



PLANNING BOARD MINUTES MARCH 24, 2022

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 and Chris Huston. Associate Members Patrick Maloy and Dan Leeman were present as well. Also present was Don Fellows, Town Council Liaison. There were eight 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 March 10, 2022

The meeting minutes of March 10, 2022 were distributed to all the members. The Chairman asked if there were corrections or additions.

VOTE (2022-18) Mr. Lunt, seconded by Mr. Huston moved to approve the Minutes of March 10, 2022.

Vote: 5-0 Carried.

5. PUBLIC HEARINGS - NONE

6. UNFINISHED BUSINESS – Findings of Fact – Case #22-01

In the Matter of:

**Case 22-01: River Driver Cannabis Company
Conditional Use Permit Application
Adult Marijuana Retail Store, 8 Main Street Lisbon Falls, ME 04252
Map U05 Lot 221**

Findings of Fact

The applicant proposed the creation of an adult use marijuana retail store.

The Planning Board first considered the application on January 13, 2022. On January 13, 2022 the Board accepted the application as complete. On January 27, 2022 the Board conducted a public hearing. On January 27, 2022 the Board approved the project with conditions.

Conclusion of Law

General Review Standards: Lisbon Code of Ordinances. Chapter 70: Article III Conditional Uses

Performance Standards.

1. Application for Conditional Use Permit
 - Completed the Conditional Use Permit Standards Checklist
 - Completed the Local Ordinances Checklist
 - Completed the Planning Board Procedure Checklist

Therefore, the Planning Board hereby approves the application for River Driver Cannabis Company Adult Marijuana Retail with the following conditions:

1. The applicant shall meet the standards of section 70-831 of the Lisbon Route 196 Corridor Design Standards.

Findings of Fact – Case #22-03**In the Matter of:****Case 22-03: Kitty Korner Tanning****Site Plan Review****1147****Change from one nonconforming use to another per Section 70-5b(4)****8 Main Street Lisbon Falls, ME 04252****Map U05 Lot 221****Findings of Fact**

The applicant proposed the change use to a service business (tanning salon)

The Planning Board first considered the application on February 10, 2022. On February 10, 2022 the Board accepted the application as complete. On March 10, 2022 the Board conducted a public hearing. On March 10, 2022 the Board approved the project with conditions.

Conclusion of Law

General Review Standards: Lisbon Code of Ordinances. Chapter 70-5 Nonconforming Uses, Chapter 62, Site Plan Review.

Performance Standards.

1. Application for Site Plan Review

- Completed the Local Ordinances Checklist
- Completed the Tier 1 and Tier 2 Standards Checklist

Therefore, the Planning Board hereby approves the application for Kitty Corner Tanning Salon, Site Plan Review

- 1) Approval contingent on approval from relevant state licenses
- 2) Approval contingent on merging of the two lots (U04-062 and U04-62A)
- 3) Approval contingent on consultation with Public Works in terms of access

2. NEW BUSINESS – Case # 22-05 Site Plan Review

Sippy Cup Consignment
Laura Ingerson
84 Main Street
Lisbon Falls, Me 04252
Map U04 Lot 062

The Applicant, Laura Ingerson stated she is re-locating her business to 84 Main Street. She said updates to the outside of the building are the same as the previous applicants plan, the inside changes will be less invasive and the hours of operation will be shorter, closing at 5:00pm. She will lease the building on a month-to-month basis.

VOTE: (2022-19) Mr. Lunt, seconded by Mr. Carr moved to accept the application as complete and schedule a Public Hearing for April 14, 2022 at 7:00pm in the Town of Lisbon Public Meeting Room.

Vote: 5-0 Carried

3. OTHER BUSINESS – Low Impact Development Ordinance

Philip Ruch , Owner & Operator of Stillwater Environmental Engineering, Inc. spoke about Storm Water regulations that the DEP (Department of Environmental Protection) is now focusing on in urban areas of the country for NPS (non-point source pollution), which is the #1 water quality problem in the U.S. consisting of Heavy Metals, Trash, Fecal bacteria, Nutrients, Petroleum Products, Sediments and Chlorides. He said Lisbon is an MS4, which is managing Storm Water run-off of Municipally owned systems, such as road ditches, culverts, catch basins, curbs and

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

gutters. He said this run-off does not go into a treatment plant but into our water bodies. Mr. Ruch stated one of the roles as the Planning Board is to pay attention to New Developments coming in town that they have a Grading Plan, Utility Plan and Erosion Sediment Control Plan and making sure the Post-Construction Storm Water Management Plan practices are working.

Mr. Ruch said if the Planning Board gets a project that is more than an acre, it would require an MS4 permit and if a current project makes a modification that is more than an acre, they would require a permit as well. He said Lisbon already has an Illicit Discharge Ordinance which gives the Town the right to enter someone's property and fix any discharge that might be going into the System. He said there will also be more requirements for Erosion & Sediment Control Plans. Mr. Ruch stated the MS4 plan was set to begin July 1, 2022, but there is now an appeal by friends of Casco Bay and the Conservation Law Foundation because they think the DEP permit did not address Low Impact Development.

Mr. Ruch said the Post Construction Storm water Management plan needs to be established at the time the Planning Board reviews a project. During the Project review before application submission, the Planning Board should follow these steps:

- Are projects > 1 acre?
- Notify developers about MDIP requirements
- Stormwater Management controls
- Post-construction MS4 agreement?
- LID?
- As builds?

Mr. Ruch said the Planning Board will need to consider the following:

- Requirement of developers to consider Low Impact Development (LID) techniques
- A new LID ordinance is required by the new MS4 permit:
 - Develop by September 1, 2022
 - Adopt LID ordinance by July 1, 2024
- The Planning Board will see more LID approaches in future projects.

CODE ENFORCEMENT OFFICER – NONE

4. ADJOURNMENT

VOTE: (2022-20) Mr. Carr, seconded by Mr. Lunt moved to adjourn at 8:00 pm. **Vote: 5-0 Carried**

Respectfully Submitted: _____
Lisa B. Smith, Deputy Town Clerk
Date Approved: April 14, 2022