



AGENDA
PLANNING BOARD MEETING
AUGUST 10, 2023
LISBON TOWN OFFICE
7:00 PM

Shaun Carr, Chair- Regular 2024
Nicholas Craig, Vice Chair -Regular 2026
Vacant- Regular 2025
Christopher Huston- Regular 2025
Patrick Maloy - Regular 2024
William Kuhl, Associate 2024
Dan Leeman - Associate 2025

1. CALL TO ORDER
2. ROLL CALL

____Shaun Carr (Chair)

____Nicholas Craig (Vice-Chair)

____Chris Huston

____Vacant

____Patrick Maloy

____William Kuhl (Associate)

____Dan Leeman (Associate)
3. CHAIRMAN’S REVIEW OF MEETING RULES
4. WRITTEN COMMUNICATIONS – Minutes of July 27, 2023
5. PUBLIC HEARINGS - NONE
6. UNFINISHED BUSINESS – Findings of Facts

Case #23-12 - Conditional Use Application – Park St. Friends Daycare

Case #23-13 - Conditional Use Application – Changing garage to In-law Apt.

Case #23-14 - Conditional Use Application – Compost – Bush’s Bushes
7. NEW BUSINESS – Rt. 196 Design Corridor Ordinance Discussion
8. OTHER BUSINESS- LD 2003 Compliance – Zoning and ADU (Accessory Dwelling Units) Ordinance
Change 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 JULY 27, 2023

Shaun Carr, Chair- Regular 2024
Nicholas Craig, Vice Chair - Regular 2026
Vacant- Regular 2025
Christopher Huston- Regular 2025
Patrick Maloy- Regular 2024
William Kuhl- Associate 2024
Dan Leeman - Associate 2025

1. **CALL TO ORDER - ELECTION OF OFFICERS:** Election of Chair: Motion by William Kuhl to nominate Shaun Carr. Seconded by Dan Leeman. All in favor. Election of Vice Chair: Motion by William Kuhl to nominate Nicholas Craig. Seconded by Dan Leeman. All in favor.

Mr. Kuhl took a moment to share that Curtis Lunt had resigned for personal reasons. Mr. Kuhl said on behalf of the Board and the Town of Lisbon, he wanted to thank Mr. Lunt for his years of service as a member of the Planning Board and as a Town Manager. He will be greatly missed.

The Chairman, Mr. Carr called the meeting to order at 7:03 PM.

2. **ROLL CALL:** Regular members present were Shaun Carr, Chris Huston, Patrick Maloy and Nicholas Craig. Associate Members Dan Leeman and William Kuhl were present as well. Also present was Mark Stambach, Code Enforcement Officer; Councilor Fellows, Town Council Liaison; Town Councilor Keller and 12 audience members. Voting privileges were extended to 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 June 22, 2023

The meeting minutes of June 22, 2023 were distributed to all the members. The Chairman asked if there were corrections or additions.

VOTE: (2023-71) Mr. Huston, seconded by Mr. Maloy moved to approve the Minutes of June 22, 2023.
Vote: 5-0 Carried.

5. **PUBLIC HEARINGS** – The Chairman opened the Public Hearing at 7:04pm

Case #23-12 – Conditional Use Application – Park St. Friends Daycare

There were no comments. The Chairman closed the Public Hearing.

Case #23-13 – Conditional Use Application – Changing garage to In-law Apt.

Mr. Capprini stated he did get approval from the Water Department for this project.
The Chairman closed the Public Hearing.

Case #23-14 – Conditional Use Application – Compost

John Enman, an abutter, said he's never had a problem with Mr. Bush. They've been neighbors for over 20 years. His only concern with this project is possible runoff onto his property.
The Chairman closed the Public Hearing.

6. **UNFINISHED BUSINESS** – **Case #23-11** Little Orchid Day Care- Conditional Approval

Mr. Kuhl said there was a boundary line issue with an abutter to this project. The Board put a condition on it at the last meeting to state that questions with the property line issue be resolved within 30 days.

Rianne Morris, the applicant, stated her playground is located only on the Olive Pit's side of the property. An authorization of use of the Olive Pit's property was emailed to Mr. Stambach from Christine Cain, owner of that business.

Mr. Stambach said he received an email from an abutter to the playground, the Androscoggin-Sagadahoc Counties Extension Association, who is questioning the property line of the playground. The Association was checking into having a survey done, but that would take a while and asked that the condition remain until this can be cleared up.

Joshua Marking, owner of the building, presented a survey map of the Daycare property and stated it his property that the playground is on. He said 25 feet from the Olive Pit's property line to Association's property is his property.

Mr. Stambach received an email from Ms. Morris during the meeting, giving the Daycare permission to use Olive Pit's property.

VOTE (2023-72) Mr. Leeman, seconded by Mr. Craig moved to approve the modification of the prior condition after receiving the mutual agreement between Ms. Morris and Olive Pit Brewing allowing for use of the playground on the property shared by Olive Pit Brewing and Family Legacy, LLC, owner of the 20 Main Street property.

Vote: 5-0 Carried.

Findings of Facts – Little Orchid Day Care – 20 Main St. Lisbon Falls

VOTE: (2023-73) Mr. Craig, seconded by Mr. Maloy moved to dispense with the reading of the Findings of Facts for Case #23-11- Little Orchid Day Care and insert it into the record as follows:

In the Matter of:

Case #23-11 – Conditional Use Application

Rianne Morris
Little Orchid Daycare
20 Main St, Unit C
Lisbon Falls, Me 04252
Map U05 Lot 226

Findings of Fact

The applicant submitted a Conditional Use Application for a Family Child Care to be located at 20 Main St, Unit C in Lisbon Falls, Tax Map U05 Lot 226.

The Planning Board first considered the application on June 8, 2023 and accepted the application as complete. On June 22, 2023 the Board conducted a public hearing. On June 22, 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 Little Orchid Daycare, 20 Main St. Unit C, Lisbon Falls with the following conditions:

- 1. Questions with the Property line issue is resolved within 30 days. Until there is resolution, the playground area to the south shall not be used.**

****NOTE:** At the July 27, 2023 Planning Board Meeting, the following vote was taken to modify the prior Condition:

VOTE (2023-72) Mr. Leeman, seconded by Mr. Craig moved to approve the modification of the prior condition after receiving the mutual agreement between Ms. Morris and Olive Pit Brewing allowing for use of the playground on the property shared by Olive Pit Brewing and Family Legacy, LLC, owner of the 20 Main Street property.

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

Vote: 5-0 Carried.

Case #23-12 Conditional Use Application
Park Street Friends Daycare
Heidi Stuart
7 Park Street
Lisbon, Me 04250
Map U19 Lot 75

Mr. Stambach went through the Local Ordinance and Conditional Use Permit Standards Checklists.

VOTE: (2023-74) Mr. Maloy, seconded by Mr. Craig moved to approve the application for Case #23-12- Park Street Friends Daycare.

Vote: 5-0 Carried.

Case #23-13 -Conditional Use Application–Changing garage to In-law Apt.
Michael Capprini
8 Center Street
Lisbon Falls, Me 04252
Map U07 Lot 149A

Mr. Stambach went through the Local Ordinance and Conditional Use Permit Standards Checklists.

VOTE: (2023-75) Mr. Craig, seconded by Maloy moved to approve the application for Case #23-13 – Michael Capprini.

Case #23-14 –Conditional Use Application – Compost
Bush's Bushes
Edward Bush
159 Ridge Road
Lisbon Falls, Me 04252
Map R05 Lot 007

Mr. Stambach went through the Local Ordinance and Conditional Use Permit Standards Checklists.

VOTE: (2023-76) Mr. Leeman, seconded by Mr. Maloy moved to approve the application for Case #23-14- Compost.

The Chairman extended voting privileges to Mr. Kuhl due to Mr. Huston and Mr. Maloy abstaining from voting due to conflict of interest with this business.

Vote: 4-0 Carried. (Mr. Huston and Mr. Maloy abstaining)

- 7. NEW BUSINESS – NONE**
- 8. OTHER BUSINESS – NONE**
- 9. CODE ENFORCEMENT OFFICER – NONE**
- 10. ADJOURNMENT**

VOTE: (2023-77) Mr. Leeman, seconded by Mr. Maloy moved to adjourn at 7:40 pm. **Vote: 5-0 Carried**

Respectfully Submitted: _____

Lisa B. Smith, Deputy Town Clerk
Date Approved: August 10, 2023



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

August 10, 2023

In the Matter of:

Case #23-12 - Conditional Use Application
Park Street Friends Daycare
Heidi Stuart
7 Park Street
Lisbon, Me 04250
Map U19 Lot 75

Findings of Fact

The applicant submitted a Conditional Use Application for a Daycare at 7 Park Street, Lisbon, Map U19 Lot 75. The Planning Board first considered the application on June 22, 2023 and accepted the application as complete. On July 27, 2023 the Board conducted a public hearing. On July 27, 2023, the Planning Board approved the Conditional Use Permit.

Conclusion of Law

General Review Standards: Lisbon Code of Ordinances. Article III – Conditional Uses.

Performance Standards.

1. Application for Site Plan Review

- Completed the Local Ordinances Checklist
- Completed the Conditional Use Permit Standards Checklist

Therefore, the Planning Board hereby approves the Conditional Use Permit Application for Park Street Friends Daycare.

By: _____
Shaun Carr
Lisbon Planning Board Chair

Date _____



Town of Lisbon

Planning Board

**300 Lisbon Street
Lisbon, ME 04250**

August 10, 2023

In the Matter of:

Case #23-13 -Conditional Use Application – Changing garage to In-law Apt.
Michael Capprini
8 Center Street
Lisbon Falls, Me 04250
Map U07 Lot 149A

Findings of Fact

The applicant submitted a Conditional Use Application to change a Garage to an In-law Apartment located at 8 Center Street in Lisbon Falls, Tax Map U07 Lot 149A.

The Planning Board first considered the application on June 22, 2023 and accepted the application as complete. On July 27, 2023 the Board conducted a public hearing. On July 27, 2023, the Planning Board approved the Conditional Use Permit.

Conclusion of Law

General Review Standards: Lisbon Code of Ordinances. Article III – Conditional Uses.

Performance Standards.

1. Application for Site Plan Review

- Completed the Local Ordinances Checklist
- Completed the Conditional Use Permit Standards Checklist

Therefore, the Planning Board hereby approves the Conditional Use Permit Application for Michael Capprini to Change a Garage to an In-law Apartment.

By: _____
Shaun Carr
Lisbon Planning Board Chair

Date _____



Town of Lisbon

Planning Board

**300 Lisbon Street
Lisbon, ME 04250**

August 10, 2023

In the Matter of:

Case #23-14 –Conditional Use Application – Compost
Bush's Bushes
Edward Bush
159 Ridge Road
Lisbon Falls, Me 04252
Map R05 Lot 007

Findings of Fact

The applicant submitted a Conditional Use Application for Composting at 159 Ridge Road, Lisbon Falls, Map R05 Lot 007. The Planning Board first considered the application on June 22, 2023 and accepted the application as complete. On July 27, 2023 the Board conducted a public hearing. On July 27, 2023, the Planning Board approved the Conditional Use Permit.

Conclusion of Law

General Review Standards: Lisbon Code of Ordinances. Article III – Conditional Uses.

Performance Standards.

1. Application for Site Plan Review
 - Completed the Local Ordinances Checklist
 - Completed the Conditional Use Permit Standards Checklist

Therefore, the Planning Board hereby approves the Conditional Use Permit Application for Bush's Bushes for Composting.

By: _____
Shaun Carr
Lisbon Planning Board Chair

Date _____

MEMORANDUM

TO: Lisbon Planning Board

CC: Mark Stambach, Code Enforcement Officer

From: Kate Burch, Planner, North Star Planning

RE: Rt 196 Design Standards Checklist

Date: August 2, 2023

Overview

The following document is a draft checklist for the Route 196 Design Standards.

The purpose of this checklist is to make it easier for applicants to understand which standards apply to their project, and to create a way for applicants to clearly communicate how they will fulfill each standard.

The goal is to improve the process by which the Planning Board reviews these standards, and to make it simple for the Code Enforcement Officer to determine if the applicant has fulfilled this aspect of an approved site plan.

Route 196 Design Standards Review Checklist

The Route 196 Design Standards provide a tool for the Town of Lisbon to improve the visual character of the Route 196 corridor. These standards and guidelines are meant to ensure that new development and redevelopment is designed and constructed with desired character in terms of architecture, scale, site layout and aesthetic/visual effect.

The purpose of this checklist is to make it easier for applicants to fulfill the Route 196 Design Standards, and to facilitate project review by the Planning Board and/or Code Enforcement Officer.

- For clarification or more information on specific guidelines in this checklist, see Chapter 70, Article VII of the Lisbon Code of Ordinances.
- For a visual guide to the Route 196 Design Standards, see https://www.lisbonme.org/sites/g/files/vyhlif3366/f/uploads/rt196-design-guidelines_adopted2014.pdf

Project Name: _____

Applicant Name: _____

Address: _____

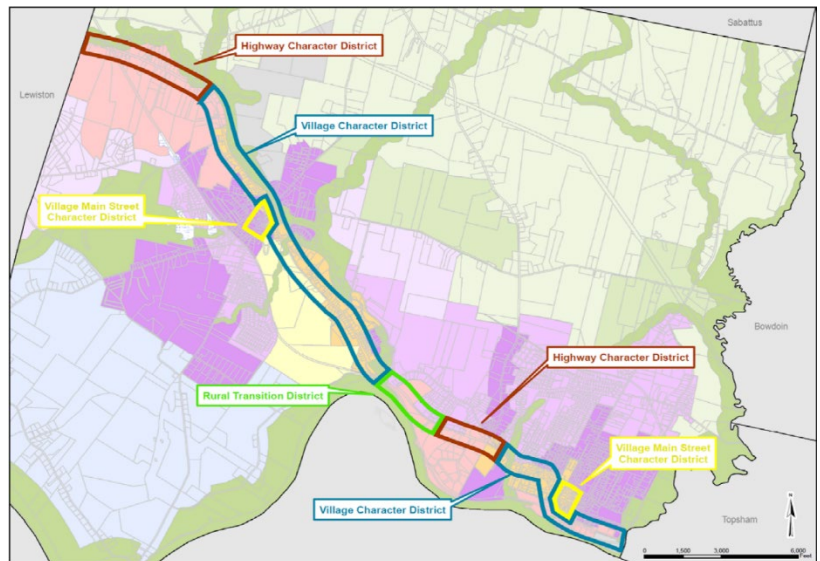
Applicable project:

- ☐ Site Plan Review
- ☐ Non-Residential Subdivision
- ☐ Signage Permit
- ☐ Conditional Use Permit
- ☐ Other* _____

**For all other permits, all new buildings, major alterations, and alterations facing Route 196, Main Street, or Village Street must conform to these standards. Site improvements must conform to the landscaping standards.*

Project Location:

- ☐ Village Character District
- ☐ Village Main Street Character District
- ☐ Highway Character District
- ☐ Rural Transition Character District



Design Standards for All Districts

All standards must be depicted on site plans/landscaping plans, or described on this form.

Access & Parking

Me t	N/ A	Waiver Requeste d	
			Buildings have clearly marked and well-designed entrances. (Sec. 70-833 1(c)1)
			Safe and well-marked pedestrian access to building entrances from parking areas and existing sidewalks is provided. (Sec. 70-833 1(c)2)
			Pedestrian paths are separated from vehicle areas with curbing, green space, or other barriers. (Sec. 70-833 1(c)3)
			Parking and paved areas are located to the rear and side of buildings. (Sec. 70-833 1(d)1)
			Parking on the side of buildings is not closer to the road than the front of the building. (Sec. 70-833 1(d)1b)
			Areas of pavement such as for vehicle circulation or parking do not extend up to or directly alongside buildings, except at doorways, garages, or loading areas. (Sec. 70-833 1(d)2)
			There is a designated location for snow storage that does not conflict with landscaping or pedestrian access. (Sec. 70-833 1(d)4)

Description of how the proposed project meets standards:

Utilities & Lighting

Me t	N/ A	Waiver Requeste d	
			All above ground utility boxes, or structures associated with underground utilities, are screened with landscaping or decorative fencing. (Sec. 70-833 1(f)1)
			Exterior lighting on the building is part of the architectural concept. Fixtures, standards, and all exposed accessories are harmonious with building design. (Sec. 70-833 1(c)3)
			Site lighting fixtures are of quality design with appropriate style and craftsmanship, and pedestrian-scaled. (Sec. 70-833 1(f)2)
			All lighting fixtures only use recessed, shielded, or cut-off luminaire fixtures to reduce light glare and light pollution. (Sec. 70-833 1(f)3)
			Dumpsters and propane or other fuel tanks are screened with wood or vinyl fencing, landscaping, or located within an accessory structure. (Sec. 70-833 1(f)5)

Description of how the proposed project meets standards:

Building Design & Materials

Me t	N/ A	Waiver Requeste d	
			Buildings are compatible in scale and design with area development. (Sec. 70-833 2(b)2)
			Building architecture reflects traditional New England building forms such as pitched roofs, dormers, and windows. (Sec. 70-833 2(b)3)
			Free-standing accessory structures meet the same design standards as the principal structures on the site. (Sec. 70-833 2(b)3)
			Existing and historic buildings and structures will be retained whenever possible, and historic architectural features are retained or replaced in kind. (Sec. 70-833 2(b)4)
			Facades are articulated every 50 feet using varied setbacks, rooflines, materials and heights. (Sec. 70-833 2(b)6)
			No architectural forms primarily derived from building styles from other regions of the country are used. (Sec. 70-833 2(b)9)
			No architecture as advertising (buildings stylized to the point that the building or improvements are more an advertisement than an architectural form.) (Sec. 70-833 2(d)1)
			Signage attached to the building is part of the architectural concept, and is harmonious with building design. (Sec. 70-833 2(d)2)
			Exterior building materials are of comparable aesthetic quality on all sides. (Sec. 70-833 2(c)1)
			Building siding materials are clapboard, brick, and/or other traditional local/regional building materials. (Sec. 70-833 2(c)1)
			Building facade colors must be non-reflective, subtle, neutral, or earth tone. (Sec. 70-833 2(c)2)
			No highly reflective or processed materials, stucco or synthetic stucco, adobe, concrete block, T-111, untreated plywood, particle board, tilt-up concrete panels, or multicolored brick are used as the primary facade material. (Sec. 70-833 2(c)2)

Description of how the proposed project meets standards:

Landscaping, Buffers, & Screening

Me t	N/ A	Waiver Requeste d	Design Standard
			There is a grass or landscaped buffer between any paved areas and buildings, adjacent roads, and sidewalks (N/A in Village districts where zero setbacks are allowed.) (Sec. 70-833 3(e)1)
			Existing trees and vegetation are preserved on the property where feasible. (Sec. 70-833 3(b))
			Parking in front of or on the side of buildings has adequate landscaping or grass buffers along the roadway. (Sec. 70-833 1(d)1a)
			Parking areas with more than 15 spaces are broken up with trees, landscaped islands, low decorative walls, or other appropriate features. (Sec. 70-833 1(d)3)

Description of how the proposed project meets standards:

Design Standards for Specific Character Districts

All standards must be depicted on site plans/landscaping plans, or described on this form.

Village Character District Only

Me t	N/ A	Waiver Requeste d	
			Buildings shall be located close to the sidewalk or public right-of-way, consistent with surrounding buildings. (Sec. 70-833 1(a)1.a.i.)
			Buildings shall be constructed to a 1½ to 2 story height (35 ft maximum.) (Sec. 70-833 1(a)1.b)
			Historic buildings and building character are maintained to the greatest extent possible. (Sec. 70-833 1(a)1.c)
			New construction should be generally described as "Typical New England Character", and meet building design/material standards listed above. (Sec. 70-833 1(a)1.c)
			Buildings have a street-level facade that is pedestrian-oriented, such as traditional New England storefronts. (Sec. 70-833 3(e)1.c)
			Off-street parking is located to the side or rear of the building, not in front. (Sec. 70-833 1(a)1.a.ii.)

Description of how the proposed project meets standards:

Village Main Street Character District Only

Me t	N/ A	Waiver Requeste d	
			Buildings shall be located right next to or very close to the sidewalk or right-of-way, with emphasis on streetscape and pedestrian access in front of the building. (Sec. 70-833 1(a)2.a)
			Buildings shall be constructed to a 1½ to 2 story height (35 ft maximum.) (Sec. 70-833 1(a)2.b)
			In buildings with a larger footprint (>5,000 square feet), the building massing must be broken up architecturally to be consistent with the village scale and surrounding buildings. (Sec. 70-833 1(a)2.b)
			Historic buildings, building character, and building form are to be maintained to the greatest extent possible. (Sec. 70-833 1(a)2.c)
			New construction should be village character and scale, with architectural style generally described as "Typical New England Character", and meet building design/material standards listed above. (Sec. 70-833 1(a)2.c)
			Buildings in the Village/Main Street character districts must have a street-level facade that is pedestrian-oriented such as traditional New England storefronts. (Sec. 70-833 3(e)1.c)
			Off-street parking is located to the side or rear of the building, not in front. (Sec. 70-833 1(a)2.a)

Description of how the proposed project meets standards:

Highway Commercial Character District Only

Me t	N/ A	Waiver Requeste d	
			Buildings shall have larger setbacks from the roadway. (Sec. 70-833 1(a)3.a)
			Frontage areas between the building and roadway are well landscaped and have appropriate pedestrian access. (Sec. 70-833 1(a)3.a)
			For both building rehabilitation and new buildings, the architecture is "Typical New England Character", and must meet building design/material standards listed above. (Sec. 70-833 1(a)3.c)
			Off-street parking is encouraged to be located to the side or rear of buildings, but where parking is between the building and the roadway, there shall be adequate landscaping or grass buffers per the parking and screening standards in this section. (Sec. 70-833 1(a)3.a.ii)
			For street frontage areas of more than 100 feet where there are not existing street trees and vegetation, street tree plantings are required at least every 40 feet (abutting the road right-of-way). (Sec. 70-833 3(g)2)

Description of how the proposed project meets standards:

Rural Transition Character District Only

Met	N/A	Waiver Requested	
			Buildings shall be well set back from the roadway. (Sec. 70-833 1(a)4.a.i)
			Frontage area is used to visually buffer the development from the road. (Sec. 70-833 1(a)4.a.i)
			Off-street parking is not allowed within the front setback. (Sec. 70-833 1(a)4.a.ii)
			Landscaped buffering separates the parking from the roadway. (Sec. 70-833 1(a)4.a.ii)
			For any structures, signs or site improvements that are within the front setback area or that are not screened from the roadway, the design standards under highway commercial character district (above) shall apply. (Sec. 70-833 1(a)4.c)

Description of how the proposed project meets standards:

MEMORANDUM

TO: Lisbon Planning Board

CC: Mark Stambach, Code Enforcement Officer

From: Kate Burch, Planner, North Star Planning

RE: LD 2003 Compliance

Date: August 7, 2023

Overview

Lisbon will need to make changes to zoning and ADU ordinances by January 2024 to comply with LD2003.

Accessory Dwelling Units

According to LD2003, ADUs must be allowed in any zone where housing is allowed. Therefore, we propose updating the land use table so ADUs are permitted in all residential zones and conditional in the zone where housing is conditional.

Sec. 70-531. - Table of land uses.

Current table:

Residential Uses	RP	LR	GR	RO-I	RO-II	RR	LRR	V	C	I	DD
Accessory Dwelling Unit	C	C	C	C	C	C	C	C	NO	NO	C

Proposed Changes:

Residential Uses	RP	LR	GR	RO-I	RO-II	RR	LRR	V	C	I	DD
Accessory Dwelling Unit	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	NO	NO	C

Additions are underlined in underlined, deletions are struck through. The major changes proposed are:

- Adjusting conditional use language
- Adding additional ADU description
- LD2003 does not allow towns to have parking requirements for ADUs.
- We propose eliminating the provision that the principal dwelling or the ADU must be owner-occupied, as this is nearly impossible to enforce in the long term.

Sec. 70-616. - *Accessory dwelling unit.*

(1) Purpose. The purpose of the *Accessory Dwelling* Unit standards are to:

- Increase the supply of affordable housing without the need for more infrastructure or further land development.
- Provide flexible housing options for residents and their families.
- Integrate affordable housing into the community with minimal negative impact.
- Provide elderly citizens with the opportunity to retain their homes and age in place.

(2) Conditional Use Permit Required. In zones RP, C, I, and DD, the Planning Board is authorized to grant a Conditional Use Permit to allow for *Accessory Dwelling* Units in accordance with the restrictions and requirements of this section.

- The Conditional Use permit shall run with the land, not the property owner.

(3) Criteria for Approval. All of the following criteria must be met in order for the Planning Board to approve an *Accessory Dwelling* Unit.

- A maximum of one (1) *Accessory Dwelling* Unit may be permitted on a property located in zoning districts that allow single-family *dwelling*s.
- The *Accessory Dwelling* Unit can be within the existing home, attached to it, or in a new structure.
- The *Accessory Dwelling* Unit shall have an independent means of ingress and egress.
- ~~A minimum of two (2) off-street parking spaces shall be provided for the *Accessory Dwelling* Unit.~~
- The applicant must demonstrate adequate provisions for water supply and sewage disposal for the *accessory* and principal *dwelling* units. Water and wastewater systems for the principal *dwelling* unit and *Accessory Dwelling* Unit may be shared or separate.

- ~~Either the principal dwelling unit or the Accessory Dwelling Unit must be owner occupied. The owner must demonstrate that one of the units is their principal place of residence. Both the primary dwelling unit and the Accessory Dwelling Unit must remain in common ownership.~~
- Accessory Dwelling Units shall maintain an aesthetic continuity with the principal dwelling unit as a single-family dwelling.
- An Accessory Dwelling Unit shall not exceed 800 square feet.
- The Accessory Dwelling Unit shall have no more than 2 bedrooms.

(4) An Accessory Dwelling Unit that complies with the requirements of this section shall not be considered an additional dwelling unit when calculating lot area per family under the space and bulk regulations of the Code.

(5) All necessary building and occupancy permits shall be obtained from the Code Enforcement Officer. Compliance with all building codes applicable to the construction of an Accessory Dwelling Unit is required.

Growth Areas & Density Updates

LD2003 requires towns to allow minimum housing density based on growth and rural areas as designated by the Future Land Use Map in the Comprehensive Plan.

In **Growth Areas**, the minimum density required by LD2003 is:

- A lot without a dwelling unit can have 4 units.
- A lot with a dwelling unit can have 2 additional dwelling units (one attached and one detached.)

LD2003 will require grant an additional density bonus for affordable housing in Growth Areas:

- In Growth Areas, there is an affordable housing density bonus. A developer can build 2.5x the number of allowed units if they are affordable, with 2 parking spaces required for every 3 units.

In **Rural Areas**, the minimum density required by LD2003 is:

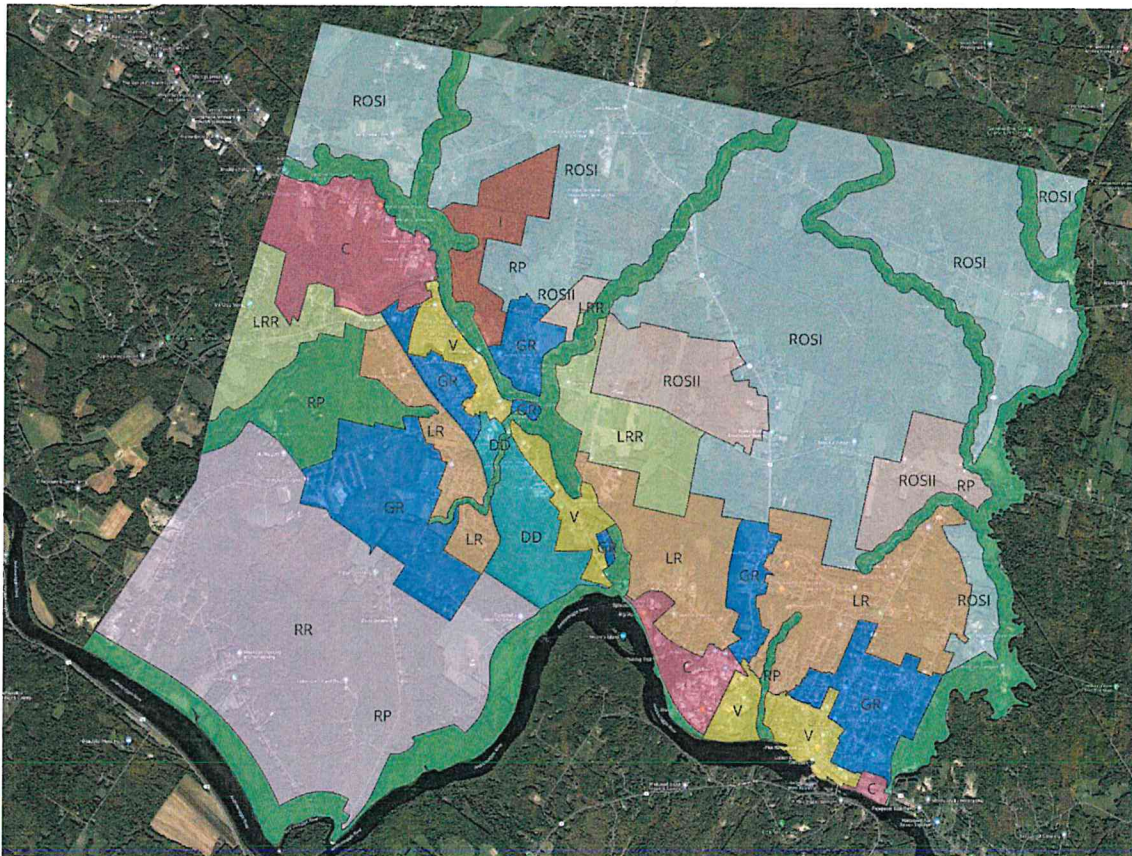
- A lot without a dwelling unit can have up to 2 units.

Like many towns, Lisbon's Comprehensive Plan includes a Future Land Use Map with "fuzzy" boundaries. The map does not line up exactly with the town's zoning areas, and in some cases, the Growth Area overlaps with existing limited residential and rural zoning. This map is compliant with the state requirements and gives a rough guide to growth vs rural areas, and was developed with the intent that the town would determine exact zoning boundaries later. However, the LD2003 requirements mean that the town will have to address some of these discrepancies.

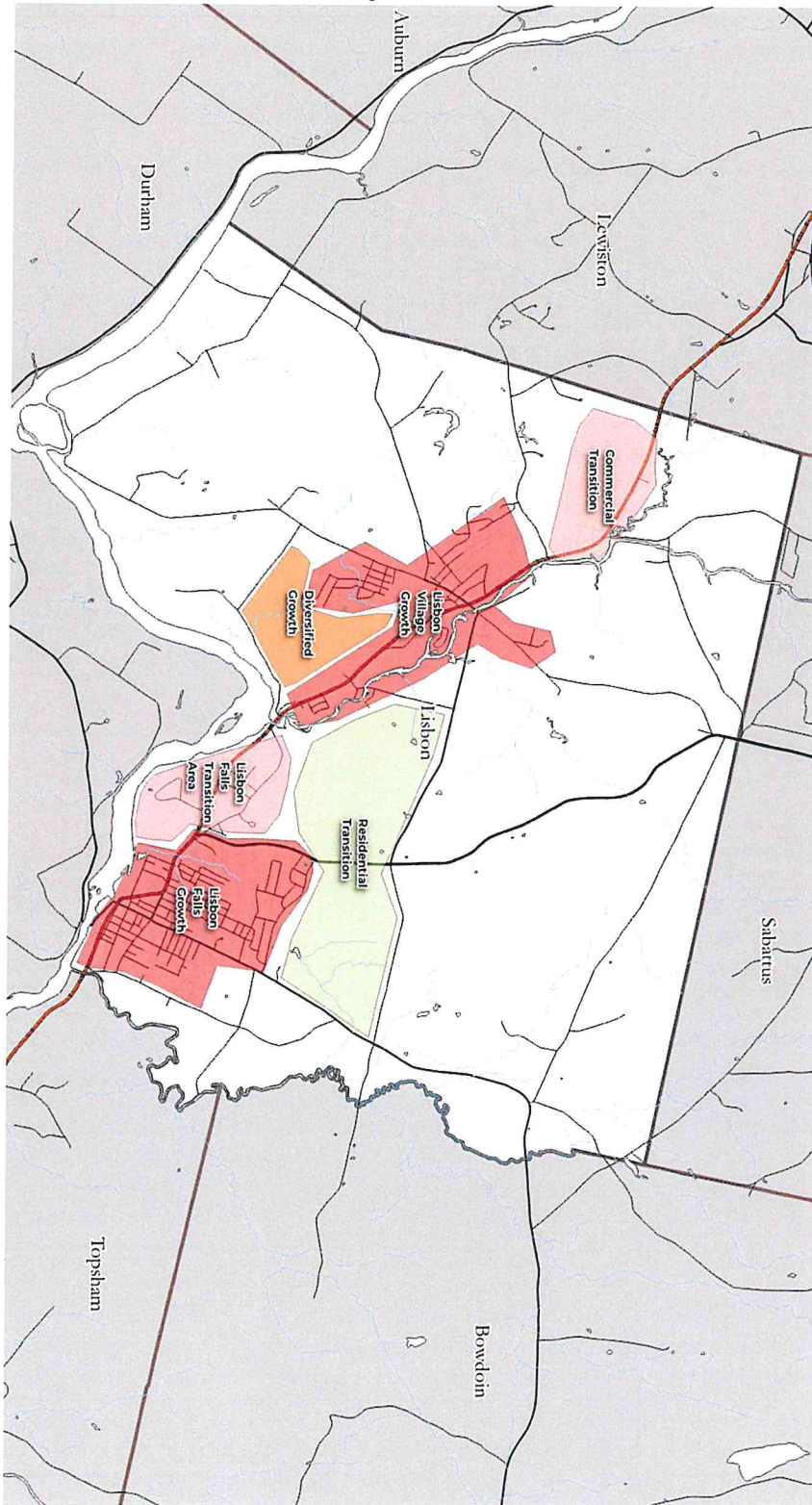
For the purposes of LD2003 compliance, the simplest path forward will likely be for the Board to update the Future Land Use Map and amend the Comprehensive Plan.

See the following images of the Future Land Use Map, zoning map, and the two maps overlaid.

Lisbon Zoning Map



2019 Future Land Use Map



Future Land Use Map overlaid on Zoning Map

