



AGENDA
PLANNING BOARD MEETING
JUNE 08, 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 May 11, 2023

5. PUBLIC HEARINGS - NONE

6. UNFINISHED BUSINESS – Findings of Facts

Case #23-09 – Site Plan Review
Danto's Drywall

Case #23-10– Site Plan Review
Worumbo Waterfront Phase I

7. NEW BUSINESS – Lisbon CSG -Ricker Farms Solar Project – Permit Extension Request
47 Upland Road
Lisbon, Maine 04250
Tax Map R05 Lot 044

Case #23-11 – Conditional Use Application
Rianne Morris
Little Orchid Daycare
20 Main St, Unit C
Lisbon Falls, Me 04252
Map U05 Lot 226

8. OTHER BUSINESS - ROSI & II Discussion

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 MAY 11, 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, and Chris Huston (arriving at 7:05pm); Patrick Maloy was absent. Associate Members Dan Leeman and Nicholas Craig were present as well. Also present were Kate Burch, Lisbon's Contracted Planner; Councilor Fellows, Town Council Liaison; and 2 audience members. The Chairman extended voting privileges to Mr. Craig and Mr. Leeman.

3. REVIEW OF MEETING RULES:

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

4. WRITTEN COMMUNICATIONS: Minutes of April 27, 2023

The meeting minutes of April 27, 2023 were distributed to all the members. The Chairman asked if there were corrections or additions.

VOTE: (2023-53) Mr. Carr, seconded by Mr. Lunt, moved to approve the Minutes of April 27, 2023.

Vote: 5-0 Carried.

PUBLIC HEARINGS – A. **Case #23-09** – Site Plan Review - Danto's Drywall
B. **Case #23-10** - Site Plan Review - Worumbo Waterfront Phase I

The Chairman opened and closed the Public Hearing with no comments.

- 5. UNFINISHED BUSINESS - Case #23-09** – Site Plan Review
Danto's Drywall
William J. Hubble
215 Lisbon Street
Lisbon, Maine 04250
Map U19 Lot 101B

Ms. Burch asked the applicant what his plans would be for following the Rt. 196 Design Standards. Mr. Hubble stated he will clean up the property, put up an enclosure with a door around the gas tanks with flowers on top and shrubs around the building, and reseal the pavement. Ms. Burch suggested defining the boundaries of the driveways since they seem to have gotten wider over the years.

Ms. Burch went through the Local Ordinance Checklist and the Review Standards Checklist.

VOTE: (2023-54) Mr. Lunt, seconded by Mr. Craig, moved to approve the application for Case #23-09-Danto's Drywall. **Vote: 6-0 Carried.**

Case #23-10– Site Plan Review
Worumbo Waterfront Phase I
Town of Lisbon
1 Canal Street
Lisbon Falls, Me 04252
Map U05 Lot 014

Ms. Burch went through the Local Ordinance Checklist and the Review Standards Checklist.

VOTE: (2023-55) Mr. Lunt, seconded by Mr. Craig, moved the approve the application for Case #23-10 Worumbo Waterfront Phase I with the condition that they receive all State Approvals and submit a plan for future development of the area.

Vote: 6-0 Carried.

6. NEW BUSINESS – NONE

7. OTHER BUSINESS – ROSI & II Discussion

Ms. Burch presented some ideas to the Planning Board on how to move forward with changes to ROSI & ROSII as follows:

Overview

The purpose of this workshop is to review potential updates zoning in the ROS-I and ROS-II districts to improve flexibility and fairness for residential development in these zones while preserving farmland, forest, and open space.

According to data from the 2019 Comprehensive Plan, Lisbon sees about 10-20 new residential building permits per year. The Comprehensive Plan directs this growth towards the growth areas in the villages and transition areas (primarily where there are existing water and sewer utilities).

Meanwhile, the Comprehensive Plan states rural areas are “appropriate to direct growth away from. In 10-15 years, these parts of Lisbon should look and feel very similar to the way they do today,” (p. 49.) While limited residential development should be allowed in the rural zones, the comprehensive plan directs us to preserve the “open lands and country roads” (p.49) in the rural residential zones. Therefore, Lisbon should only be seeing a handful of new residential buildings per year in the rural residential zones – which includes both ROS-I and ROS-II as well as RR (Rural Residential) and LRR (Limited Rural Residential.)

Current Zoning

The ROS-I zone allows limited residential development, requiring an Open Space Subdivision if the parcel is greater than 10 acres.

The ROS-II zone is intended to “to maintain the agriculture land base of Lisbon” while allowing limited residential development. New residential subdivisions are not allowed, back lots are not allowed, and all new residential lots must have driveways on existing public streets. The Open Space Subdivision ordinance (Sec. 66-155) requires at least 50% open space to be conserved through common ownership with deed restrictions or an easement, town ownership, or ownership by a land trust. Lots on the remaining land in the parcel must match the net residential density of the zone (2.5 acres/home in the ROS-I). If the open space is publicly accessible, the developer may increase the density by 1 additional lot. The same frontage and setback requirements apply, though setbacks may be reduced to 25’ at the Planning Board’s discretion.

Existing Conditions

ROS-I

Parcels: 456

Acres: 6,458

Average parcel size: 14.22 acres

Median parcel size: 3.6 acres

Parcels above 10 acres: 138 (would require Open Space Subdivision)

There are 74 parcels (3,682 acres, or 57% of district area) enrolled in current use tax programs as farm, forest, or open space. The majority of these are large parcels - the median parcel size of enrolled parcels is 37.9 acres and the average parcel size is 50.44 acres. Only 1 enrolled parcel is under 10 acres (5.9 acres.)

ROS-II

Parcels: 56

Acres: 1,396

Average parcel size: 24.83 acres

Median parcel size: 9.96 acres

Parcels above 10 acres: 28

There are 12 parcels (908 acres, or 65% of district area) enrolled in current use tax programs as farm, forest, or open space. The median parcel size of enrolled parcels is 57 acres and the average parcel size is 75 acres. No enrolled parcels are under 10 acres.

Potential Ordinance Changes

North Star Planning (NSP) recommends several ordinance changes to improve the functionality of ROS-I and ROS-II zoning while protecting agriculture and open space.

Back Lots

Sec. 70-362 prohibits back lots in ROS-II. NSP recommends prohibiting residential back lots in ROS-I and ROS-II, but allowing agriculture, woodlots, and open space back lots.

Residential back lots tend to fracture contiguous agriculture/forest land by allowing large residential lots to be split without subdivision review and can lead to long private driveways serving multiple residences that do not meet typical road standards. However, back lots are a good strategy to maintain agriculture/forest/open space, allowing for the front of the parcel to be developed while maintaining a back lot without any frontage requirements at the rear of the property.

No Subdivision in ROS-II

Sec. 70-362 prohibits new residential subdivision in ROS-II. NSP recommends removing this prohibition but continuing to limit residential development by requiring Open Space Subdivisions or Maximum Lot Size (see below), and requiring all new residential development outside of a subdivision to have road frontage on a public road.

Residential Subdivision Strategies

In order to protect working lands and open space in the ROS-I and ROS-II districts, the Town should continue to limit residential development. There are two primary strategies to regulate this: by making changes to the existing Open Space Subdivision ordinance, or by creating a new Maximum Lot Size ordinance that must be used in ROS-I and ROS-II.

Open Space Subdivision

The current open space subdivision ordinance could be made clearer and more concise. NSP recommends a re-write of this section to make it easier to follow, adding dimensional tables, and creating a checklist to simplify the process for both the Board and property owners who wish to subdivide their land.

The Board can also consider making changes to the ordinance to impact how much land must be conserved, how the land is conserved, what density is allowed, and dimensional requirements.

- The current ordinance requires 50% of the buildable land on the parcel to be conserved, which is typical. However, some communities with strong agricultural protections in Maine require up to 80% of a parcel to be conserved. Another option is to have a minimum 50% conserved land, with density bonuses provided if additional land is conserved. When preserving working land like farm or forest, the conserved land must be undivided.
- In an open space subdivision, the conserved land can be owned by the owners of the lots or dwelling units (i.e., HOA), a conservation organization, or the town. Because Lisbon is focused on preserving working agriculture and forest land, a clause can be added to specify that the conserved land can be leased by the owner(s) for those uses.
- The current ordinance requires that the lots on the remaining land in the parcel must match the net residential density of the zone, but lot sizes may be reduced at the Planning Board's discretion. The Board could consider allowing greater density in a conservation subdivision, which would allow for more housing development. Maintaining the existing net density requirements would keep the low rate of housing growth in these areas.

- Dimensional requirements including frontage and setbacks are the same as the underlying zone, but may be modified at the Planning Board's discretion. In ROS-II, all lots must have a frontage to depth ratio of 1:1.5. Dimensional flexibility is important in an open space subdivision as it allows for creativity in the lot layout.
- Buffer requirements are another part of this ordinance. Keeping a minimum buffer between agricultural and residential uses is a strategy to prevent conflicts. Additionally, the Board could require a vegetated buffer along the frontage of a subdivision so the houses can't be seen, to maintain the rural look of the road.
- The Board should consider in what situations this type of subdivision is required – for example, the Board could require an Open Space Subdivision in all ROS-I and ROS-II subdivisions, or just for parcels over 10 acres in those zones, or for all parcels enrolled in a current use tax program or in use as agriculture land.

Maximum Lot Size: An Open Space Subdivision Alternative

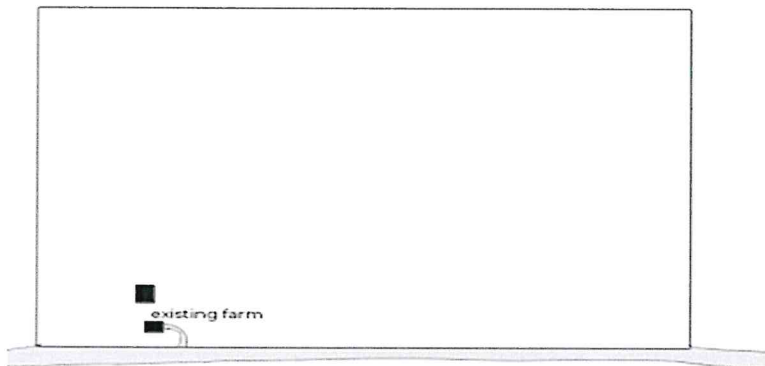
Another approach to preserving farm, forest, and open lands is through a maximum lot size ordinance.

A maximum lot size ordinance sets a maximum lot size and a maximum density: for example, 1 acre lots and 1 unit per 10 acres. Dimensional requirements are kept flexible. Setback requirements can be adjusted to keep development close to roads, or to maintain rural views by keeping development set back from roads.

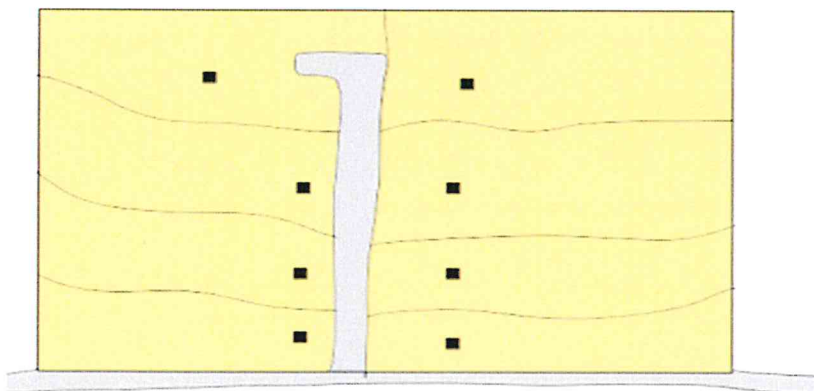
The difference between this type of regulation and Open Space Subdivision is that the remaining large parcel area does not have to be conserved under an easement.

A Maximum Lot Size ordinance could be applied only to the ROS-I and ROS-II zones to ensure the preservation of land while allowing minimal residential development. Different maximum densities could be set for each zone to allow more development in ROS-I and less in ROS-II.

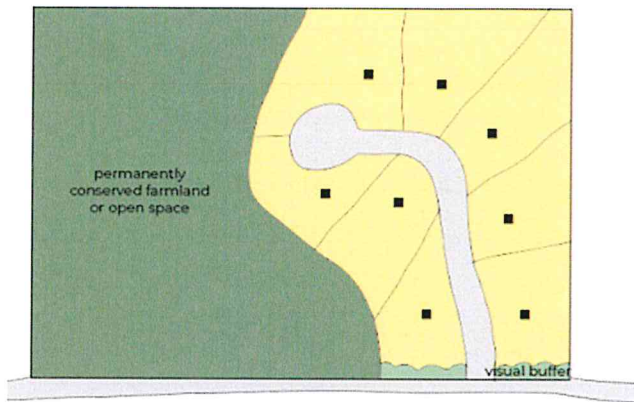
Consider an existing 20-acre parcel:



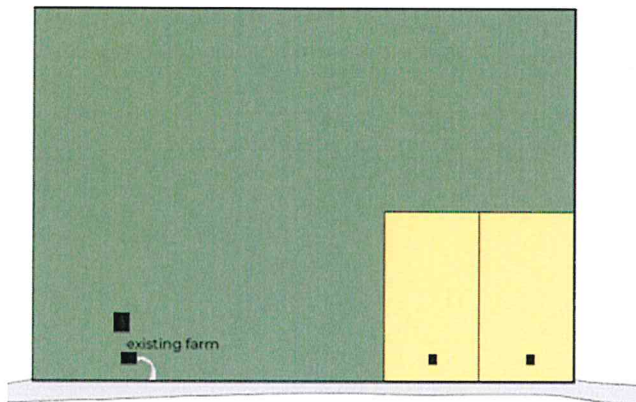
Conventional Subdivision: 8 2.5-acre lots



Open Space Subdivision: 10 acres conserved; 8-1.25 acre lots with a visual buffer



Maximum Lot Size: 16 acres conserved; 2 2-acre lots



Other Strategies

Zoning Changes

The Board can consider wider zoning changes that impact the balance of rural land use and residential development in Lisbon.

Lisbon has 4 rural residential zones:

- Limited Rural Residential
- Rural Residential
- ROS-I
- ROS-II

The Board could make ordinance or zoning changes that apply to all rural residential zones to encourage farm/forest land preservation, such as:

- Require open space subdivisions (or maximum lot size) in all 4 rural residential zones on all parcels over 10 acres, and/or on parcels enrolled in current use tax programs or in use as woodlot, farmland, open space, or pasture.
- Look at the difference between some of these zones and see if any could be combined or if boundaries should be changed.
- Land Use changes – consider allowing additional uses in rural zones to help farms remain active through things like agri-tourism, operating lodgings for employees, rural entrepreneurial businesses, on-farm processing, and others.

Directing Growth to the Growth Areas

Allowing more residential density in Lisbon's growth and transition areas, particularly in walkable areas of town that

are served by public water and sewer, is another way to direct growth away from the farm, forest, and open space that we want to protect. As part of a future project, NSP will be looking at other zone densities in the Village District and surrounding zones to see if densities should be increased.

Public Outreach

In addition to ordinance and zoning changes, the Town of Lisbon can help protect farm, forest, and open space by support its farm and forest businesses. These strategies include:

- Send a letter to all property owners in all 4 rural residential districts to explain available tax and easement programs, with information on how to apply and who on town staff can assist.
- Survey farmers/woodlot owners to get feedback on what kind of protections they have on their property, future plans for their parcel, and what the town could do to support their business.

Ms. Burch said she will present more information at the Planning Board Meeting in June.

8. CODE ENFORCEMENT OFFICER – NONE

9. ADJOURNMENT

VOTE: (2023-56) Mr. Carr, seconded by Mr. Lunt, moved to adjourn at 8:00 pm. **Vote: 6-0 Carried**

Respectfully Submitted: _____

Lisa B. Smith, Deputy Town Clerk

Date Approved: June 08, 2023

Case #23-09: Site Plan Review
Danto's Drywall
William J. Hubble
215 Lisbon Street
Lisbon, ME 04250
Map U19 Lot 101B

Findings of Fact

The applicant submitted a Site Plan Review application for a new use at the property referenced above. The use is office, storage, and vehicle storage for a drywall company.

The Planning Board first considered the applicant on April 27, 2023 and accepted the application as complete. On May 11, 2023 the Board conducted a Public Hearing. On May 11, 2023, the Planning Board approved the Site Plan Review.

Conclusions of Law

General Review Standards: Lisbon Code of Ordinances. Chapter 62, Site Plans

Performance Standards

1. Completed the Tier 2 Site Plan Review Checklists
2. Town of Lisbon Ordinance Checklist
3. All abutters notified and public hearing notices were posted as required

Therefore, the Planning Board hereby approves the Site Plan Review for Case #23-09 Danto's Drywall.

Case #23-10: Site Plan Review
Worumbo Waterfront Phase I
Town of Lisbon
1 Canal Street
Lisbon Falls, ME 04252
Map U05 Lot 014

Findings of Fact

The applicant submitted a Site Plan Review application for two projects planned for the Worumbo Waterfront site: to add additional safety lighting, as approved by the Lisbon Town Council last year, and to landscape with four inches of loam and grass.

The Planning Board first considered the applicant on April 27, 2023 and accepted the application as complete. On May 11, 2023 the Board conducted a Public Hearing. On May 11, 2023, the Planning Board approved the Site Plan Review with the following Conditions of Approval:

1. This approval is conditioned on the applicant receiving all necessary federal, state, and local approvals prior to construction.
2. Prior to the start of any site work, erosion and sedimentation control must be in place and inspected by the town Code Enforcement Officer or the CEO's designee.

Conclusions of Law

General Review Standards: Lisbon Code of Ordinances. Chapter 62, Site Plans

Performance Standards

1. Completed the Tier 2 Site Plan Review Checklists
2. Town of Lisbon Ordinance Checklist
3. All abutters notified and public hearing notices were posted as required

Therefore, the Planning Board hereby approves the Site Plan Review for Case #23-10 Worumbo Waterfront Phase I.

TAD \$150
CHECK 1005

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number: 23-11	Date Received: 5/24/23
Project Name:	Fee Paid (amount): \$150.00
Applicant:	



Town of Lisbon, Maine CONDITIONAL USE APPLICATION

Project Name/Title: Little Orchid Daycare

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

Rianne Morris
19 Spruce St, Sabattus ME 04280
(207) 754-8138

1. Name of Property Owner (if different):

Address

Telephone

Sarah Melendez
20 Main St, Unit C Lisbon Falls ME 04280
(207) 689-5076

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.

Rianne Morris
Signature of Applicant

5/24/23
Date

Application Number:

Project Name:

Property Information

6. Location of Property (Street or Road) 20 Main St, unit C

Register of Deeds

Book _____ Page _____

Lisbon Tax Maps

Map 405 Lot 226

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.

lease agreement

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

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

____ Yes ☒ No If yes, please specify: _____

10. Current zoning of property: _____

Current use(s) of property: _____

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:

yes

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.

Daycare center providing care to infants
6 weeks to 2 year and toddlers age 2 to 4.

<i>OFFICE USE ONLY – Conditional Use Application</i>	
<i>Application Number:</i>	<i>Project Name:</i>

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:

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.

<i>OFFICE USE ONLY – Conditional Use Application</i>	
<i>Application Number:</i>	<i>Project Name:</i>

OFFICE USE ONLY – Conditional Use Application (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
	Basic Required Attachments:	
	1. A complete set of plans in accordance with the submission requirements under section 66-52 (3) of the Town of Lisbon Subdivision Ordinance: <u>Preliminary Plan</u> . The preliminary plan and all application material shall be submitted in ten (10) copies 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.	
	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, 10 copies .	
	3. A statement addressing all of the applicable factors listed in section 70-194 of this Zoning Ordinance (10 copies): Factors applicable to conditional uses	
	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"> i. <i>Health</i>. The maintenance of safe and healthful conditions. ii. <i>Pollution</i>. The prevention and control of water pollution and sedimentation. iii. <i>Building sites</i>. The control of building sites, placement of structures and land uses. iv. <i>Wildlife habitat</i>. The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. 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. 	
	B. <i>Additional factors</i> . The planning board shall also consider the following factors: <ul style="list-style-type: none"> i. <i>Compatibility with area</i>. The compatibility of the proposed use with adjacent land uses. ii. <i>Need</i>. The need of a particular location for the proposed use. iii. <i>Access</i>. Access to the site from existing or proposed roads. iv. <i>Flooding</i>. The location of the site with respect to floodplains and floodways of rivers or streams. 	

OFFICE USE ONLY – Conditional Use Application

Application Number:

Project Name:

	<p>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.</p> <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>	
	Possible Additional Attachments:	
	<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.	

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

Conditional Use Review Planning Board Procedure Checklist

Date Completed	
	1. Initial application received (10 copies), payment of fee(s)
	2. (a) Code Enforcement Officer determines submission complete, go to #6 (b) OR may be referred to Planning Board to review for completeness
	3. Schedule initial review meeting with Planning Board (to review application and determine completeness)
	4. Refer application submission to appropriate staff for review or additional information, as appropriate
	5. At review meeting, PB determine if additional submission materials needed, determine if complete, provide written notice
	6. Schedule public hearing at least 14 days after notice of completeness or receipt of complete submission; abutters must be provided with a notice of receipt of an application and date of public hearing (and site visit if applicable) by mail at least 7 days before the hearing
	7. Notice of filing of an application and notice of scheduled public hearing, published by newspaper at least 7 days before the hearing; include notice of scheduled site visit if applicable
	8. Planning Board site visit (optional)
	9. Public hearing held: (a) applicant presentation, (b) staff comments/presentation, (c) public comment
	10. Planning Board review of application and decision (approve, approve with conditions, deny) – does not have to be same meeting as hearing
	11. Provide applicant and abutters with written notice of decision, including reasons for decision, within 20 days of the public hearing.

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

Conditional Use Permit Review Applicant Procedure Checklist

<i>Date completed</i>	<i>Please refer any questions regarding the procedure to appropriate town staff.</i>
	<p>1. Submit Application to Town Office (Code Enforcement Officer), by the 2nd Thursday of the month:</p> <ul style="list-style-type: none"> a. Complete application form and prepare all required submission materials (see checklist), provide 10 copies of all forms and materials; b. Applicant must pay any required fee(s) at time of submission; c. Schedule an initial submission review meeting with Planning Board (regular meetings are 4th Thursdays of the month).
	<p>2. Attend first Planning Board meeting, initial application review:</p> <ul style="list-style-type: none"> a. Planning board will review the submitted materials, including any requests for waivers, and make a determination if the submission is complete or if additional materials must be provided; b. If Board determines submission is complete, applicant will be provided with a written notice; if submission is not complete, Board will specify additional materials needed, applicant must provide additional materials to the Code Enforcement Officer and will then be issued a written notice of completeness; c. A public hearing with the Planning Board will be scheduled within 14 days of issuance of written notice of completeness; the Town will send notices to all abutters and publish a public notice of scheduled hearing; d. Board may request a site visit prior to the public hearing; e. Application will be referred to appropriate town departments/staff as appropriate, prior to public hearing.
	<p>3. Optional site visit:</p> <p>If a site visit is scheduled, the Town shall publish notice of the site visit; the applicant shall be present at the Board site visit.</p>
	<p>4. Attend public hearing:</p> <ul style="list-style-type: none"> a. Applicant (or representative) will be allowed a brief presentation; b. Town staff will present any comments; c. Public hearing will be opened, Board will make a note of all public and abutter comments; d. Upon close of public hearing, no further comment or discussion from the public or applicant shall be entertained; the Board will decide whether to conduct their review and decision immediately after the hearing, or may table the application review to a second meeting (held within two weeks of the public hearing);

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

	<p>5. Planning Board Review (may be a separate meeting from the hearing):</p> <p>a. Planning Board shall conduct a review of the proposed conditional use based on the standards and requirements of town ordinance(s) (see Conditional Use Permit Standards Checklist);</p> <p>b. The Board shall make a decision to (a) approve, (b) approve with conditions, or(c) deny the proposed conditional use, and will indicate any specific conditions and requirements of approval in its written notice of decision.</p>
	<p>6. Written notice of decision:</p> <p>The Town shall provide the applicant and abutters with a written notice of the decision, including reasons for decision and any conditions (must be provided within 20 days of the public hearing).</p>
	<p>7. Issuance of permits and compliance with conditions:</p> <p>Upon issuance of a written decision to approve, the applicant may obtain appropriate permit(s) from the Code Enforcement Officer; the applicant will be required to comply with all conditions specified in the written decision.</p>

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

Conditional Use Permit Standards Checklist

Waivers. Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of this chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of this chapter are met.

Sec. 70-194. - Factors applicable to conditional uses

(a) **Primary factors.** In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	1. <i>Health.</i> The maintenance of safe and healthful conditions. <i>Conditions:</i>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	2. <i>Pollution.</i> The prevention and control of water pollution and sedimentation. <i>Conditions:</i>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	3. <i>Building sites.</i> The control of building sites, placement of structures and land uses. <i>Conditions:</i>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	4. <i>Wildlife habitat.</i> The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. <i>Conditions:</i>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	5. <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. <i>Conditions:</i>

Application Number:

Project Name:

(b) Additional factors. The planning board shall also consider the following factors:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	1. <i>Compatibility with area.</i> The compatibility of the proposed use with adjacent land uses. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	2. <i>Need.</i> The need of a particular location for the proposed use. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	3. <i>Access.</i> Access to the site from existing or proposed roads. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	4. <i>Flooding.</i> The location of the site with respect to floodplains and floodways of rivers or streams. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	5. <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. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	6. <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. Conditions:

Application Number:

Project Name:

Met	Not	Waived	7. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions:
Met	Not	Waived	8. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions:
Met	Not	Waived	9. <i>Transportation.</i> The impact of the proposed use on transportation facilities.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions:
Met	Not	Waived	10. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions:
Met	Not	Waived	11. <i>Water supply.</i> The impact of the proposed use on local water supplies.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions:

Additional conditions list, next page.

Application Number:

Project Name:

Sec. 70-195. - Conditions attached to conditional uses

Additional conditions. Upon consideration of the factors listed in section 70-194, the planning board may attach such conditions, in addition to those required elsewhere in this chapter, that it finds necessary to further the purposes of this chapter. Such conditions may include, but are not limited to specifications for:

Additional Factors	Conditions
Type of vegetation:	
Increased setbacks and yards:	
Specified sewage disposal and water supply facilities:	
Landscaping and planting screens:	
Period of operation:	
Operational controls:	
Professional inspection and maintenance:	
Sureties:	
Deed restrictions:	
Restrictive covenants:	
Locations of piers, docks, parking and signs, type of construction:	
Any other conditions necessary to fulfill the purpose of the conditional use chapter:	

Site Plan Review

Local Ordinances Checklist:

This checklist is provided to ensure that all municipal ordinances have been considered for applicability and that appropriate standards are met.

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Table of Land Uses, Table of Dimensional Requirements. Chapter 70, Article IV, Division 13 and Division 14 <i>These tables list all permitted and non-permitted land uses by zone/district, and indicate dimensional requirements (lot size, density, frontage, setbacks) by zone.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Manufactured Housing, Mobile Homes and Trailers, [Parks]. Chapter 22, Article II <i>No manufactured housing, house trailer or mobile home park shall be established in the town except upon application to the planning board and the town council.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Entrances onto Public Ways. Chapter 46, Article V <i>Any new entrance onto a public way requires a permit and must meet specified standards. Access Management (Sec. 46-134): This chapter includes specific standards and permitting for driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Building Code. Chapter 54, Article II <i>In accordance with 25 M.R.S. §2373, the Town of Lisbon has adopted the mandatory standards and regulations of the Maine Uniform Building and Energy Code (MUBEC), ASHRAE 62.1-2013, ASHRAE 62.2-2013, ASHRAE 90.1-2013, ASTM E-1465-08.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Floodplain Management. Chapter 58, Article II <i>Land uses within any special flood hazard areas (Zones A and A1-30 identified by FEMA) are subject to evaluation and to land use and control measures to reduce future flood impacts, in accordance with the National Flood Insurance Program.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Shoreland Zoning. <i>The standards and provisions of shoreland zoning apply to any development, structure, or land use activities in land areas within 250 feet horizontal distance of (1) the normal high-water line or any great pond or river, (2) the upland edge of a coastal wetland, (3) the upland edge of a freshwater wetland, (4) all land areas within 75 feet horizontal distance of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a</i>

OFFICE USE ONLY – Conditional Use Application

Application Number:

Project Name:

			dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Site Plan Review. Chapter 62, Article I Commercial, industrial and institutional development, including and multifamily that is not considered to be a subdivision under 30-A M.R.S.A. § 4401, must meet the standards of this chapter to ensure that the development occurs in a manner which minimizes adverse effects on public facilities, the environment and neighboring uses.
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Subdivisions. Chapter 66, Article I All subdivisions are subject to review and must meet the standards and provisions of this chapter according to state statute 30-A M.R.S.A. § 4401. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period beginning on or after September 23, 1971, including the creation of or division of structure(s) to have 3 or more dwelling units within a 5-year period, or conversion from a non-residential use to residential creating 3 or more dwelling units. Subdivisions in ROS Districts: All subdivisions in ROS zones greater than 10 acres must meet the Open Space Subdivision standards. Open Space Subdivisions: This chapter includes specific provisions to allow for open space preservation through increased flexibility in subdivision standards and requirements.
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Groundwater & Wellhead Protection. Chapter 70, Article V, Division 2 Includes special regulations to protect the town's sensitive sand and gravel aquifers and public drinking water supplies (wellheads) from development impacts, based on the mapped overlay zones.
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Supplementary Zoning Regulations. Chapter 70, Article VI, Division I Includes additional regulations for the following: <ul style="list-style-type: none"> • Accessory buildings • Agriculture • Campgrounds • Filling, grading, dredging, earth moving • High-intensity farming • Home occupations • Sanitation • Drainage • Conversion of existing building to multi-unit housing • Water quality • Archeological sites • Roads and driveways • Essential services

OFFICE USE ONLY – Conditional Use Application

Application Number:

Project Name:

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Rear Lots. Chapter 70, Article VI, Division 2, Sec. 70-641 <i>The creation of a rear lot may be permitted through conditional use review, and must meet the requirements within this section.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Off-Street Parking and Loading. Chapter 70, Article VI, Division 3 <i>Includes standards for the provision of off-street parking and loading areas, excluding single-family and duplex units.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Marine Structures. Chapter 70, Article VI, Division 4 <i>Includes standards for piers, docks or other shoreline construction. (See also Shoreland Zoning.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Signs. Chapter 70, Article VI, Division 5 <i>Includes standards for all public and private signage. (See also Table of Land Uses, Chapter 70, Article IV, Division 13, for permitted zones.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Timber Harvesting and Clearing Vegetation. Chapter 70, Article VI, Division 6 <i>Includes standards for all timber harvesting within 250 feet horizontal distance of the normal high-water line of a river or the upland edge of a freshwater wetland, or within 75 feet of the normal high-water line of a stream.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Planned Unit or Cluster Development. Chapter 70, Article VI, Division 7 <i>Specific provisions applying to a planned development under unified management, planned and developed as a whole according to comprehensive and detailed plans.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Expansion of Sand and Gravel Mining within Aquifer Protection Overlay District. Chapter 70, Article VI, Division 9 <i>Standards applying to overlay district zones 2 or 3, zone 1 expansions not permitted.</i>

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

Conditional Use Permit Standards Checklist

Waivers. Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of this chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of this chapter are met.

Sec. 70-194. - Factors applicable to conditional uses

(c) **Primary factors.** In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	6. <i>Health.</i> The maintenance of safe and healthful conditions. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	7. <i>Pollution.</i> The prevention and control of water pollution and sedimentation. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	8. <i>Building sites.</i> The control of building sites, placement of structures and land uses. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	9. <i>Wildlife habitat.</i> The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	10. <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. Conditions:

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

(d) **Additional factors.** The planning board shall also consider the following factors:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	12. <i>Compatibility with area.</i> The compatibility of the proposed use with adjacent land uses. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	13. <i>Need.</i> The need of a particular location for the proposed use. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	14. <i>Access.</i> Access to the site from existing or proposed roads. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	15. <i>Flooding.</i> The location of the site with respect to floodplains and floodways of rivers or streams. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	16. <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. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	17. <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. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	18. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site. Conditions:

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	19. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
			Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	20. <i>Transportation.</i> The impact of the proposed use on transportation facilities.
			Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	21. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities.
			Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	22. <i>Water supply.</i> The impact of the proposed use on local water supplies.
			Conditions:

Additional conditions list, next page.

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

Sec. 70-195. - Conditions attached to conditional uses

Additional conditions. Upon consideration of the factors listed in section 70-194, the planning board may attach such conditions, in addition to those required elsewhere in this chapter, that it finds necessary to further the purposes of this chapter. Such conditions may include, but are not limited to specifications for:

Additional Factors	Conditions
Type of vegetation:	
Increased setbacks and yards:	
Specified sewage disposal and water supply facilities:	
Landscaping and planting screens:	
Period of operation:	
Operational controls:	
Professional inspection and maintenance:	
Sureties:	
Deed restrictions:	
Restrictive covenants:	
Locations of piers, docks, parking and signs, type of construction:	
Any other conditions necessary to fulfill the purpose of the conditional use chapter:	

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

Site Plan Review

Local Ordinances Checklist:

This checklist is provided to ensure that all municipal ordinances have been considered for applicability and that appropriate standards are met. Full ordinance text available on the Town website or at the town office. **Applicants are encouraged to contact Code Enforcement to review applicability of any special standards or provisions under the Lisbon Code of Ordinances to their project.**

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Table of Land Uses, Table of Dimensional Requirements. Chapter 70, Article IV, Division 13 and Division 14 <i>These tables list all permitted and non-permitted land uses by zone/district, and indicate dimensional requirements (lot size, density, frontage, setbacks) by zone.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Manufactured Housing, Mobile Homes and Trailers, [Parks]. Chapter 22, Article II <i>No manufactured housing, house trailer or mobile home park shall be established in the town except upon application to the planning board and the town council.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Entrances onto Public Ways. Chapter 46, Article V <i>Any new entrance onto a public way requires a permit and must meet specified standards. Access Management (Sec. 46-134): This chapter includes specific standards and permitting for driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Building Code. Chapter 54, Article II <i>In accordance with 25 M.R.S. §2373, the Town of Lisbon has adopted the mandatory standards and regulations of the Maine Uniform Building and Energy Code (MUBEC), ASHRAE 62.1-2013, ASHRAE 62.2-2013, ASHRAE 90.1-2013, ASTM E-1465-08.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Floodplain Management. Chapter 58, Article II <i>Land uses within any special flood hazard areas (Zones A and A1-30 identified by FEMA) are subject to evaluation and to land use and control measures to reduce future flood impacts, in accordance with the National Flood Insurance Program.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Shoreland Zoning. <i>The standards and provisions of shoreland zoning apply to any development, structure, or land use activities in land areas within 250 feet horizontal distance of (1) the normal high-water line or any great pond or river, (2) the upland edge of a coastal wetland, (3) the upland edge of a freshwater wetland, (4) all land areas within 75 feet horizontal distance of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.</i>

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

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Site Plan Review. Chapter 62, Article I <i>Commercial, industrial and institutional development, including and multifamily that is not considered to be a subdivision under 30-A M.R.S.A. § 4401, must meet the standards of this chapter to ensure that the development occurs in a manner which minimizes adverse effects on public facilities, the environment and neighboring uses.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Subdivisions. Chapter 66, Article I <i>All subdivisions are subject to review and must meet the standards and provisions of this chapter according to state statute 30-A M.R.S.A. § 4401. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period beginning on or after September 23, 1971, including the creation of or division of structure(s) to have 3 or more dwelling units within a 5-year period, or conversion from a non-residential use to residential creating 3 or more dwelling units. Subdivisions in ROS Districts: All subdivisions in ROS zones greater than 10 acres must meet the Open Space Subdivision standards. Open Space Subdivisions: This chapter includes specific provisions to allow for open space preservation through increased flexibility in subdivision standards and requirements.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Groundwater & Wellhead Protection. Chapter 70, Article V, Division 2 <i>Includes special regulations to protect the town's sensitive sand and gravel aquifers and public drinking water supplies (wellheads) from development impacts, based on the mapped overlay zones.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Supplementary Zoning Regulations. Chapter 70, Article VI, Division I <i>Includes additional regulations for the following:</i> <ul style="list-style-type: none"> • Accessory buildings • Agriculture • Campgrounds • Filling, grading, dredging, earth moving • High-intensity farming • Home occupations • Sanitation • Drainage • Conversion of existing building to multi-unit housing • Water quality • Archeological sites • Roads and driveways • Essential services
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Rear Lots. Chapter 70, Article VI, Division 2, Sec. 70-641 <i>The creation of a rear lot may be permitted through conditional use review, and must meet the requirements within this section.</i>

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

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Off-Street Parking and Loading. Chapter 70, Article VI, Division 3 <i>Includes standards for the provision of off-street parking and loading areas, excluding single-family and duplex units.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Marine Structures. Chapter 70, Article VI, Division 4 <i>Includes standards for piers, docks or other shoreline construction. (See also Shoreland Zoning.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Signs. Chapter 70, Article VI, Division 5 <i>Includes standards for all public and private signage. (See also Table of Land Uses, Chapter 70, Article IV, Division 13, for permitted zones.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Timber Harvesting and Clearing Vegetation. Chapter 70, Article VI, Division 6 <i>Includes standards for all timber harvesting within 250 feet horizontal distance of the normal high-water line of a river or the upland edge of a freshwater wetland, or within 75 feet of the normal high-water line of a stream.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Planned Unit or Cluster Development. Chapter 70, Article VI, Division 7 <i>Specific provisions applying to a planned development under unified management, planned and developed as a whole according to comprehensive and detailed plans.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Expansion of Sand and Gravel Mining within Aquifer Protection Overlay District. Chapter 70, Article VI, Division 9 <i>Standards applying to overlay district zones 2 or 3, zone 1 expansions not permitted.</i>

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

OFFICE USE ONLY:

Conditional Use Final Planning Board Decision

Page 1 of 2

- ☐ Application approved
☐ Application approved with conditions
☐ Application denied

See written decision and conditions, next page.

Planning Board Signatures:

Signature of Planning Board Member

Date

Signature of Planning Board Member

Date

Signature of Planning Board Member

Date

Signature of Planning Board Member

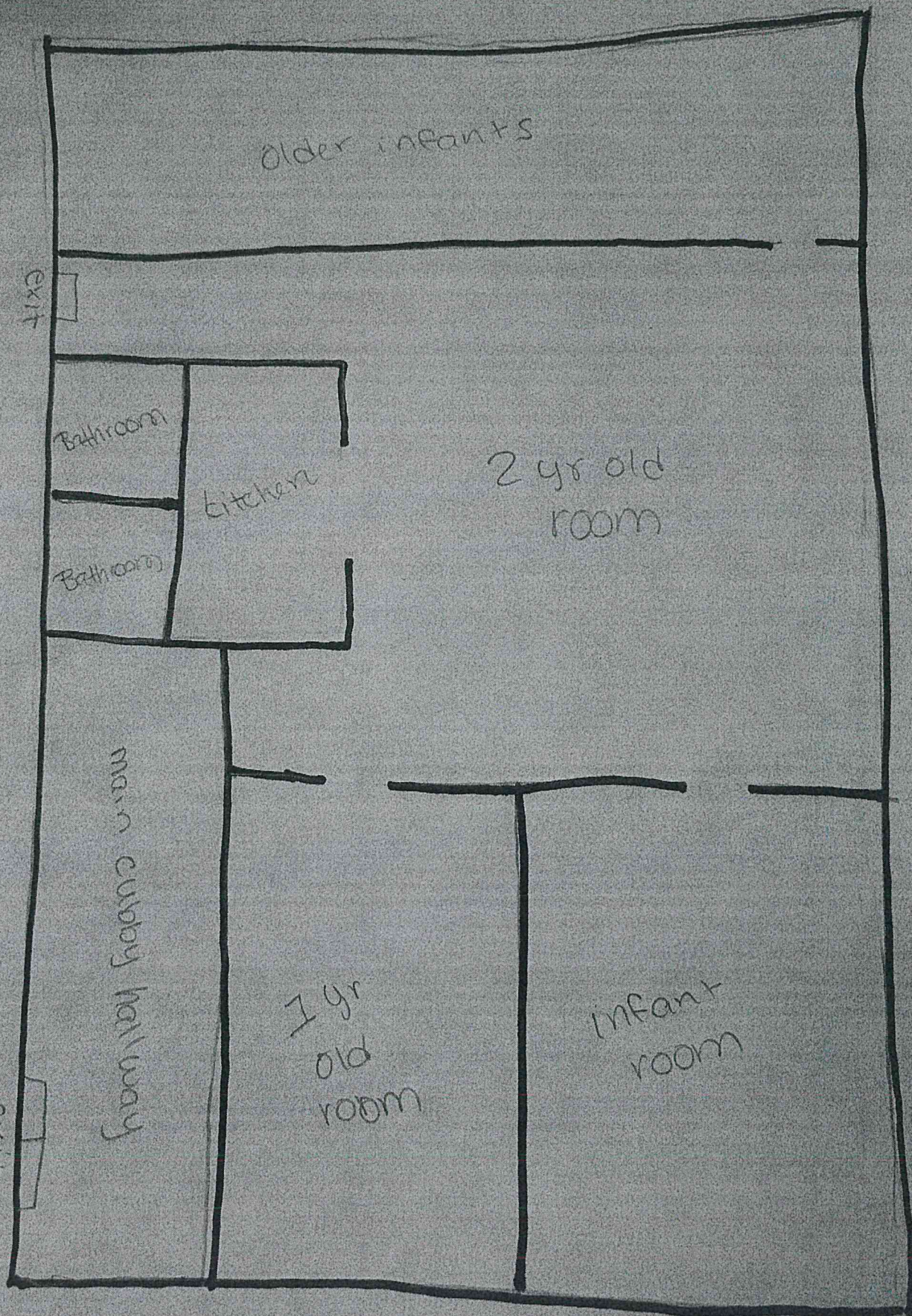
Date

Signature of Planning Board Member

Date

A conditional use permit secured under the provisions of this article by vote of the planning board shall expire if the work or change involved is not commenced within one year of the date on which the conditional use is authorized, and if the work or change is not substantially completed within two years

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



MEMORANDUM

TO: Lisbon Planning Board

CC: Mark Stambach, Code Enforcement Officer

From: Kate Burch, Planner, North Star Planning

RE: ROS-I/ROS-II Proposed Zoning Changes

Date: June 8, 2023

Overview

The purpose of this workshop is to review proposed zoning changes to implement maximum lot size regulations in ROS-I and ROS-II.

At the May 11, 2023 Workshop, the Planning Board discussed zoning updates to allow more residential development in these rural zones while still protecting the rural character and working lands of the area. The Board reviewed conventional subdivision, open space subdivision, and maximum lot size tools, and agreed to move forward with drafting maximum lot size regulations.

Current Zoning

The ROS-I zone allows limited residential development, requiring an Open Space Subdivision if the parcel is greater than 10 acres.

The ROS-II zone is intended to “to maintain the agriculture land base of Lisbon” while allowing limited residential development. New residential subdivisions are not allowed, back lots are not allowed, and all new residential lots must have driveways on existing public streets.

Current Dimensional Table for ROS-I and ROS-II

District	Minimum Lot Size/Density	Minimum Road Frontage	Minimum Shore Frontage	Minimum Front Setback	Shoreland Area	Minimum Side Setback	Minimum Rear Setback	Maximum Lot Coverage
Rural Open Space I				50' arterial, 35' collector, 25' minor	75'	25'	25'	
Single Family	100,000 SF	300'	300'					25%
Multi Family	60,000 SF per DU	300' (up to 4 DU); 300' + 75' per DU (over 4 DU)	300' (up to 4 DU); 300' + 75' per DU (over 4)					25%
Agriculture/high-intensity farming	5 acres	300'	300'					20%
Other Uses	100,000 SF	300'	300'					25%
Rural Open Space II	60,000 SF minimum; 100,000 SF maximum	Required frontage on an existing public road. The lot frontage to lot depth ratio shall be 1:1.5.	200'	50'	75'	25'	25'	20%

Proposed Ordinance Changes

New additions are underlined; suggested eliminations are ~~struck through~~.

Definitions

Agriculture means the production, keeping or maintenance for sale or lease of plants and/or animals, including but not limited to forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

Commercial farm means any parcel used for agriculture that meets at least one of the following conditions:

1. Eligible for or enrolled the current use taxation Farm and Open Space Tax Law (36 M.R.S. § § 1101 - 1121)
2. At least the minimum required farm income for the filing of an IRS Form-F of the landowner is derived from farm uses

Farm employee means any person who gains income from employment on a commercial farm.

Farm labor housing is a new or existing single or multi-family dwelling and/or other permanent structure converted into apartments, that is occupied by farm

employees and their family members, on a commercial farm. Any housing occupied by the landowner or the landowner's family is not considered farm labor housing.

Divison 5 – Rural Open Space District I

Sec. 70-352. - Permitted uses.

After the effective date of this amendment, no new residential building permits shall be issued for parcels larger than 1.5 acres, except to replace existing residences or for farm labor housing on a commercial farm.

Divison 5A – Rural Open Space District II

Sec. 70-358. - Permitted uses.

After the effective date of this amendment, no new residential building permits shall be issued for parcels larger than 2 acres, except to replace existing residences or for farm labor housing on a commercial farm.

Sec. 70-361. - Dimensional requirements.

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

- (1) *Maximum coverage.* Maximum coverage of lot by structures in the rural open space district II shall not exceed 20 percent; except that high intensity farming shall not exceed 25 percent.
- ~~(2) *Lot standards.* Lots shall comply with the following:~~
 - ~~a. Lots shall have a minimum area of 60,000 square feet and a maximum area of 100,000 square feet.~~
 - ~~b. After the effective date of this amendment, lots for residential use shall have the required frontage on an existing publically maintained road.~~
 - ~~c. The lot frontage to lot depth ratio shall be 1:1.5.~~

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

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

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

Proposed Dimensional Changes

District	Minimum Lot Size	Maximum Lot Size	Maximum Density	Minimum Road Frontage	Minimum Shore Frontage	Minimum Front Setback	Shoreland Area	Minimum Side Setback	Minimum Rear Setback	Maximum Lot Coverage
Rural Open Space I										
Residential/Other Uses	20,000 SF per DU; 20,000 SF	1.5 acres	1 unit per 5 acres	150'	150'	50' arterial, 35' collector, 25' minor	75'	25'	25'	20%
Agriculture/High-intensity	40,000 SF	none	1 unit per 5 acres	150'	150'		75'	25'	25'	25%
Rural Open Space II										
Residential/Other Uses	40,000 SF per DU; 40,000 SF	2 acres	1 unit per 10 acres	300'	300'	50'	75'	25'	25'	20%
Agriculture/High-intensity	40,000 SF	none	1 unit per 10 acres	150'	150'	50'	75'	25'	25'	25%

Maximum Lot Size Scenarios

ROS-I Scenario 1

ROS-I – 25 acre lot

Maximum lot size: 1.5 acres

Maximum density: 1 unit per 5 acres

Minimum road frontage: 150'



ROS-I Scenario 2

ROS-I – 25 acre lot

Maximum lot size: 1.5 acres

Maximum density: 1 unit per 5 acres

Minimum road frontage: 300'



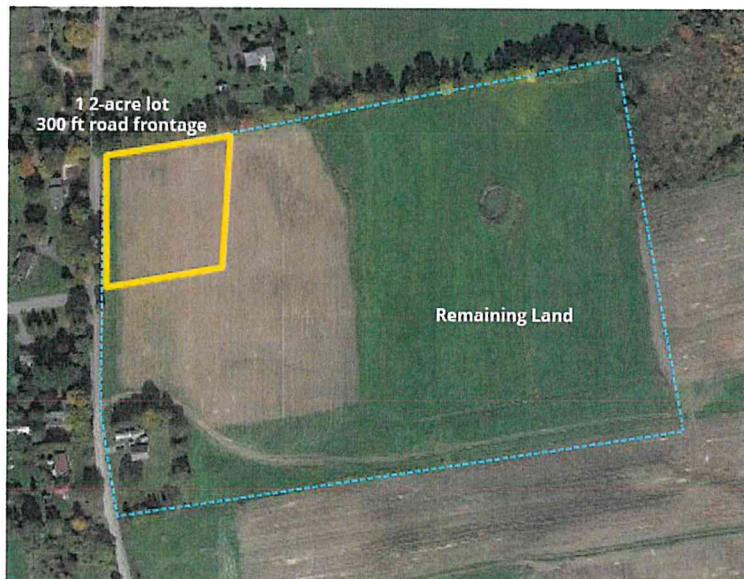
ROS-I Scenario 3

ROS-I – 25 acre lot

Maximum lot size: 2 acres

Maximum density: 1 unit per 10 acres

Minimum road frontage: 300'



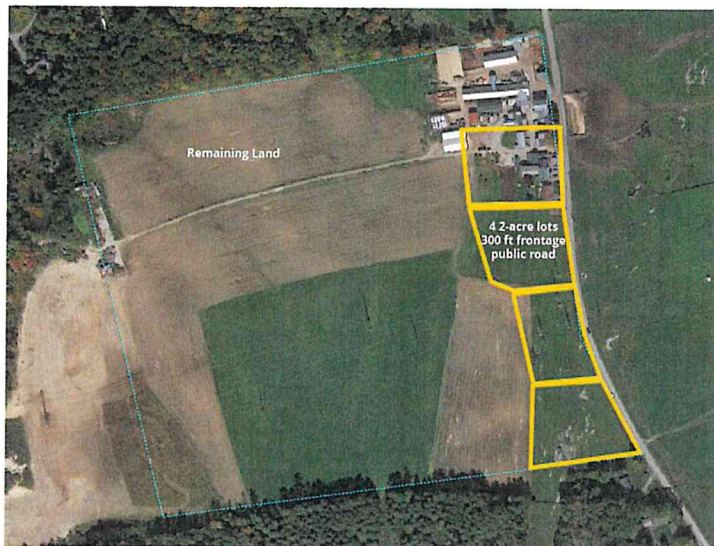
ROS-II Scenario 1

ROS-II – 60 acre lot

Maximum lot size: 2 acres

Maximum density: 1 unit per 10 acres

Minimum road frontage: 300' on existing public road



ROS-II Scenario 2

ROS-II – 60 acre lot

Maximum lot size: 2 acres

Maximum density: 1 unit per 10 acres

Minimum road frontage: 300'

