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| PLANNING BOARD MINUTESmarch 9, 2023 |



**William Kuhl, Chair- Regular 2023**

**Curtis Lunt, Vice Chair- Regular 2025**

**Christopher Huston– Regular 2025**

**Patrick Maloy – Regular 2024**

**Shaun Carr – Regular 2024**

**Dan Leeman – Associate 2025**

**Nicholas Craig – Associate 2024**

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, Chris Huston and Patrick Maloy. Associate Member Nicholas Craig was present, the Chairman excused Associate Member Dan Leeman. Also present was Kate Burch, Contracted Planner; Councilor Fellows, Town Council Liaison; and 3 audience members.
3. **REVIEW OF MEETING RULES:**

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

1. **WRITTEN COMMUNICATIONS:** Minutes of February 9, 2023

The meeting minutes of February 9, 2023 were distributed to all the members. The Chairman asked if there were corrections or additions.

**VOTE: (2023-18)** Mr. Lunt, seconded by Mr. Maloy, moved to approve the Minutes of February 9, 2023.

**Vote: 5-0 Carried.**

1. **PUBLIC HEARINGS –** A. **Case #23-03** – Conditional Use Application – Cooper’s Cub Care – Family Childcare

The Chairman opened the Public Hearing.

Cassidy Williams presented her case, and added that her business plan includes up to 12 children ages 6 months to 12 years.

Mike Cielinski, abutter, stated that he lives on the lot behind the proposed daycare. He asked for a review of the information Ms. Williams had presented due to his inability to hear well. The Chairman asked Ms. Williams to join Mr. Cielinski at the lectern to answer his questions.

Mr. Cielinski asked if the area is zoned for a childcare business. The Chairman said they are in the correct zone for this, and explained what a Conditional Use entails. Mr. Cielinski asked if it was inspected, and the Chairman assured him the necessary Code, Fire and any other inspections had been done. Ms. Williams explained she had been inspected by the necessary State officials as well.

Mr. Cielinski pointed out his safety concerns for children at that location, including neighborhood road & traffic, lack of fencing, and a swimming pool. Ms. Williams stated that a fence is planned for the yard, the pool has been inspected for safety, and the traffic has been addressed.

The Chairman pointed out for Mr. Cielinski that daycares of this type are common throughout town. Mr. Cielinski said yes, but they are not in his back yard.

Ms. Burch read an email from Lisbon resident Patricia White in support of Ms. Williams proposed business.

The Chairman closed the Hearing.

**6. UNFINISHED BUSINESS –** A. **Case #23-03** – Conditional Use Application

 Cooper’s Cub Care – Family Childcare

 4 Hewey Street

 Lisbon, ME 04250

 Map U03 Lot 041

Ms. Burch reviewed the Site Plan Review Local Ordinance Checklist with the Board. The Chairman noted there was no need to include any conditions since Ms. Williams stated she will be installing a fence as a part of her current plan.

**VOTE: (2023-19)** Mr. Lunt, seconded by Mr. Maloy, moved to approve the Application for Case #23-03, Cooper’s Cub Care – Family Childcare.

**Vote: 5-0 Carried**.

 **Findings of Facts—**

**Case #22-21** – Medical/Adult Use Marijuana Cultivation

 Conditional Use Permit

**VOTE: (2023-20)** Mr. Lunt, seconded by Mr. Carr, moved to dispense with the reading of the Findings of Facts and insert it into the record.

**Vote: 5-0 Carried**.

**Adult Use Manufacturing Facility**

**Jason Smith**

**743 Lisbon Street**

**Lisbon Falls, ME 04252**

**Map U01 Lot 002**

**Findings of Fact**

The applicant proposed a new use and construction of new buildings at the property referenced above. The use is an adult/medical marijuana Cultivation Facility

The Planning Board first considered the application on January 12, 2023 and accepted the application as complete. On February 9, 2023 the Board conducted a public hearing. On February 9, 2023, the Planning Board discussed the application. The decision was made to withdraw the application for the Tier II Site Plan Review at this time and move forward with review and approval of the conditional use permit. 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 only, for the adult/medical use marijuana cultivation facility at 743 Lisbon Street, Lisbon Falls, with the conditions that it meet the Route 196 Design Standards for Phase 1 and the applicant will resubmit for Phase II, when the total square footage of the project exceeds 5000 s.f.**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Curtis Lunt

 Acting Lisbon Planning Board Chair

**Case #23-01** – Lisbon Cannabis Confections

 Conditional Use Permit

**VOTE: (2023-21)** Mr. Lunt, seconded by Mr. Carr, moved to dispense with the reading of the Findings of Facts and insert it into the record.

**Vote: 5-0 Carried**.

**Adult Use Manufacturing Facility- Lisbon Cannabis Confections**

**Jason Smith**

**95 Lisbon Street**

**Lisbon, ME 04250**

**Map U22 Lot 012**

**Findings of Fact**

The applicant proposed a new use at the property referenced above. The use is an adult use manufacturing facility.

The Planning Board first considered the application on January 26, 2023 and accepted the application as complete. On February 9, 2023 the Board conducted a public hearing. On February 9, 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 the adult use manufacturing facility at 95 Lisbon Street, Lisbon, with the conditions that it meet the Route 196 Design Standards.**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Curtis Lunt

 Acting Lisbon Planning Board Chair

1. **NEW BUSINESS – NONE**
2. **OTHER BUSINESS – NONE**
3. **CODE ENFORCEMENT OFFICER – NONE**
4. **ADJOURNMENT/WORKSHOP – ROS I & ROS II**

**VOTE: (2023-22)** Mr. Maloy, seconded by Mr. Lunt, moved to adjourn to the workshop at 7:15 pm**.
Vote: 5-0 Carried**

**PLANNING BOARD WORKSHOP—ROS I & ROS II**

Ms. Burch gave a summary of where we are so far with the ROS discussions. She said she reviewed the ordinance and started to look at the parcel data and started doing some math on the parcel size and what’s going on in the area. She said she hasn’t been able to get building permit data yet, but she will take a look at that too. She said it will be helpful to see how much building is going on in these areas right now and will be good to have a baseline even though there isn’t much going on right now.

Ms. Burch went on to say that right away, in ROSII, where it says no new residential subdivisions, we definitely want to change that, partly because it won’t be enforceable under state law. She said there are a number of parts of state subdivision law where you are allowed to make a subdivision by right in certain cases, including deaths, wills, gifts, with a couple of exceptions where you are allowed to make a subdivision. It’s in special cases having to do with estates. The Chairman asked which takes precedent for these laws, the Town or the State? Ms. Burch responded that the Town can be stricter than the State, but there are some land use rules that the State takes precedence. She said it is better to have a regulated procedure to dictate how to do it. She added that another way to do it would be if it’s over 10 acres it could be a “conservation” or “cluster” subdivision.

Mr. Lunt said it might be useful for ROSII, because it is intended to preserve farmland and we could do it to still allow subdivisions as long as they are less land-intensive. Ms. Burch agreed that is one way to do it. She said another way would be to set a maximum density and a maximum lot size; she gave some examples of this and pointed out that we see smaller lots close to the road already, so it would fit the existing pattern.

Ms. Burch said that the average parcel size in that area is still very big, more than 10 acres, and that is good to have because it fits the comprehensive plan and the State’s goals. She said we want to make sure that you allow people to exercise their rights to do what they want with their land and really prioritize keeping those big blocks of land at the same time.

Mr. Lunt pointed out that currently, in ROSI, there have been a lot of rear lots. He said rear lots are sort of destructive so we might as well allow this type of subdivision.

Ms. Burch said currently no back lots are allowed in ROSII, she recommends saying no back lots in ROSI as well, to just do a subdivision. Mr. Carr brought up the recent case where a resident wanted to divide property but it created a back lot. Mr. Lunt said the problem wasn’t the subdivision, it was the frontage required in that earlier case. Ms. Burch responded that we tend to say no to backlots in most cases because they tend to lead to problems such as a backlot on a backlot. She said you wind up with private roads and really long driveways, so it’s not always the best way.

Mr. Lunt suggested that in ROS I to allow subdivisions that would allow these density ratios and minimum lot sizes. It would make a lot more sense than big opens space subdivisions, which builders don’t seem to want to build.

Ms. Burch brought up the Conservation Subdivision section, also known as a Cluster Subdivision, which is required in ROS I. The Board members discussed the details of that kind of subdivision.

Mr. Carr said it might make more sense to make ROSI & II the same in this respect, to allow maximum acreage to be the rule. We might have to change the comprehensive plan. Ms. Burch said you might not because this is still a way to preserve the farmland, it’s just a different way. Mr. Lunt said it is the right idea.

The Chairman said that, whatever we do, we would like something that we won’t have to adjust every year. If they want to break their lots up, to my way of thinking, that is their prerogative, but we need to stay within the rules, we need something that is somewhat flexible and there is precedent in other towns.

Ms. Burch explained that this would just be a different strategy to preserve rural character and farmland and preventing someone from turning farmland into, for example, 40 five-acre lots. She said that’s what you don’t want.

Mr. Fellows interjected that somewhere along the line someone had gotten ahold of Freeport’s newer plans that was a lot of rural area and some cluster housing and some kind of ordinance. He said they spent a lot of time doing it, and managed to develop quite a lot of new homes in a lot of space. He wondered if this is a resource we could draw on.

Ms. Burch said that Freeport has a good Conservation Subdivision rule, they require a broad setback from the road so you cannot see them driving by. Right now it is mostly roadside buildings.

Mr. Lunt said he is not opposed to development, he just wants to see nice development. Mr. Kuhl said he would like to see consistent rules so those who succeed us don’t curse us. Mr. Huston said that family members should be allowed to do what they want with their land, whether to sell it off in pieces or not. He said it shouldn’t be kept as is just because someone else wants to see that farmland.

Ms. Burch brought up the idea that, in addition to updating the ordinance, in terms of fulfilling the comp plan and helping out the farmers, we also need to have some other things in the comp plan to be looked at by other than the Planning Board. Perhaps in terms of incentives for taxes, and having the town help people work with state programs, they can also look at farm-compatible uses in rural areas that may be beyond what is currently allowed. She suggested wedding venues and farm-garden restaurants, like some that appear in other parts of the state, as well as solar farms, etc.

Mr. Huston asked if there is some way to set up a tax break somehow so they don’t have to sell the property because of the taxes. Mr. Kuhl suggested that would be a Land Trust. Mr. Huston said they wouldn’t want to lose the property.

Ms. Burch said that Topsham has what’s called a Rural Entrepreneurial Ordinance, which says that if you want to do another business compatible with your current farm business, they have a process to do that—for example winter boat storage, or a farm market. Things that wouldn’t otherwise be allowed there.

Mr. Carr said he would like to see people use their land as they would like. Avoiding the rear lot issue would be good, and also creating something with consistency & simplicity would give more options. He said there really isn’t much farming here anymore. Mr. Huston agreed with that.

The Chairman stated that the Planning Board is looking for options, and he knows that Ms. Burch needs to collect more data. He requested she come back with some proposals that would not require a change to the comp plan, to save farmland where appropriate but to give those families options down the road.

Ms. Burch said she would come back with a couple more options. She added that public outreach had been mentioned. Mr. Kuhl said it would be better if we have a more aggressive form of outreach than before, especially in the zones affected.

Ms. Burch said we could send a letter or an online questionnaire but we’ll need to be careful. Mr. Carr suggested we have something to show them first. Mr. Fellows said we might get some really diverse ideas from people if we can reach out.

Mr. Carr said that he’s okay with more farms, if that is what the landowners want.

The Chairman adjourned the Workshop.

Lisa M. Ward

Town Clerk

Date Approved: March 23, 2023