

AGENDA
PLANNING BOARD MEETING
THURSDAY JULY 22, 2021
LISBON TOWN OFFICE
7:00 PM MEETING

1. TO ORDER –

2. ROLL CALL

____Curtis Lunt (Vice-Chair)

____William Kuhl (Chair)

____Shaun Carr

____Chris Huston

____Lisa Ward

____Patrick Maloy (Associate)

____Dan Leeman (Associate)

3. CHAIRMAN’S REVIEW OF MEETING RULES

4. WRITTEN COMMUNICATIONS – Minutes of July 8, 2021

5. PUBLIC HEARINGS – **None**

6. UNFINISHED BUSINESS – **None**

7. NEW BUSINESS – **None**

8. OTHER BUSINESS – Proposed Changes to Ground Mounted Solar Energy Systems Ordinance

9. CODE ENFORCEMENT OFFICER – **None**

10. ADJOURN / ADJOURN TO WORKSHOP –

LISBON PLANNING BOARD – MEETING/HEARING RULES

The Board welcomes everyone to the meeting of the Lisbon Planning Board. If this is a meeting which will include a hearing, some special provisions will apply and are listed below. While we value the input of every interested person, we must limit the comment period in order to conduct business in a timely fashion.

Meeting Format – The format for each meeting (whether regular or special) shall be in strict accordance with Article 4, Section 4.1.6 of the Planning Board Bylaws. *Please note that the Chair may change the order of business for the current meeting upon a majority vote of the Board.*

All meetings shall be conducted in such a manner as to be completed within two and one half (2.5) hours of commencement. The Board, by unanimous consent, may decide to extend a meeting but only at the point where the meeting can be concluded within another hour. Any action after that point requires a tabling or postponing order.

Public Participation – With regard to participation by the public, all comments to the Board and from the Board shall be made through the Chair. The attending public may participate as follows:

- **During Regular Meetings**- is allowed at the discretion of the Chair, but only after introduction of an agenda item and appropriate motions with time for explanation and Board member questions. The public may be allowed to comment, but during that period, the **public may address that agenda item only** and each participant shall be limited **two (2) minutes**. Each participant may address the Board only one time unless requested by the Chair to comment further, and the Chair may limit time for comments to no more than **ten (10) minutes in total** on any one agenda item. **A member of the public who wishes to comment on an item not on the agenda may be allowed to speak during the “Other Business” portion of the agenda.**
- **During Workshops** – The attending public may not participate unless the Chair allows or requests such comment.
- **During Site Visits**– This is a **special meeting** in all respects except that **the public is not allowed to participate**. Although the public is allowed to be present, comments and explanations will only be accepted by Board members and an applicant or agents representing an applicant. Only participant comments may be considered in any notes taken for minutes of such meeting.
- **During Hearings** – The attending public may speak only in accordance with the specific rules set up for hearings.
 - The public must comment only when specifically allowed. **The Chair shall emphasize that no decisions are made during the hearing and the process may not conclude during the regular current meeting.** Finally, **the Chair will state that order must be maintained and is required of all participants.**
 - There will be a Call by the Chair to open a specific hearing with case number followed by a Call for a **Presentation by the Applicant or Representative or attorney and witnesses without interruption**. Then general **questions may be asked through the Chair to the applicant by Board members and people who will be directly affected by the project (e.g., abutters)**. Then requests for more detailed information on the evidence presented by the applicant will be allowed by the same parties.
 - **Next** there will be a call for presentations by **abutters or others** including their attorneys and witnesses, who will be **directly affected by the project**.
 - Then **questions** through the Chair, **by the applicant and Board members to the people directly affected** and the witnesses who made presentations will be allowed.
 - **Next there may be rebuttal statements by any of the people who testified previously.**
 - Following that, **comments or questions by other interested people** in the audience will be entertained. Comment by those other interested people in the audience will be limited in the same fashion as for regular meetings, i.e. **two (2) minutes per person and ten (10) minutes overall**. The hearing will be closed at the end of public comment.
- It is important **that respect for each person** be considered. There will be opposing views and opinions and all will be considered without impunity. All persons speaking within the guidelines delineated herein will be treated with respect and allowed to complete the statement or viewpoint. **Any individual who speaks out of turn or in such a manner as to be considered unruly by the Chair, may be warned and then removed** if the situation creates a significant disruption of the orderly conduct of the business of the Board.



MINUTES PLANNING BOARD JULY 8, 2021

Christopher Huston- Regular 2022
Curtis Lunt- Regular 2022
Patrick Maloy - Associate 2024
William Kuhl - Regular 2023
Lisa Ward - Regular 2024
Shaun Carr - Regular 2024
Dan Leeman - Associate 2022

1. **CALL TO ORDER:** The Chairman, Mr. Lunt called the meeting to order at 7:08 PM.
2. **ROLL CALL:** Regular members present were Curtis Lunt, William Kuhl, Shaun Carr, Lisa Ward and Chris Huston (arriving at 7:15pm). Alternate members Pat Maloy and Dan Leeman were present. Town Council representative Don Fellows and approximately 13 people were in attendance including the applicants/representatives on the agenda..

ELECTION OF OFFICERS: Election of Chair: Motion by Curt Lunt to nominate William Kuhl. Seconded by Lisa Ward. All in Favor. Election of Vice Chair: Motion by William Kuhl to nominate Curt Lunt. Seconded by Sean Carr. All in Favor.

VOTE (2021-50) Vote carried 4-0.

REVIEW OF MEETING RULES:

The Chairman explained the meeting rules are located on the back of each agenda. Pat Maloy was added to voting privileges.

3. **WRITTEN COMMUNICATIONS:** Minutes of June 24, 2021

The meeting minutes of June 24, 2021 were distributed to all the members. The Chairman asked if there were corrections or additions.

Mr. Maloy seconded by Mr. Carr, moved to approve the Minutes of June 24, 2021.

VOTE (2021-51) Vote 5-0 Carried.

4. **PUBLIC HEARING –**

Case #21-09 – Conditional Use application – Home Daycare business

Moody Road Childcare

Holly Miller/Nicole Gamache

140 Moody Road

Lisbon, ME 04250

Tax Map R8 Lot 61A

- No public attended this hearing – No comments
- Code Enforcement Officer, Dennis Douglass stated that this was a simple Home Daycare application and all requirements have been met.

Case #21-10 – Conditional Use application – Rear Lot (2 lots)

Lisa Bosse

Stable Lane

Lisbon Falls, ME 04252

Tax Map U28 Lots 33-38

- Lisa Bosse gave a description of the proposed creation of two rear lots off Stable Lane with the remaining land being deeded to an abutter.
- Abutter Dwight Pensiero spoke about water drainage concerns, road improvements and lack of road maintenance. Concerned the new lots will create a drainage problem.
- Abutter Gordon Curtis spoke about drainage concerns and problems they have had with the lots that were created along the roadway.
- Lisa Bosse spoke about the towns culverts draining onto her property.
- Abutter Gordon Curtis spoke about blocked drainage problems and culverts backing up. Road construction standards were discussed.
- Code Enforcement Officer Dennis Douglass explained that he would look into the road construction standards to determine what will be required once permits are issued for buildings on these lots. He will also notify the Public Works Director of the issues with drainage in this area.

Case #21-11 – Subdivision Review application – 9 Lot Subdivision

Johnson Woods Estates Phase II

David A. Johnson

Hatch Road & Ferry Road

- Stuart Davis of Davis Land Surveying, LLC presented the proposed subdivision.
- Abutter Charles Anthony at 1 Hatch Road spoke about the unsatisfactory road conditions, and was worried about the wetlands on the property proposed for development and wanted to know who is responsible for taking care of the roadway issues and was worried this development will create more traffic contributing to worse road conditions.
- Stuart Davis spoke about the traffic trip calculations and the wetland delineations shown on the proposed development plan. Owners of lots that have stream crossings will be required to get a Permit by Rule through DEP before development.
- Stuart Davis presented information shown on the proposed subdivision plan:
 - Hatch Road is a public road. Ferry Road is a public road.
 - Each lot meets or exceeds the minimum 60,000sf lot size and 200' road frontage requirements for the Rural Residential Zone

- Wetlands have been delineated on site and are shown on the plans
- Stream Crossing PBR through DEP will be required by future owners
- All lots have been tested for suitable soils
- Building envelope meeting the required setbacks for each lot is shown on the plan
- Abutter Charles Anthony asked if a road could be constructed for lots 6,7 & 8 so they don't cross the stream
- Stuart Davis explained the PBR process through DEP and that it would be up to the owners of each lot to determine their access
- Planning Board member, Chris Huston asked where the access or Right of Way to lot #9 was. Stuart Davis explained it was owned and not a R.O.W
- Abutter, Dave Story was worried there isn't sufficient ground water to support the individual wells and that the road is in terrible condition now and worried the added traffic will make the road even worse.
- Stuart Davis explained that the application submission includes data on the available water supply from a local well company.
- Code Enforcement Officer, Dennis Douglass mentioned he would let the Public Works Director know of the concerns with the condition of the road.

5. UNFINISHED BUSINESS-

Case #21-09 – Conditional Use application – Home Daycare business – Moody Road Childcare

Mr. Lunt, seconded by Mrs. Ward, motioned to approve as submitted.

VOTE (2021-52) Vote 5-0 Carried.

Case #21-10 – Conditional Use application – Rear Lot (2 lots) – Lisa Bosse, Stable Lane

Mr. Maloy, seconded by Mr. Carr, motioned to approve as submitted.

VOTE (2021-53) Vote 5-0 Carried.

Case #21-11 – Subdivision Review application – 9 Lot Subdivision – Johnson Wood Estates Phase II

Mr. Carr, seconded by Mrs. Ward, motioned to approve as submitted.

VOTE (2021-54) Vote 5-0 Carried.

6. NEW BUSINESS- None

7. OTHER BUSINESS –Planning Board Goals update:

- Goals for calendar year 2021 were reviewed to ensure the Planning Board is on track with the projects listed. The Marijuana ordinance work has been completed and is currently with the Town Council. The Solar Farm ordinance has been completed and is currently with the Town Council.

- Comments from the Town Attorney for the Marijuana Ordinances have been sent out and are waiting for review.
- Don Fellows, Planning Board liaison for the council, spoke about comments from the Attorney on the Solar Farm Ordinance. The planning board has not received those comments yet.
- Dennis Douglass, Code Enforcement Officer, said he will print copies of the Comprehensive Plan Goals for review at the next meeting.

8. CODE ENFORCEMENT OFFICER - None

9. ADJOURN-

Mr. Kuhl, seconded by Mrs. Ward moved to adjourn at 7:55 p.m.

VOTE: (2021-55) Vote 5-0 Carried.

Respectfully Submitted:
Dennis J. Douglass, CEO
Date Approved: July 22, 2021

After reading the proposed solar farm ordinance and looking at some provisions that seemed either confusing or unclear, I made some minor modifications using some of the suggestions from AVCOG and some of my own thoughts as to intent that would add to the relevance of this potential ordinance. I have incorporated some of the suggestions that AVCOG proposed because, while this ordinance may have little impact now, its impact may be felt more in the future as CMP (or whomever owns the grid) implements further Solar improvements.

Deletions are in red and ~~lined through~~, and additions are underlined in red.

Don

My Take - - -

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Section 4. Definitions: Ground Mounted Solar Energy System: for purposes of this Ordinance: (a) a solar energy system that is structurally mounted to the ground; (b) has a physical size based on total airspace projected over the ground ~~is~~ greater than 20,000 square feet; and (c) ~~that is not directly connected to a Residential Structure.~~ is attached to a pole or other mounting system but physically detached from any other structure.

Section 5. Dimensional Requirements

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C. Lot Coverage/Footprint – ~~for Ground Mounted Solar Energy systems shall be calculated based on the area of the supporting structure that is in contact with the ground and not the area of the panels as long as the area under the panels remains vegetated and there is sufficient space between the panels to allow sunlight necessary to sustain live growth.~~ Lot coverage for Ground Mounted Solar Energy Systems may be exempt from zoning restrictions based on some conditions. Those requirements are that the entire area of above ground panels covered by the structure(s) on a lot(s), including but not limited to cantilevered or similar overhanging extensions systems be located over live ground cover. Sufficient space must exist between the panels to allow sunlight for vegetation in order to sustain the live growth. Lot Coverage/footprint permissions are not granted unless the above conditions are met.

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New Ordinance (Code Company to reassign Section numbers)

Chapter 70 - Zoning Ordinance

Article VIII. Ground Mounted Solar Energy System Ordinance:

Section 1. Purpose - The purpose of this Ordinance is to allow ground mounted solar energy systems in certain districts subject to setback, height, screening, maintenance, safety, and decommissioning requirements and Planning Board review. Refer to Sec. 70-531 Table of Land Uses. The Zoning district designation for a particular site shall be determined from the Zoning Map of Lisbon, Maine.

Section 2. Applicability - This Ordinance shall apply to Ground Mounted Solar Energy Systems applications filed with the Planning Board for site plan review pursuant to Chapter 62. Site Plans.

Section 3. Authority and Validity –

A. This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, provisions of 30-A M.R.S. § 3001, Ordinance Power, and the provisions of 30-A M.R.S. § 4352, Zoning.

B. To the extent that any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision shall be removed from the Ordinance and the balance of the Ordinance shall remain valid.

C. Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply.

Section 4. Definitions –

Ground Mounted Solar Energy System: for purposes of this Ordinance: (a) a solar energy system that is structurally mounted to the ground; (b) has a physical size based on total airspace projected over the ground that is greater than 20,000 square feet; and (c) that is not directly connected to a Residential Structure.

Section 5. Dimensional Requirements –

A. Ground Mounted Solar Energy Systems in residential zoning districts shall not exceed twelve (12) feet in height when oriented at maximum tilt. Ground Mounted Solar Energy Systems shall not exceed twenty-five (25) feet in height when oriented at maximum tilt in Commercial, Industrial and Diversified Development zoning districts.

B. Minimum front setback shall be 50 feet, minimum side setback shall be 50 feet and minimum rear setback shall be 50 feet.

C. Lot coverage for Ground Mounted Solar Energy Systems shall be calculated based on the area of the supporting structure that is in contact with the ground and not the area of the panels, as long as the area under the panels remains vegetated and there is sufficient space between the panels to allow sunlight necessary to sustain live growth.

Section 6. Screening, Security, Maintenance and Regulatory Compliance –

A. Subject to the approval of the Lisbon Planning Board, the lots on which Ground Mounted Solar Energy Systems are located shall be buffered from roads and residences by plantings, berms, and natural topographical features.

B. Subject to the approval of the Lisbon Planning Board, the lots on which Ground Mounted Solar Energy Systems are located shall be protected by a perimeter fence designed to allow for passage of wildlife. One or more signs shall be affixed to the fence identifying the owner of the facility and 24-hour emergency contact information. A KnoxBox, or other system agreed to by the Fire Chief, that provides emergency access inside the security gate shall be installed.

C. For purposes of emergency services, the owner or operator of a Ground Mounted Solar Energy Systems shall provide a copy of the project summary, electrical schematic, and site plan to the Lisbon Fire Chief. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person to the Fire Chief for public inquiries throughout the life of the installation.

D. The owner or operator of a Ground Mounted Solar Energy System shall maintain the facility in good condition. Maintenance shall include but not be limited to, painting, structural repairs, vegetation control and integrity of security measures. Site access shall be maintained to a level acceptable to the Lisbon Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s).

E. The owner or operator of a Ground Mounted Solar Energy System shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances.

Section 7. Performance Guarantee - After the plan is approved but before a permit is issued, the applicant for a Ground Mounted Solar Energy System shall submit to the Town of Lisbon a performance guarantee in the amount of 150% of the applicant's estimated decommissioning cost of the system, subject to a review of such cost by the Code Enforcement Officer. The applicant may apply to the Code Enforcement Officer for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the Code Enforcement Officer.

Section 8. Decommissioning and Removal –

A. Any Ground Mounted Solar Energy System that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed pursuant to a plan approved by the Lisbon Planning Board during the application process. The owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the proposed date of the discontinued operations and plans for removal.

B. Decommissioning shall consist of:

(1) physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site;

(2) disposal of all solid and hazardous waste in accordance with Local, State and Federal waste disposal regulations; and

(3) stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation.

C. Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, Ground Mounted Solar Energy Systems shall be considered abandoned when it fails to generate electricity for more than one year without having first obtained the written consent of the Code Enforcement Officer. Determination of abandonment shall be made by the Code Enforcement Officer.

D. If the owner or operator of a Ground Mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town of Lisbon retains the right to use the performance guarantee and any and all legal or available means necessary to cause an abandoned, hazardous or decommissioned solar energy system to be removed.

Section 9. Effective Date and Duration - This Ordinance shall take effect 21 days after enactment by the Town of Lisbon unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 10. Enforcement Violations and Penalties - This Ordinance shall be enforced by the municipal officers or their designee. Violation of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A, M.R.S. § 4452, Enforcement of Land Use Laws and Ordinances.