWCD, and Integrated Environmental Engineering, Inc. under award CZM NA20NOS4190064 to the Maine Coastal Program from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of NOAA or the Department of Commerce.

## Table of Contents

Section 1 Purpose .....	3
Section 2 Definitions.....	3
Section 3 Applicability .....	5
Section 4 Procedure .....	5
4.1 Erosion and Sedimentation Control Plan Required.....	5
4.2 Submission.....	5
4.3 Review .....	6
4.4 Pre-Construction Meeting .....	<b>Error! Bookmark not defined.</b>
4.5 Compliance with Requirements .....	6
4.6 Notice of Permanent Stabilization.....	<b>Error! Bookmark not defined.</b>
Section 5 Submission Requirements .....	6
5.1 Project Contacts and Qualifications .....	<b>Error! Bookmark not defined.</b>
5.2 Erosion and Sedimentation Control Plan Content .....	6
Section 6 Requirements and Standards .....	7
Section 7 Inspection .....	7
Section 8 Enforcement .....	8
Section 8.1 Right of Entry .....	8
Section 8.2 Notice of Violation .....	8
Section 8.3 Stop Work Notice.....	8
Section 8.4 Penalties/Fines/Injunctive Relief.....	9
Section 8.5 Consent Agreement.....	9
Section 8.6 Appeal of Notice of Violation.....	9
Section 8.7 Enforcement Measures .....	9
Section 9 Severability and Conflicts.....	9
Section 10 Waivers .....	10
Section 11 Authority.....	10
Appendix 1 – Erosion and Sedimentation Control Standards .....	i
Alternate Appendix 1 – Erosion and Sedimentation Control Standards Alt -	<b>Error! Bookmark not defined.</b>



## Section 1 Purpose

The purpose of this Ordinance is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control erosion at construction sites and prevent migration of sediment from construction sites so that erosion and sedimentation do not adversely impact off-site natural resources, properties, or the Regulated Small MS4.

## Section 2 Definitions

**Adverse Impact** – Means any undue deleterious effect due to erosion or sedimentation from Construction Activity on Waters of the State, Protected Natural Resources, the infrastructure of the Regulated Small MS4, or off-Site. Such undue deleterious effect is or may be potentially harmful or injurious to human health, welfare, safety, or property to biological productivity, diversity, or stability, or may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

**Erosion and Sedimentation Control Best Management Practices (Erosion and Sedimentation Control BMPs)** - Means schedules of activities, prohibitions of practices, maintenance procedures, and other methods, techniques, designs, and management practices to prevent or reduce the pollution of Waters of the State and to control erosion (Erosion Control BMPs) and sedimentation (Sedimentation Control BMPs). BMPs also include treatment requirements, operating procedures, and practices to control Site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Common Plan of Development or Sale** - Means a “subdivision” as defined in Title 30-A M.R.S. §§ 4401 *et seq.* (the Maine Subdivision statute) and in in Section 70 Article I and Section 66 Article 2 of the Municipality’s code of ordinances.

**Construction Activity** – Means any activity on a Parcel that results in Disturbed Area.

**Discharge** - Means any spilling, leaking, pumping, pouring, emptying, dumping, disposing, or other addition of pollutants to the Waters of the State located within the Municipality’s Urbanized Area and not including groundwater.

**Disturbed Area** - Means all land areas of a Parcel that are stripped, graded, grubbed, filled, or excavated at any time during the Site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas. “Routine maintenance” is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same is considered routine maintenance. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area.

**Enforcement Authority** – The Town of Lisbon, and their designee, are authorized to enforce this Ordinance. The use of Enforcement Authority in this Ordinance is synonymous with “Enforcement Authority or their designee”.

**General Permit** – Means the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4) approved October 15, 2020 and modified November 23, 2021 and any amendment or renewal thereof.

**Impervious Area** - Means the total area of a Parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common Impervious Areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete, and underdrained artificial turf fields are all considered impervious.

**Municipal Separate Storm Sewer Systems (MS4)** - Means a conveyance or system of conveyances designed or used for collecting or conveying stormwater (other than a publicly owned treatment works (POTW), as defined at 40 CFR 122.2, or a combined sewer), including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains owned or operated by any municipality, sewer or sewage district, Maine Department of Transportation (MDOT), Maine Turnpike Authority (MTA), State agency or Federal agency or other public entity that Discharges to Waters of the State other than groundwater.

**Municipality** – Means the Town of Lisbon.

**Parcel** - Means all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or Parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

**Permitting Authority** - Means the Code Enforcement Officer, Building Inspector, Planning Board, or other official or body authorized by State law or the Municipality’s ordinances to approve development or redevelopment projects.

**Person** - Means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency, or other legal entity which creates, initiates, originates, or maintains a Discharge authorized or regulated by the General Permit.

**Protected Natural Resource** - Means coastal sand dunes, coastal wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands, community public water system primary protection areas, great ponds, or rivers, streams or brooks as defined in the *Natural Resources Protection Act* at 38 M.R.S. §480-B.



**Qualified Professional** – Means a person who has been certified by Enviro-Cert International in erosion and sedimentation control practices or has been certified by completing the Maine Department of Environmental Protection Erosion and Sedimentation Control Practices Workshop, or is a Maine Professional Engineer with at least two years' experience in designing Erosion and Sedimentation Control BMPs.

**Regulated Small MS4** - Means any Small MS4 authorized by the most recent, in-force MS4 General Permit or the general permits for the Discharge of stormwater from MDOT and MTA Small MS4s or state or federally owned or operated Small MS4s including all those located partially or entirely within an Urbanized Area.

**Small MS4** - Means any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems, state or federally owned systems, such as colleges, universities, prisons, military bases and facilities, and transportation entities such as MDOT and MTA road systems and facilities. See also 40 CFR 122.26(b)(16).

**Site** - Means the portion(s) of a Parcel upon which Construction Activity subject to this Ordinance is located.

**Urbanized Area** - Means the area of the Municipality so defined by the inclusive sum of the 2000 decennial census and the 2010 decennial census by the U.S. Census Bureau.

**Waters of the State** – Means Waters of the State as defined in 38 M.R.S. §361-A (7).

## Section 3 Applicability

This Ordinance applies to Construction Activity on a Parcel or Common Plan of Development or Sale commencing after the effective date of this Ordinance, with stormwater Discharges to the Regulated Small MS4 within the Municipality's Urbanized Area, that results in:

- a. Disturbed Area of one or more acres of land, or
- b. Disturbed Area that is less than one acre of land if the Construction Activity creating Disturbed Area less than one acre of land is part of a larger Common Plan of Development or Sale that as approved or amended would create Disturbed Area of one acre or more.

## Section 4 Procedure

### 4.1 Erosion and Sedimentation Control Plan Required

No Person shall commence Construction Activity subject to the Applicability Section of this Ordinance without first preparing and obtaining approval for an Erosion and Sedimentation Control Plan in accordance with this Ordinance.

### 4.2 Submission

When Construction Activity is subject to subdivision, site plan, or other review under the Municipality's planning, zoning, and land use ordinances which includes a review for erosion and sedimentation control, an Erosion and Sedimentation Control Plan meeting these requirements shall

be submitted to the Permitting Authority concurrently with that review. When a concurrent review is not otherwise required, an Erosion and Sedimentation Control Plan shall be submitted to the Enforcement Authority.

#### 4.3 Review

The Erosion and Sedimentation Control Plan shall be reviewed by the Enforcement Authority or incorporated into the municipal review of a subdivision, site plan, or other review under the Municipality's planning, zoning, and land use ordinances by the Permitting Authority, in accordance with subsection 4.2 above. The Enforcement Authority and the Permitting Authority, as appropriate, will conduct the review under the standards of this Ordinance, and will accept and consider public comment provided as part of that review.

The Enforcement Authority or Permitting Authority, as appropriate, will review the Erosion and Sedimentation Control Plan for compliance with the standards of Section 5, Section 6, and Appendix 1 of this Ordinance and may provide comments where standards have not been met. Once an applicant has submitted an Erosion and Sedimentation Control Plan that the Enforcement Authority or Permitting Authority finds is in compliance with the standards of Section 5, Section 6, and Appendix 1 of this Ordinance, the Enforcement Authority or Permitting Authority shall provide written confirmation to the applicant. The Enforcement Authority or Permitting Authority may approve the Erosion and Sedimentation Control Plan, approve it with conditions, or deny the Erosion and Sedimentation Control Plan, and that decision shall be in writing and supported by findings of fact and conclusions of law. Appeals from decisions of the Enforcement Authority regarding the Erosion and Sedimentation Control Plan may be taken within 30 days of the date of decision to the Board of Appeals as provided under the Municipality's Zoning Ordinance; appeals from decisions of the Permitting Authority regarding the Erosion and Sedimentation Control Plan may be taken within 30 days of the date of decision in the same manner as appeals are taken under the Municipality's subdivision or site plan ordinance, as appropriate.

#### 4.5 Compliance with Requirements

The applicant shall implement and comply with the Erosion and Sedimentation Control Plan as approved throughout all phases of Construction Activity.

## Section 5 Submission Requirements

### 5.2 Erosion and Sedimentation Control Plan Content

The Erosion and Sedimentation Control Plan shall be prepared in accordance with the performance standards contained in Appendix 1.

The Erosion and Sedimentation Control Plan shall consist of a graphic representation of the Site at a scale no smaller than 1 inch = 100 feet showing:

- Parcel boundaries,
- Locations of Protected Natural Resources,
- Locations of all potential sources of authorized and unauthorized non-stormwater discharges,
- Locations of all Erosion and Sedimentation Control BMPs to be used,



- Topography for Site pre-and post-construction conditions as 2-foot elevation contours,
- Details for all Erosion and Sedimentation Control BMPs to be used,

The Erosion and Sedimentation Control Plan shall also include documentation of any variances or releases provided by the Maine Department of Environmental Protection from Chapter 500 performance standards.

## Section 6 Requirements and Standards

The Enforcement Authority shall determine if the following standards are met in accordance with Appendix 1.

- Qualified Professional.** The Erosion and Sedimentation Control Plan has been prepared by a Qualified Professional.
- Timing of Installation and Maintenance.** The Erosion and Sedimentation Control Plan requires that Erosion and Sedimentation Control BMPs shall be in place before construction begins, additional measures phased in if phasing is used, and shall be maintained until permanent stabilization is achieved.
- Inspection.** The Erosion and Sedimentation Control Plan provides for inspection of the Site by the applicant to confirm that Erosion and Sedimentation Control BMPs are in place and functioning. The Erosion and Sedimentation Control Plan also provides for corrective action if erosion is occurring or there is a discharge of sediment or turbid water from the construction Site.
- Spill Prevention.** The Erosion and Sedimentation Control Plan includes measures that prevent construction Site pollution and spills from entering stormwater.
- Groundwater Protection.** The Erosion and Sedimentation Control Plan restricts the storage or handling of liquid petroleum products and other hazardous materials that may drain to an "infiltration area."
- Fugitive Sediment and Dust.** The Erosion and Sedimentation Control Plan includes provisions to prevent erosion of soils, tracking or migration of soils into the right of way, discharge of sediment from the Site, and fugitive dust emissions during or after construction.
- Debris.** The Erosion and Sedimentation Control Plan includes provisions to minimize the exposure of construction materials and waste to stormwater runoff and prevent them from migrating off-Site.
- Excavation Dewatering.** The Erosion and Sedimentation Control Plan must include provisions to remove or properly disperse the collected water in a manner that prevents sediment from entering stormwater.
- Non-stormwater Discharges.** The Erosion and Sedimentation Control Plan minimizes non-stormwater discharges and, if non-stormwater discharges are allowed, they are identified in the Erosion and Sedimentation Control Plan with appropriate pollution measures for discharge.

## Section 7 Inspection

The Enforcement Authority will inspect the Site as follows at a minimum:

- Once before any disturbance begins and after all Erosion and Sedimentation Control BMPs specified in the Erosion and Sedimentation Control Plan are in place

- b. Three times during the active earth moving phase of construction
- c. Once at project completion to ensure the Site has reached permanent stabilization and all temporary erosion and sedimentation controls have been removed

Additional inspection requirements to be completed by the applicant during construction are contained in Appendix 1.

## Section 8 Enforcement

It shall be unlawful for any Person to violate any provision of or to fail to comply with any of the requirements of this Ordinance. Whenever the Enforcement Authority believes that a Person has violated this Ordinance, the Enforcement Authority may enforce this Ordinance in accordance with 30-A M.R.S. § 4452 and this Section.

### Section 8.1 Right of Entry

In order to determine compliance with this Ordinance, the Enforcement Authority may enter upon the Parcel at reasonable hours with the consent of the owner, occupant, agent, or contractor to inspect the Parcel for compliance with this Ordinance.

### Section 8.2 Notice of Violation

Whenever the Enforcement Authority finds that a Person has violated this Ordinance, the Enforcement Authority may order compliance with this Ordinance by written notice of violation to that Person indicating the nature of the violation(s), a statement of the Ordinance provision(s) alleged to have been violated, including a statement of the penalties for violation, and ordering the action necessary to correct it, including, without limitation:

- a. The abatement of violations and the cessation of practices or operations in violation of this Ordinance;
- b. At the Person's expense, compliance with or repair of the Erosion and Sedimentation Control BMPs required as a condition of approval of the Erosion and Sedimentation Control Plan, and/or the restoration of any affected portion(s) of the Parcel;
- c. The payment of fines, of the Municipality's remediation costs and of the Municipality's reasonable administrative costs and attorneys' fees and costs;
- d. If abatement of a violation, compliance with the Erosion and Sedimentation Control Plan, repair of Erosion and Sedimentation Control BMPs, and/or restoration of affected portions of the Parcel is required, the notice shall set forth a deadline within which such abatement, compliance, repair, and/or restoration must be completed.

### Section 8.3 Stop Work Notice

The Enforcement Authority may issue a Stop Work Notice whenever:

- a. A Person has not acted on a notice of violation issued pursuant to this Ordinance within the time set forth in the notice, or
- b. A Person subject to the applicability section of this Ordinance undertakes Construction Activity without first submitting an application for and obtaining approval of an Erosion and Sedimentation Control Plan.



The Enforcement Authority will attempt to deliver the Stop Work Notice to the applicant, the Person performing the Construction Activity, or the owner or occupant of the Parcel, as appropriate, by any means reasonable calculated to effectuate delivery.

Once the Stop Work Notice has been delivered, no further Construction Activity at the Site may proceed other than as is necessary to correct the non-compliance. Construction Activity may resume only when the Enforcement Authority provides written notice that the Person may resume that Construction Activity.

#### Section 8.4 Penalties/Fines/Injunctive Relief

Any Person who violates this Ordinance, including, but not limited to the Erosion and Sedimentation Control Plan, shall be subject to fines, penalties, and orders for injunctive relief and shall be responsible for the Municipality's attorney's fees and costs, all in accordance with 30-A M.R.S. § 4452. Each day that such violation continues shall constitute a separate violation. Moreover, any Person who violates this Ordinance also shall be responsible for any and all fines, penalties, damages, and costs, including, but not limited to attorneys' fees and costs, incurred by the Municipality for enforcement of violation(s) of Federal and State environmental laws and regulations caused by or related to that Person's violation of this Ordinance; this responsibility shall be in addition to any penalties, fines, or injunctive relief imposed under this Section.

#### Section 8.5 Consent Agreement

The Enforcement Authority may, with the approval of the municipal officers, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Ordinance for the purposes of eliminating violations of this Ordinance and of recovering fines, costs, and fees without court action.

#### Section 8.6 Appeal of Notice of Violation

Any Person receiving a Notice of Violation or Stop Work Notice may appeal the determination of the Enforcement Authority to the Zoning Board of Appeals. The notice of appeal must be received within 30 days from the date of receipt of the Notice of Violation. The Board of Appeals shall hold a de novo hearing on the appeal within 30 days from the date of receipt of the notice of appeal. A party aggrieved by the decision of the Board of Appeals may appeal that decision to the Maine Superior Court within 45 days of that date of the Board of Appeals decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

#### Section 8.7 Enforcement Measures

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal to the Board of Appeals, within 45 days of a decision of the Board of Appeals affirming or modifying the Enforcement Authority's decision, then the Enforcement Authority may recommend to the municipal officers that the Municipality's attorney file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

### Section 9 Severability and Conflicts

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any Person, establishment, or

circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this Ordinance.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the Municipality, the more restrictive provision shall control.

## Section 10 Waivers

Where the Enforcement Authority finds that there are special circumstances of a particular Erosion and Sedimentation Control Plan that make a particular submission requirement or standard inapplicable, a waiver may be granted, provided that such waiver will not have the effect of nullifying the intent and purpose of this Ordinance. The applicant shall submit, in writing, the reason for the requested waiver. In granting waivers or modifications, the Enforcement Authority may require such conditions that will substantially secure the objectives of the standards so waived or modified.

## Section 11 Authority

The Municipality enacts this Erosion and Sedimentation Control Ordinance pursuant to 30-A M.R.S. §§3001 et seq. (municipal home rule ordinance authority), 38 M.R.S. §413 (the Wastewater Discharge Law), 33 USC §§1251 et seq. (the Clean Water Act), and 40 CFR Part 122 (US Environmental Protection Agency's regulations governing the National Pollution Discharge Elimination System (NPDES)). The Maine Department of Environmental Protection, through its promulgation of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems has listed the Municipality as having a Regulated Small MS4; under this General Permit, listing as a Regulated Small MS4 necessitates enactment of elements of this Ordinance as part of the Municipality's stormwater management program in order to satisfy the minimum control measures for Construction Site Stormwater Runoff Control.



## Appendix 1 – Erosion and Sedimentation Control Standards

The following are the mandatory minimum standards for Construction Activity subject to this Ordinance. The Erosion and Sedimentation Control Plan required under this Ordinance shall be developed and implemented to include these mandatory minimum standards, which are based upon the Maine Department of Environmental Protection's 06-096 CMR Chapter 500 Stormwater Management Rule Appendices A, B, and C.

### **General Timing of Installation and Maintenance until Permanent Stabilization**

Sedimentation Control BMPs must be in place before Construction Activity begins.

- Erosion and Sedimentation Control BMPs must remain in place and functional until the Site is permanently stabilized.
  - Adequate and timely maintenance of Erosion and Sedimentation Control BMPs must be conducted until permanent stabilization is achieved.
1. **Pollution Prevention:** Minimize Disturbed Area and protect natural downgradient buffer area to the extent practicable. Control stormwater volume and velocity within the Site to minimize soil erosion. Minimize the disturbance of steep slopes. Control stormwater Discharges, including both peak flow rates and volume, to minimize erosion at outlets. The Discharge shall not result in erosion of any open drainage channels, swales, stream channels or stream banks, upland, or coastal or freshwater wetlands off the project Site.
    - a. Whenever practicable, no disturbance activities shall take place within 50 feet of any Protected Natural Resource.
    - b. If it is not practicable to maintain the 50-foot buffer of no disturbance, the Erosion and Sedimentation Control Plan must include redundant (at least two) perimeter control measures that are appropriate for the soil and slope.
  2. **Sediment Barriers:** Prior to construction, properly install sediment barriers at the downgradient edge of any area to be disturbed and adjacent to any drainage channels within the Disturbed Area. Sediment barriers shall be installed downgradient of soil and sediment stockpiles and stormwater must be prevented from running onto the stockpile. Maintain the sediment barriers by removing accumulated sediment, or removing and replacing the barrier, until the Disturbed Area is permanently stabilized. Where a Discharge to a storm drain inlet occurs, you must install and maintain protection measures that remove sediment from the Discharge
  3. **Stabilized Construction Entrance:** Prior to construction, properly install a stabilized construction entrance (SCE) at all points of egress from the Site. The SCE is typically a stabilized pad of aggregate, used to prevent traffic from tracking material away from the Site onto public ROWs. Maintain the SCE until all Disturbed Areas are stabilized. If an alternate SCE has been approved by Maine DEP, provide proof of this with the Plan or application.
  4. **Temporary Stabilization:**
    - a. Within 7 days of the cessation of Construction Activities in an area that will not be worked for more than 7 days, stabilize any exposed soil with mulch, or other non-erodible cover.
    - b. Stabilize areas within 75 feet of a wetland or waterbody within 48 hours of the initial disturbance of the soil or prior to any storm event, whichever comes first.

5. **Removal of Temporary Measures:** Remove any temporary control measures, such as silt fence, within 30 days after permanent stabilization is attained. Remove any accumulated sediments and stabilize.
6. **Permanent Stabilization:** If the Site or a portion of the Site will not be worked for more than one year or has been brought to final grade, then permanently stabilize the area within 7 days by planting vegetation, seeding, sod, or through the use of permanent mulch, or riprap, or road sub-base. If using vegetation for stabilization, select the proper vegetation for the light, moisture, and soil conditions; amend the Disturbed Area subsoils with topsoil, compost, or fertilizers; protect seeded areas with mulch or, if necessary, erosion control blankets; and schedule sodding, planting, and seeding so to avoid die-off from summer drought and fall frosts. Newly seeded or sodded areas must be protected from vehicle traffic, excessive pedestrian traffic, and concentrated runoff until the vegetation is well-established with 90% cover by healthy vegetation. If necessary, areas must be reworked and restabilized if germination is sparse, plant coverage is spotty, or topsoil erosion is evident. Permanent Stabilization Definitions are as follows:
  - a. **Seeded Areas:** For seeded areas, permanent stabilization means a 90% cover of the Disturbed Area with mature, healthy plants with no evidence of washing or rilling of the topsoil.
  - b. **Sodded Areas:** For sodded areas, permanent stabilization means the complete binding of the sod roots into the underlying soil with no slumping of the sod or die-off.
  - c. **Permanent Mulch:** For mulched areas, permanent mulching means total coverage of the exposed area with an approved mulch material. Erosion control mix may be used as mulch for permanent stabilization according to the approved application rates and limitations.
  - d. **Riprap:** For areas stabilized with riprap, permanent stabilization means that slopes stabilized with riprap have an appropriate backing of a well-graded gravel or approved geotextile to prevent soil movement from behind the riprap. Stone must be sized appropriately. It is recommended that angular stone be used.
  - e. **Paved Areas:** For paved areas, permanent stabilization means the placement of the compacted gravel subbase is completed, provided it is free of fine materials that may runoff with a rain event.
  - f. **Ditches, Channels, and Swales:** For open channels, permanent stabilization means the channel is stabilized with a 90% cover of healthy vegetation, with a well-graded riprap lining, turf reinforcement mat, or with another non-erosive lining such as concrete or asphalt pavement. There must be no evidence of slumping of the channel lining, undercutting of the channel banks, or down-cutting of the channel.
7. **Winter Construction:** Winter construction is Construction Activity performed during the period from November 1 through April 15. If Disturbed Areas are not stabilized with permanent measures by November 1 or new soil disturbance occurs after November 1, but before April 15, then these areas must be protected and runoff from them must be controlled by the following additional winter construction measures and restrictions:
  - a. **Site Stabilization:** Hay mulch is applied at twice the standard temporary stabilization rate. At the end of each construction day, areas that have been brought to final grade must be stabilized. Mulch may not be spread on top of snow.
  - b. **Sediment Barriers:** All areas within 75 feet of a Protected Natural Resource must be protected with a double row of sediment barriers.



- c. Ditch Lines: Ditch lines must be stabilized with an appropriate stone lining backed by an appropriate gravel bed or geotextile unless specifically released from this standard by the Maine DEP. If release from Maine DEP has been granted, provide proof of this with the Plan or application.
  - d. Slopes: Mulch netting must be used to anchor mulch on all slopes greater than 8% unless erosion control blankets or erosion control mix is being used on these slopes. Unvegetated slopes less than 8% must be protected with an erosion control blanket, erosion control mix, or riprap.
8. Stormwater Channels: Each channel shall be constructed in sections so that the section's grading, shaping, and installation of the permanent lining can be completed the same day. If a channel's final grading or lining installation must be delayed, then diversion berms must be used to divert stormwater away from the channel, properly-spaced check dams must be installed in the channel to slow the water velocity, and a temporary lining installed along the channel to prevent scouring.
  9. Sediment Basins: Sediment basins that will be used to control sediment during construction activities must be designed to provide storage for either the calculated runoff from a 2-year, 24-hour storm or provide for 3,600 cubic feet of capacity per acre draining to the basin. Outlet structures must discharge water from the surface of the basin whenever possible. Erosion controls and velocity dissipation devices must be used if the discharging waters are likely to create erosion. Accumulated sediment must be removed as needed from the basin to maintain at least half of the design capacity of the basin.

The use of cationic treatment chemicals in Sediment Basins, such as polymers, flocculants, or other chemicals that contain an overall positive charge designed to reduce turbidity in stormwater may only be used if proof of approval by Maine DEP is provided.

#### **Inspection, Maintenance and Corrective Action by Applicant On-Site Personnel During Construction**

During construction, the following are the inspection, maintenance, and corrective action requirements which must be implemented by the applicant or their on-Site representative:

1. Inspection: Disturbed and Impervious Areas, Erosion and Sedimentation Control BMPs, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the Site are inspected at least once a week as well as before and within 24 hours after a storm event (rainfall), and prior to completing permanent stabilization measures. A person with knowledge of erosion and sedimentation control, including the standards and conditions in the permit shall conduct the inspections.
2. Maintenance and Corrective Action: If Erosion or Sedimentation Control BMPs need to be maintained, or repaired (corrective action), the work shall be initiated upon discovery of the problem but no later than the end of the next workday. If additional Erosion or Sedimentation Control BMPs or significant repair of Erosion or Sedimentation Control BMPs are necessary, implementation must be completed prior to any storm event (rainfall) and within 7 calendar days of identification. All measures must be maintained in effective operating condition until areas are permanently stabilized.
3. Documentation: A log (report) summarizing the inspections and any repairs or enhancements (corrective actions) added must be maintained by the applicant. The log must include the

name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, materials storage areas, and vehicles access points to the Parcel. Major observations must include Erosion and Sedimentation Control BMPs that need maintenance, Erosion and Sedimentation Control BMPs that failed to operate as designed or proved inadequate for a particular location, and location(s) where additional Erosion and Sedimentation Control BMPs are needed. The log must document each Erosion and Sedimentation Control BMP requiring maintenance, Erosion and Sedimentation Control BMP needing replacement, and location needing additional Erosion and Sedimentation Control BMPs, as well as the corrective action taken and when it was taken. The log shall be maintained for at least three years from the completion of permanent stabilization.

### **Housekeeping Requirements**

1. Spill Prevention: Controls must be used to prevent pollutants from construction and waste materials stored on-Site from entering stormwater, which includes storage practices to minimize exposure of the materials to stormwater. The Site contractor or operator must develop, and implement as necessary, appropriate spill prevention, containment, and response planning measures.
2. Groundwater Protection: During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the Site draining to an infiltration area. An infiltration area is any area of the Site that by design or as a result of soils, topography, and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the Site for the purposes of storage and handling of these materials.
3. Fugitive Sediment and Dust: Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control, but other water additives may be considered as needed. A stabilized construction entrance shall be included to minimize tracking of mud and sediment. If off-Site tracking occurs, public roads shall be swept immediately and no less than once a week and prior to significant storm events. Operations during dry months, that experience fugitive dust problems, shall wet down unpaved access roads once a week or more frequently as needed with a water additive to suppress fugitive sediment and dust.
4. Debris and Other Materials: Minimize the exposure of construction debris, building and landscaping materials, trash, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials to precipitation and stormwater runoff. These materials must be prevented from becoming a pollutant source.
5. Excavation Dewatering: Excavation dewatering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water removed from the ponded area, either through gravity or pumping, must be spread through natural wooded buffers or otherwise treated to collect the maximum amount of sediment possible, like a coffer dam sedimentation or sediment filter bag. Avoid allowing the water to flow over Disturbed Areas of the Site. If the Maine DEP



has approved equivalent measures, provide proof of approval. Note that discharge of excavation dewater fluids from the Site must be visually clear (no visible suspended or settleable solids).

6. Authorized Non-stormwater Discharges: Identify and prevent contamination by non-stormwater Discharges. Where allowed non-stormwater Discharges exist, they must be identified, and steps shall be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the Discharge. Authorized non-stormwater Discharges are:
  - a. Discharges from firefighting activity
  - b. Hydrant flushing if dechlorinated to 0.05 mg/l or less
  - c. Vehicle wash water if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarriage, and transmission washing is prohibited)
  - d. Dust control runoff if it does not cause erosion
  - e. Routine external building washdown, not including surface paint removal, that does not involve detergents
  - f. Pavement wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used
  - g. Uncontaminated air conditioning or compressor condensate
  - h. Uncontaminated groundwater or spring water
  - i. Foundation or footer drain-water where flows are not contaminated
  - j. Uncontaminated excavation dewatering per item 5 Excavation Dewatering
  - k. Potable water including waterline flushings
  - l. Landscape irrigation
7. Unauthorized Non-stormwater Discharges: The following Discharges are prohibited:
  - a. Wastewater from the washout or cleanout of concrete, stucco, paint, form release oils, curing compounds, or other construction materials;
  - b. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
  - c. Soaps, solvents, or detergents used in vehicle and equipment washing; and
  - d. Toxic or hazardous substances from a spill or other release.

## **ARTICLE IV. POST-CONSTRUCTION STORMWATER MANAGEMENT**

### ***DIVISION 1. GENERALLY***

#### **Sec. 42-101. Purpose.**

The purpose of this "Post-Construction Stormwater Management Ordinance" (the "ordinance") is to provide for the health, safety, and general welfare of the citizens of the Town of Lisbon through review and approval of post-construction stormwater management plans and monitoring and enforcement of compliance with such plans as required by federal and state law.

This ordinance establishes methods for post-construction stormwater management in order to comply with minimum control measures requirements of the federal Clean Water Act, of federal regulations and of Maine's Small Municipal Separate Storm Sewer Systems General Permit.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

#### **Sec. 42-102. Objectives.**

The objectives of this ordinance are:

- (1) To reduce the impact of post-construction discharge of stormwater on receiving waters; and
- (2) To reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through use of best management practices as promulgated by the Maine Department of Environmental Protection pursuant to its Chapters 500 and 502 Rules, and ensure that these management controls are properly maintained and pose no threat to public safety.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

#### **Sec. 42-103. Applicability.**

- (a) This ordinance applies to all new development and redevelopment within the town that discharges stormwater to the town's municipal separate storm sewer system (MS4) and to associated stormwater management facilities.
- (b) *Exception.* This ordinance does not apply to new development or redevelopment on a lot, tract or parcel where that lot, tract or parcel is part of a subdivision that is approved under this ordinance. Said lot, tract or parcel shall not require separate review under this ordinance, but shall comply with the post-construction stormwater management plan requirements for that approved subdivision.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

#### **Sec. 42-104. Definitions.**

For the purposes of this ordinance, the terms listed below are defined as follows:



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*Applicant* means a person with requisite right, title or interest or an agent for such person who has filed an application for new development or redevelopment that requires a post-construction stormwater management plan under this ordinance.

*Best management practices ("BMP")* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

*Clean Water Act* means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq., also known as the "Clean Water Act"), and any subsequent amendments thereto.

*Construction activity* means construction activity including one acre or more of disturbed area. Construction activity also included activity with less than one acre of total land disturbed area if that area is part of a subdivision that will ultimately disturb an area equal to or greater than one acre.

*Discharge* means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to "waters of the state." "Direct discharge" or "point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

*Disturbed area* means clearing, grading and excavation. Mere cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area." "Disturbed area" does not include routine maintenance but does include redevelopment. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of land or improvements thereon.

*Enforcement authority* means the town manager or his/her designee who is the person(s) or department authorized by the town to administer and enforce this ordinance.

*Town* means the Town of Lisbon.

*Municipal permitting authority* means the municipal official or body that has jurisdiction over the land use approval or permit required for a new development or redevelopment.

*Municipal separate storm sewer system, or MS4* means conveyances for stormwater, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, state agency or federal agency or other public entity that discharges directly to surface waters of the state.

*National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit* means a permit issued by the U.S. Environmental Protection Agency ("EPA") or by the Maine Department of Environmental Protection ("DEP") that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*New development* means any construction activity on unimproved premises and for purposes of this ordinance includes "redevelopment" defined below.

*Person* means any individual, firm, corporation, municipality, town, quasi-municipal corporation, state agency or federal agency or other legal entity.

*Pollutant* means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

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*Post-construction stormwater management plan* means BMPs and associated inspection and maintenance procedures for the stormwater management facilities employed by a new development or redevelopment to meet the standards of this ordinance and approved by the municipal permitting authority.

*Premises* means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the town from which discharges into the storm drainage system are or may be created, initiated, originated or maintained.

*Qualified post-construction stormwater inspector* means a person who conducts post-construction inspections of stormwater management facilities for compensation and who has received the appropriate training for the same from DEP.

*Redevelopment* means construction activity on premises already improved with buildings, structures or activities or uses, but does not include such activities as exterior remodeling of structures.

*Regulated small MS4* means any small MS4 regulated by the State of Maine "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems" ("general permit"), including all those located partially or entirely within an urbanized area (UA) and those additional small MS4s located outside a UA that as of the issuance of the general permit have been designated by the DEP as regulated small MS4s.

*Small municipal separate storm sewer system, or small MS4* means any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems, state or federally-owned systems, such as colleges, universities, prisons, Maine Department of Transportation and Maine Turnpike Authority road systems and facilities, and military bases and facilities.

*Storm drainage system* means the town's municipal separate storm sewer system including the town's regulated small MS4 and areas outside the town's urbanized area that drain into the regulated small MS4.

*Stormwater* means any stormwater runoff, snowmelt runoff, and surface runoff and drainage; "stormwater" has the same meaning as "storm water."

*Stormwater management facilities* means any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures that are part of the post-construction stormwater management plan for a new development or redevelopment.

*Urbanized area ("UA")* means the areas of the State of Maine so defined by the latest decennial census by the U.S. Bureau of the Census.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

## **Secs. 42-105—42-110. Reserved.**

## ***DIVISION 2. POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN***

### **Sec. 42-111. General requirement.**

- (a) Except as provided in section 42-103(2) above, no applicant for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for new development to which this ordinance is applicable shall receive such permit or approval for that new development unless the municipal permitting authority for that new development also determines that the applicant's post-construction stormwater management plan for that new development meets the requirements of this ordinance.



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- (b) At the time of application, the applicant shall notify the municipal permitting authority if its post-construction stormwater management plan includes any BMP(s) that will discharge to the town's MS4 and shall include in this notification a listing of which BMP(s) will so discharge.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

#### **Sec. 42-112. Performance standards.**

- (a) The applicant shall make adequate provision for the management of the quantity and quality of all stormwater generated by a new development through a post-construction stormwater management plan. This post-construction stormwater management plan shall be designed to meet the standards contained in the Maine Department of Environmental Protection's Chapters 500 and 502 Rules and shall comply with the practices described in the Maine Stormwater Best Management Practices Manual, published by the Maine Department of Environmental Protection, which hereby are incorporated by reference pursuant to 30-A M.R.S. § 3003.
- (b) The applicant shall meet the quantity and quality standards above either on-site or off-site. Where off-site facilities are used, the applicant must submit to the town documentation, approved as to legal sufficiency by the town's attorney, that the applicant has a sufficient property interest in the property where the off-site facilities are located—by easement, covenant or other appropriate legal instrument—to ensure that the facilities will be able to provide post-construction stormwater management for the new development and that the property will not be altered in a way that interferes with the off-site facilities.
- (c) Where the applicant proposes to retain ownership of the stormwater management facilities shown in its post-construction stormwater management plan, the applicant shall submit to the town documentation, approved as to legal sufficiency by the town's attorney that the applicant, its successors, heirs and assigns shall have the legal obligation and the resources available to operate, repair, maintain and replace the stormwater management facilities. Applications for new development or redevelopment requiring stormwater management facilities that will not be dedicated to the town shall enter into a maintenance agreement with the town. A sample of this maintenance agreement is attached as Appendix 1 to this ordinance.
- (d) Whenever elements of the stormwater management facilities are not within the right-of-way of a public street and the facilities will not be offered to the town for acceptance as public facilities, the municipal permitting authority may require that perpetual easements not less than 30 feet in width, conforming substantially with the lines of existing natural drainage, and in a form acceptable to the town's attorney, shall be provided to the town allowing access for maintenance, repair, replacement and improvement of the stormwater management facilities. When an offer of dedication is required by the municipal permitting authority, the applicant shall be responsible for the maintenance of these stormwater management facilities under this ordinance until such time (if ever) as they are accepted by the town.
- (e) In addition to any other applicable requirements of this ordinance and the town's municipal code, any new development which also requires a stormwater management permit from the Maine Department of Environmental Protection (DEP) under 38 M.R.S. § 420-D shall comply with the rules adopted by DEP under 38 M.R.S. § 420-D(1), as the same may be amended from time to time, and the applicant shall document such compliance to the municipal permitting authority. Where the standards or other provisions of such stormwater rules conflict with municipal ordinances, the stricter (more protective) standard shall apply.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

#### **Secs. 42-113—42-120. Reserved.**

## *DIVISION 3. POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN COMPLIANCE*

### **Sec. 42-121. General requirements.**

Any person owning, operating, leasing or having control over stormwater management facilities required by a post-construction stormwater management plan approved under this ordinance shall demonstrate compliance with that plan as follows.

- (1) That person or a qualified post-construction stormwater inspector hired by that person, shall, at least annually, inspect the stormwater management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.
- (2) If the stormwater management facilities require maintenance to function as intended by the approved post-construction stormwater management plan, that person shall take corrective action(s) to address the deficiency or deficiencies **no later than 60 days following the date the deficiency was identified. If 60 days is not possible, then the permittee must establish an expeditious schedule to complete the maintenance and establish a record of the deficiency and corrective action(s) taken.**
- (3) That person shall employ a qualified post-construction stormwater inspector to provide, on or by March 1 of each year, a completed and signed certification to the enforcement authority in a form identical to that attached as Appendix 2 to this ordinance, certifying that the stormwater management facilities have been inspected, and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the stormwater management facilities, and, if the stormwater management facilities require maintenance or repair of deficiencies in order to function as intended by the approved post-construction stormwater management plan, the person shall provide a record of the required maintenance or deficiency and corrective action(s) taken.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

### **Sec. 42-122. Right of entry.**

In order to determine compliance with this ordinance and with the post-construction stormwater management plan, the enforcement authority may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the stormwater management facilities.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )



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### **Sec. 42-123. Annual report.**

Beginning July 1, 2014 and each year thereafter, the town shall include the following in its Annual Report to the Maine Department of Environmental Protection:

- (1) The cumulative number of sites that have stormwater management facilities discharging into their MS4;
- (2) A summary of the number of sites that have stormwater management facilities discharging into their MS4 that were reported to the town;
- (3) The number of sites with documented functioning stormwater management facilities; and
- (4) The number of sites that required routine maintenance or remedial action to ensure that stormwater management facilities are functioning as intended.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

### **Secs. 42-124—42-130. Reserved.**

## ***DIVISION 4. ENFORCEMENT AUTHORITY***

### **Sec. 42-131. Enforcement.**

It shall be unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this ordinance or of the post-construction stormwater management plan. Whenever the enforcement authority believes that a person has violated this ordinance or the post-construction stormwater management plan, the enforcement authority may enforce this ordinance in accordance with 30-A M.R.S. § 4452.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

### **Sec. 42-132. Notice of violation.**

Whenever the enforcement authority believes that a person has violated this ordinance or the post-construction stormwater management plan, the enforcement authority may order compliance with this ordinance or with the post-construction stormwater management plan by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

- (1) The abatement of violations, and the cessation of practices, or operations in violation of this ordinance or of the post-construction stormwater management plan;
- (2) At the person's expense, compliance with BMPs required as a condition of approval of the new development, the repair of stormwater management facilities and/or the restoration of any affected property; and/or
- (3) The payment of fines, of the town's remediation costs and of the town's reasonable administrative costs and attorneys' fees and costs.

If abatement of a violation, compliance with BMPs, repair of stormwater management facilities and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, compliance, repair and/or restoration must be completed.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

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### **Sec. 42-133. Penalties/fines/injunctive relief.**

Any person who violates this ordinance or the post-construction stormwater management plan shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the town's attorney's fees and costs, all in accordance with 30-A M.R.S. § 4452. Each day that such violation continues shall constitute a separate violation. Moreover, any person who violates this ordinance or the post-construction stormwater management plan also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the town for violation of federal and state environmental laws and regulations caused by or related to that person's violation of this ordinance or of the post-construction stormwater management plan; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this chapter.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

### **Sec. 42-134. Consent agreement.**

The enforcement authority may, with the approval of the municipal officers, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this ordinance or of the post-construction stormwater management plan for the purposes of eliminating violations of this ordinance or of the post-construction stormwater management plan and of recovering fines, costs and fees without court action.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

### **Sec. 42-135. Appeal of notice of violation.**

Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the zoning board of appeals in accordance with the provisions of Chapter 70, Article II, Division 4, Sec. 70-120 of the town's zoning ordinance. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation.

The zoning board of appeals shall hold a de novo hearing on the appeal within 30 days from the date of receipt of the notice of appeal. The board of appeals may affirm, reverse or modify the decision of the enforcement authority. A party aggrieved by the decision of the board of appeals may appeal that decision to the Maine Superior Court within 45 days of the date of the board of appeals decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

### **Sec. 42-136. Enforcement measures.**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the zoning board of appeals, within 30 days of a decision of the board of appeals affirming or modifying the enforcement authority's decision, then the enforcement authority may recommend to the municipal officers that the town's attorney file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

### **Secs. 42-137—42-140. Reserved.**



### *DIVISION 5. SEVERABILITY; BASIS*

#### **Sec. 42-141. Severability.**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this ordinance.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

#### **Sec. 42-142. Basis.**

The Town of Lisbon enacts this post-construction stormwater management control ordinance (the "ordinance") pursuant to 30-A M.R.S. § 3001 (municipal home rule ordinance authority), 38 M.R.S. § 413 (the "Wastewater Discharge Law"), 33 U.S.C. § 1251 et seq. (the "Clean Water Act"), and 40 CFR Part 122 (U.S. Environmental Protection Agency's regulations governing the National Pollutant Discharge Elimination System ("NPDES")). The Maine Department of Environmental Protection, through its promulgation of the "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems," effective July 1, 2013, has listed the Town of Lisbon as having a regulated small municipal separate storm sewer system ("small MS4"); under this general permit, listing as a regulated small MS4 necessitates enactment of this ordinance as part of the town's stormwater management program in order to satisfy the minimum control measures required by Part IV.H.5 ("Post-construction stormwater management in new development and redevelopment").

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

#### **APPENDIX 1**

##### **Maintenance Agreement for Stormwater Management Facilities**

This Maintenance Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_ 2015 by and between \_\_\_\_\_ and the Town of Lisbon, Maine.

The project name is .

The location is: \_\_\_\_\_, Lisbon, Maine. The project's Tax Map and Lot Numbers are Tax Map \_\_\_\_\_ Lot \_\_\_\_\_

The project is shown on a plan entitled " \_\_\_\_\_ " dated \_\_\_\_\_ and most recently revised on \_\_\_\_\_, approved by the \_\_\_\_\_ [Municipal Permitting Board] on \_\_\_\_\_ and recorded in the \_\_\_\_\_ County Registry of Deeds in Plan Book \_\_\_\_\_ Page \_\_\_\_\_ (the "Project").

WHEREAS, the approval of the Project includes Stormwater Management Facilities which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the Project the Town of Lisbon requires that periodic maintenance be performed on the Stormwater Management Facilities;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the Town and the agreement of \_\_\_\_\_ to maintain the Stormwater Management Facilities, the parties hereby agree as follows:

1. \_\_\_\_\_, for itself, and its successors and assigns, agrees to the following:
  - (a) To inspect, clean, maintain, and repair the Stormwater Management Facilities, which includes, to the extent they exist, parking areas, catch basins, detention basins or ponds, drainage swales, pipes and related structures, at least annually, to prevent the build up and storage of sediment and debris in the system;
  - (b) To repair any deficiencies in the Stormwater Management Facilities noted during the annual inspection;
  - (c) To provide a summary report on the inspection, maintenance, and repair activities performed annually on the Stormwater Management Facilities to the Town Enforcement Authority;
  - (d) To allow access by Town personnel or the Town's designee for inspecting the Stormwater Management Facilities for conformance with these requirements;
  - (e) To create a homeowners' association for the purpose of maintaining the Stormwater Management Facilities.
2. Upon creation of the homeowners' association, the homeowners' association shall become responsible for compliance with the terms of this Agreement.
3. This Agreement shall constitute a covenant running with the land, and \_\_\_\_\_ shall reference this Agreement in all deeds to lots and/or units within the Project.

\_\_\_\_\_  
\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Its:

TOWN OF LISBON

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Its:

STATE OF MAINE  
\_\_\_\_\_, ss.

\_\_\_\_\_, 20\_\_

Personally appeared the above-named \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged the foregoing Agreement to be said person's free act and deed in said capacity.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print Name: \_\_\_\_\_

STATE OF MAINE  
\_\_\_\_\_, ss.

\_\_\_\_\_, 20\_\_





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Date: \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

STATE OF MAINE

\_\_\_\_\_, ss.

\_\_\_\_\_, 20\_\_.

Personally appeared the above-named \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged the foregoing Annual Certification to be said person's free act and deed in said capacity.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print Name: \_\_\_\_\_

Mail this certification to the Town's Enforcement Authority at the following address:

Code Enforcement Office  
Town of Lisbon  
300 Lisbon Street  
Lisbon, ME 04250