



PLANNING BOARD MINUTES MAY 12, 2022

Christopher Huston- Regular 2022
Curtis Lunt- Regular 2022
Patrick Maloy - Regular 2024
William Kuhl - Regular 2023
Nicholas Craig - Associate 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, arriving at 7:10pm. Associate Members Dan Leeman and Nicholas Craig were present as well. Patrick Maloy was excused. Also present was Mark Stambach, Code Enforcement Officer; Ross Cunningham, Economic & Development Director; Council Liaison Don Fellows, and 1 audience member. The Chairman extended voting privileges to Dan 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 14, 2022

The meeting minutes of April 14, 2022 were distributed to all the members. The Chairman asked if there were corrections or additions.

VOTE (2022-26) Mr. Carr, seconded by Mr. Lunt moved to approve the Minutes of April 14, 2022.

Vote: 4-0 Carried.

5. PUBLIC HEARINGS - NONE

6. UNFINISHED BUSINESS –

Findings of Fact

Case #22-02 Cannabis Angels

Conditional Use Permit

Adult cannabis manufacturing facility (commercial kitchen)

5 Canal Street, Lisbon Falls, ME 04252

Map U05/Lot 013

Findings of Fact:

The applicant proposed expansion of use of the existing medical marijuana kitchen to adult an adult use marijuana kitchen.

The Planning Board first considered the application on January 13, 2022 and accepted the application as complete. On January 27, 2022 the Board conducted a public hearing. On April 14, 2022 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 Cannabis Angels

Findings of Fact

Case 22-05: Sippy Cup Consignment

Site Plan Review

Change from one nonconforming use to another per Section 70-5b(4)

84 Main Street Lisbon Falls, ME 04252

Findings of Fact

The applicant proposed the change use from approved tanning salon to retail sales and consignment.

The Planning Board first considered the application on March 24, 2022. On March 24, 2022 the Board accepted the application as complete. On April 14, 2022 the Board conducted a public hearing and after discussion approved the project with conditions.

Conclusion of Law

General Review Standards: Lisbon Code of Ordinances. Chapter 70-5 Nonconforming 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 application for Sippy Cup Consignment with the following conditions:

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

7. NEW BUSINESS – NONE

- 8. OTHER BUSINESS –** Extension of approval, **Case #20-04**
Lisbon CSG Solar Farm Project
47 Upland Road,
Map R5 Lot 044A-1, due to delayed CMP utility study

Mr. Stambach stated Lisbon CSG is asking for a one year extension of approval for their Solar Farm Project thru June 2023 due to the delayed CMP study, with construction scheduled to begin in July of 2023.

VOTE: (2022-27) Mr. Lunt, seconded by Mr. Carr moved to approve a one year extension of approval for Case #20-04, Lisbon CSG Solar Farm Project. **Vote Carried: 5-0**

Discussion of direction from Town Council concerning emergency sign ordinance and modification of existing sign ordinance

Mr. Stambach stated the Town Council recently enacted an Emergency Sign Ordinance and are looking to the Planning Board to examine the current Sign Ordinance and review the State Standards for signs. Construction on Main Street has caused businesses to struggle with their signs not being visible and customers thinking the businesses are closed. Mr. Stambach said the businesses can put up Temporary signs for 90 days but those are typically for on premise only, not off premise. He suggested the Board change the Ordinance to state that if there is construction or a function that is occurring in a neighborhood of the business that is affecting the visibility of their signs then temporary signage could be approved. Mr. Cunningham stated that businesses whose back side of their building face Rt. 196 should be able to have a temporary sign there that would be visible to Rt. 196 even if they're entrances are on Main Street. Mr. Kuhl said what the Board should be looking at is a modification to the Ordinance that would allow a variance in the Signage of the heavy construction zones.

ROSII district discussion of modification of dimensional standards

Mr. Kuhl read the proposed changes that Mr. Lunt has put together as follows:

In the RO2 zone, in order to preserve farming and open space, current regulations do not allow subdivisions or Rear lots. Any lots created must have a minimum of 60,000 square feet and a maximum area of 100,000 square feet and a lot frontage to depth ratio of 1:1.5.

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

In 2021 the Kesaris family found they could not divide a 60-acre lot among family members. Division among family is not subdivision but they could not, for example, divide by giving 20 acres to each sibling. The Kesaris family asked the Planning Board for relief. The Planning Board could not find a rationale for the maximum lot size or ratio, so we seek to provide a remedy.

The proposed amendment to Chapter 70 section 361 deletes subsection 1 and 2 (maximum lot coverage and lot size), which were added to the zone in 2011. The amendments to 70-536, Dimensional Standards, deletes the current 60,000 square foot minimum lot size and adds 100,000 square feet as minimum lot size. This is the Lot size in RO1. A minimum of 200 feet of frontage is added. This is the same as in the adjacent Rural Residential zone.

The amendments propose to remove an unworkable and unreasonable lot size requirement while still preserving open space and farming.

The changing of wording from 'backlots' to 'rear lots' is to provide consistency in terminology in the Zoning Ordinance.

VOTE: (2022-28) Mr. Carr, seconded by Mr. Huston moved to approve the Amendments to Chapter 70 Sections 361 and 536 Dimensional requirements and Section 70-362 (2) Performance or land use standards as follows:

Vote Carried: 5-0.

DIVISION 5A. RURAL OPEN SPACE DISTRICT II

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.~~

(C.M. of 11-15-2011, V. 2011-208)

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, ~~backlots~~ rear lots are prohibited.

(C.M. of 11-15-2011, V. 2011-208)

Secs. 70-363—70-380. Reserved.

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Sec. 70-536. Dimensional requirements.

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Rural Open Space II	60,000 sq. ft. Minimum	See Sec. 70-361(2)a 200'	200'	50'	75'	25'	25'	20	Percent			
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	100,000 sq. ft. Maximum 100,000 sq. ft.									
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Discussion of memo to Town Council from William Kuhl

The Chairman read a letter written by Mr. Lunt that he will forward to Council as follows:

Thank you for meeting with us on April 5 to discuss Zoning and Comprehensive Planning. We need your help in developing any changes to keep pace with A growing town and landowner desires.

Most of our discussion was about Rural Open Space 2 (RO2). RO2 was carved out of RO1 in 2011, based on a 2007 Comprehensive Plan. which was written by a committee of citizens with a great deal of local input. The intent for changes was to help preserve farming and open space. RO1 is also restricted, only allowing open space (cluster) subdivisions.

In order to determine whether those objectives are being met or what modifications to propose, we need to seek community and landowner input. To provide meaningful dialogue with the 30 landowners in RO2 and the 300 in RO1 we need professional help. Not knowing how long this will take or exactly the outcome, we do know there will be the need to send notices, conduct multiple meeting and surveys and the Comprehensive Plan will need to be changed and resubmitted to the State for approval. We ask the Town Council to authorize the Planning Board to contract with North Star Planning on an hourly basis, not to exceed \$15,000.

There may be other Zoning changes we can review at the same time. The Town Council has tasked the Planning Board with reviewing the Sign Ordinance for updates. We could better review the ordinance with professional help. We know there is currently strong housing demand. We would want input from the Economic Development Director on housing data and needs, as well as advice from real estate and development professionals.

Thank you for your assistance in planning for a better Lisbon future.

VOTE: (2022-29) Mr. Lunt, seconded by Mr. Carr moved to send to Town Council the request for a Contract with North Star Planning on an hourly basis, not to exceed \$15,000. **Vote: 5-0 Carried**

9. CODE ENFORCEMENT OFFICER – Tier 1 Site Plan Review – 5 Pleasant Street – Brewer’s Barber Co. Map U04 Lot 022

Mr. Stambach stated the applicant is moving his business to his residence at 5 Pleasant Street. They will renovate the bottom floor of the barn to a 2-chair operation for haircutting. The driveway will be widened to allow for adequate parking for two customers and parking for the home occupants as well. The owners live on the property and the hours of operation will be from 10am to 6pm by appointment only. Mr. Stambach stated since this business falls under a Home Occupation and is not a Tier 1 Site Plan Review, it does not need approval from the Planning Board.

20 Main Street
Map U05 Lot 226 – Expansion of “Heart and Soul Before and Aftercare” into former Sippy Cup space

Mr. Stambach stated the applicant would like to break down a wall that separated the two businesses to make it all one space to expand the Before and Aftercare. Heart and Soul will add two more employees and more children.

Mr. Stambach stated Olive Pit Brewing Co is planning on having outdoor seating of up to 64 seats. Mr. Lunt asked if they’re required to have a certain amount of parking spaces. Mr. Stambach said yes and there is plenty of parking. He will keep an eye on the changes and make sure the owner is compliant with Town Ordinances. He said this does not require Planning Board approval.

10. ADJOURNMENT

VOTE: (2022-30) 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: May 26, 2022