



# PLANNING BOARD MINUTES OCTOBER 14, 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. Kuhl called the meeting to order at 7:00 PM.
2. **ROLL CALL:** Regular members present were William Kuhl, Curtis Lunt, Shaun Carr, Lisa Ward, Patrick Maloy and Dan Leeman. Chris Huston was excused. Also present were Diane Barnes, Town Manager; and Mark Stambach, Code Enforcement Officer. There were 12 audience members.

3. **REVIEW OF MEETING RULES:**

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

4. **WRITTEN COMMUNICATIONS:** Minutes of September 09, 2021

The meeting minutes of September 09, 2021 were distributed to all the members. The Chairman asked if there were corrections or additions.

**VOTE (2021-66)** Mr. Lunt, seconded by Mrs. Ward moved to approve the Minutes of September 09, 2021.  
**Vote: 4-0 Carried.**

5. **PUBLIC HEARING** – The Chairman opened the public hearing at 7:05pm

**Case 21-01** Amended Site Plan Review Application – Decrease Size  
Frost Hill Solar 1, LLC  
c/o Borrego Solar Systems, Inc.  
101 Frost Hill Avenue  
Lisbon, Maine

Ryan Bailey, project developer for Borrego Solar Systems, Inc, stated they are not changing the footprint outside of what was approved previously but reducing it. The western array section has gone from 10 acres to 6 acres. They are planning on starting the project sometime next summer, finishing in the fall with final testing in the spring of 2023.

Mr. Kuhl asked if the reduction in size would affect the financial feasibility of the project. Mr. Bailey stated the project is less valuable but still feasible.

Michael Hebert, an abutter, asked what the current zoning requirements are, is the Town changing zoning requirements that exist for this project, who is it feasible for, what are the tax liabilities for homeowners.

Mr. Kuhl said the zoning requirements were created by the Planning Board and Town Council, using examples from other municipalities. The Solar Farms can only be in a certain amount of zones, districts and only where this is three phase power available with enough land.

Mr. Kuhl stated when the rules were put in place for these projects the Planning Board copied what other municipalities had done and the prior Code Enforcement officer shopped around to see what would fit the Town best. He said there are limited areas a project like this can be located due to needing three phase power to plug into CMP.

Mr. Kuhl stated they considered if these projects were good for the town, trying to keep politics out of it. Would it impact the town negatively, will it generate income for the resident and did the Solar Companies have a clean-up plan if it closes down. He said there is a lease between the land owners and Solar Companies. Lisbon is not part of that agreement. The Town is only required to make sure the owner and Solar Companies comply with the existing statutes. The town made the revenue neutral so it would not be impacted negatively and receives revenue from the Solar Company and property taxes.

Mr. Kuhl said he would get Mr. Bailey's contact information to be able answer the rest of his questions once he does more research.

John Mynahan, an abutter, asked what the timeline is for a company to finish the project once it's been approved since CMP has put some projects on hold. Mr. Bailey stated CMP has not put the brakes on for these projects but have delayed some due to more studies being done to upgrade grids to allow for these projects. Mr. Bailey expects the study to wrap up in December and will have the results of that and approval to interconnect in April. He said once that is done and they make a full payment for the construction start they will have 8-12 months to finish the project. Mr. Mynahan asked if the deadline for this permit ran out, would Borrego be able to reapply and revise the plan to add more solar arrays. Mr. Kuhl stated it would depend on what caused the nature of the delay and as long as the delay is of no fault of the developer the approved application would stay as is.

The Chairman closed the Public Hearing at 7:30 pm.

## 6. UNFINISHED BUSINESS

**Case # 21-13** Proposed Build-Out of Marshall Field Subdivision  
Maine Affordable Properties, LLC  
Bartholomew and Emery Streets  
Map U-15A, Lots 68 & 69 and 80 thru 104

Tom Farmer, Landscape architect in Yarmouth, representing Maine Affordable Properties, spoke about the project. He stated Maine Affordable Properties purchased Phase II of an undeveloped subdivision that was approved in 1988. One amendment was made to eliminate requirements for sidewalks in 1989 and construction started in 1990 for the first 20 lots. There are 26 undeveloped lots and about 2,000 linear feet of new road. He said it is in the Town Tax Maps as lots and the current owner has been taxed on it for years. The new owners would like to start on the road construction and infrastructure this fall. There is Town Water & Sewer already and the original design called for a pumping station but they are not sure if it is still a requirement but will work with all departments to make sure everything is up to codes and standards. They are requesting a waiver for the requirement of five foot granite monuments at the corners of the roads corners and curves which currently only requires survey pins. Mr. Carr asked where the fire hydrants will be located on the new roads. Mr. Farmer stated they are located on the previous plan and all new work will conform to the town of Lisbon's standards and specifications. Mr. Stambach stated with the street and sewer construction there needs to be a bond in place with inspections required during installations and Town Council approval. Mr. Farmer stated following the approval and re-recording of the amended plan, they will put together an estimate and work out the bonding for the Town.

Mr. Lunt wanted to compliment the company on this subdivision. He considers this a public service as the Town needs this kind of housing for moderate income and the style needed that is connected to Public Water & Sewer

The Chairman extended voting privileges to Patrick Maloy.

**VOTE: (2021-67)** Mr. Lunt, seconded by Mrs. Ward moved to approve the amended subdivision plan for Case #21-13, Proposed Build-out of Marshall Field Subdivision with the provision that the facilities are bonded.

**Vote: 5-0 Carried**

**Case #21-14**  
Case # 21-14 Site Plan Review Application – Create Rear Lot  
Morse Property/Sabattus Creek Mobile Home Park  
Greg & Katheryn Morse  
101 Lisbon Street, Lisbon, Maine  
Map U-22, Lot 011 – Register of Deeds Book 53 Page 193  
Split Parcel into 2 Lots in order to sell Sabattus Creek Mobile Home Park

Mr. Stambach stated the Mobile Home Park has a front lot that is proposed to be split off. There are currently two commercial buildings located on that property, one being built around 2000, the other built in 2006. He said the deed shows one lot as a rectangle incorporating a deeded right of way for the Mobile Home Park to be able to split the lot and sell the Mobile Home Park.

Mr. Lunt stated the application the Board received from the applicant is a Site Plan Review application, which is not required. Mr. Stambach agreed and said it was actually just a modification to an approved Mobile Home Park.

Kathy Morse, owner of Sabattus Creek Mobile Home Park stated she and her husband have owned the Park since 1991 and it was one big parcel back then.

**VOTE (2021-68)** Mr. Lunt, seconded by Mrs. Ward moved to approve the adjusted boundary line for Sabattus Creek Mobile Home Park. **Vote: 5-0 Carried.**

## 7. NEW BUSINESS – NONE

## 8. OTHER BUSINESS - Rural Open Space II Zoning District Language Modification

Shelley Norton from AVCOG (Androscoggin Valley Council of Governments) stated the current Rural Open Space II District is very limited for residential. It was created that way to have a more rural part of town back in 2007, which was required for the Comprehensive Plan by the State. Residents who live there and a surveyor have brought this topic to the town for changes. She said it has been successful in reducing residential development in this area, allowing small additions of homes and if kept this way she believes it will continue to have 200 to 260 foot frontage lots that will appear on those roads with backlots that are not available for housing. Ms. Norton came up with some ideas for changes in this area as follows:

Option 1 – Keeping housing density the same and allow a house to be located deeper in the lot. Ms. Norton stated this could be more permissive to let that be when someone wants it or only allow it when there's a good reason for it such as agricultural or wanting a farm stand closer to the road and the house deeper in the lot.

Option 2 – Allowing people who are farming or want to start farming to be able to live on the property where they're farming by waving the lot size.

Mr. Kuhl asked what would happen if the farm closes down, who then should enforce the rules of this option. Ms. Norton suggested setting criteria's for the farming businesses. Mr. Stambach stated it is extremely difficult to enforce once it is in place and would require reporting on a consistent basis from the owner of income received from products etc.

Option 3 – A planned unit development that's more flexible for farmers to add more housing lots for workers etc. and would need a significant reason for the Town to allow this, such as providing employment options to the community or providing food to the local market etc.

Option 4 – To allow subdivisions where open space is aggregated and the housing development is compressed into a smaller area, having smaller lots and larger areas for agriculture, habitat protection, forestry etc.

Ms. Norton said the Planning Board would need to decide what density and what lots sizes would be allowed. This option could either be a traditional sub-division or a more clustered option. She suggested not allowing a traditional sub-division and limit the number of lots due to the original desire to preserve open space.

Mr. Lunt stated the current dimensional requirement in Rural Open Space II is only 1 to 1-1/2 acres and 60 to 100,000 square feet. He suggested eliminating the requirements of that item and allow anyone to build anywhere on the lot as long as they have the same frontage of 300 feet. Replace it with Rural I dimensional standards and make them 5 acre lots. He said if someone has a 10 acre lot, they can only make two lots. This would keep the rural character and open space and wouldn't allow a subdivision and rear lots.

Mr. Carr suggested allowing subdivisions to allow for reasonable property sizes. He feels that farming is going out and the farmers might want to get the best value for their property.

Mrs. Ward said she thinks the Town should find a balance but keep the intent of saving open space and agriculture in that area.

Mr. Bowie of 140 Upland Road suggested having a conditional use that does not involve a subdivision and allow consideration on a case by case basis.

Paul Griesbach, of 57 Main Street stated he was the Code Enforcement officer in Falmouth for 18 years. He said

Falmouth spent millions of dollars to create a village on Route 1 and were not successful. He said Lisbon is a wonderful village and you simply can't make that. It's just been here. He borders the Village Zone and says the growth here indicates a need for an expansion of that zone.

The Chairman asked Mr. Stambach to schedule this subject for a future workshop with the new Council and asked Mrs. Barnes to mention it to them as well.

Mrs. Ward stated the Town recently approved a Market Analysis which has started. The LDC (Lisbon Development Committee) did a preliminary study and found that even if the Town does not pursue growth in any way, the current growth could have a need for 250 housing units of apartments, houses etc., which is pretty significant. Mrs. Ward wanted the Planning Board to be aware of this as they move forward with the Rural Open Space II changes. She reminded everyone that the LDC meetings will now be recorded Live Stream from now on.

- 9. CODE ENFORCEMENT OFFICER** - Mr. Stambach stated since he's joined Lisbon he is learning a lot and getting a lot of help and support. He is currently looking at some Ordinance changes and will share those with the Board as soon as he can.

## **10. ADJOURNMENT**

**VOTE: (2021-69)** Mr. Carr, seconded by Mr. Lunt moved to adjourn at 8:30 pm. **Vote: 5-0 Carried**

Respectfully Submitted: \_\_\_\_\_

Lisa B. Smith, Deputy Town Clerk

Date Approved: October 28, 2021