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| PLANNING BOARD MINUTESapril 13, 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, Shaun Carr and Chris Huston (arriving at 7:30pm). Associate Members Dan Leeman and Nicholas Craig were present as well. Curtis Lunt and Patrick Maloy were excused. Also present was Mark Stambach, Code Enforcement Officer; Councilor Fellows, Town Council Liaison; Ross Cunningham, Director of Economic and Community Development; Kate Burch, contracted Town Planner; and 12 audience members. The Chairman extended voting privileges to Mr. Leeman and Mr. Craig.
3. **REVIEW OF MEETING RULES:**

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

1. **WRITTEN COMMUNICATIONS:** Minutes of March 23, 2023

The meeting minutes of March 23, 2023 were distributed to all the members. The Chairman asked if there were corrections or additions.

**VOTE: (2023-32)** Mr. Carr, seconded by Mr. Craig, moved to approve the Minutes of March 23, 2023.

**Vote: 4-0 Carried.**

1. **PUBLIC HEARINGS**

A. Case #23-04 Site Plan Review – Springworks Farm Expansion- Phase II & III

B. Case #23-06 Conditional Use Permit – Lot Line Revision – Mynahan/McDougal

C. Case #23-07 Site Plan Review – Former Lisbon Falls Getty

D. Case #23-08 Conditional Use Permit – Rear Lot – Eric Schroeder

The Chairman opened and closed the Public Hearings with no comments.

**6. UNFINISHED BUSINESS - Case #23-04** – Site Plan Review Application– Tier 2

 Springworks Farm Expansion – Phase II & III

 347 Lisbon Street

 Lisbon, Me 04250

 Map U13 Lot 24

Kate Burch, Planner, North Star Planning, updated the Board on the changes made since the last meeting. After speaking with the Fire Chief, they will now have access roads to all the perimeters of the Greenhouse and added some turn-arounds for emergency vehicles. They will continue working with the Fire Chief for adequate water supply in case of a fire. They are waiting for State Permits and approval from the Water District.

Mr. Kuhl asked the applicant what the plan would be to handle the increase in traffic once all Phases are complete and more employees will be coming in and out of the site onto Rt. 196. Trevor Kenkel, from Springworks Farm, stated they will move to a multi-shift system and spread the workload out over the week.

Ms. Burch went through the Local Ordinance Checklist and Site Plan Review Checklist.

**VOTE: (2023-33)** Mr. Carr, seconded by Mr. Craig, moved to approve Case #23-04- Springworks Farm Expansion Phase II & III Site Plan Review as submitted pursuant to the Findings of Fact in the Memo dated April 06, 2023, with the following Conditions of Approval:

1. The applicant will resolve all outstanding technical issues with the fire chief prior to the start of construction and the issuance of any building permits.
2. The applicant shall provide a performance guarantee based on an itemized cost estimate to complete the landscaping depicted in the submitted Landscape Plan, Sheet L1.
3. This approval is conditioned on the applicant receiving all necessary federal, state, and local approvals prior to construction.
4. This approval is conditioned on the applicant receiving all necessary approvals from public/private utilities prior to construction.
5. Prior to the start of any site work, erosion and sedimentation control must be in place and inspected by the town Code Enforcement Officer or the CEO’s designee.
6. Prior to the issuance of building permits for any buildings in Phase 3 (Building #2, Greenhouses #2-#4), the applicant will submit updated traffic counts to the Code Enforcement Officer.

**Vote: 4-0 Carried.**

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 **Case #23-06** - Conditional Use Permit - Lot Line Revision

 Mynahan/McDougal

 93/91 Frost Hill Ave

 Lisbon Falls, Me 04252

 Map U11 Lot 14-A

Mr. Stambach went through the Conditional Use and Local Ordinance Checklists.

**VOTE: (2023-34)** Mr. Craig, seconded by Mr. Leeman, moved to approve the application for Case #23-06- Conditional Use Permit-Lot Line Revision for Mynahan/McDougal.

**Vote: 4-0 Carried.**

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 **Case #23-07 -** Site Plan Review – Tier II

 Former Lisbon Falls Getty

 686 Lisbon Street

 Lisbon Falls, Me 04252

 Map U-05 Lot 216

Cosette Fazio, President of the project, stated the Store will now be named Lisbon Artworks which will sell Arts & Craftmanships.

Mr. Stambach went through the Local Ordinance Checklist.

**VOTE: (2023-35)** Mr. Carr, seconded by Mr. Craig, moved to approve the application for Case #23-07 Site Plan Review- Lisbon Artworks with conditions that it follows the Rt. 196 Design Standards and Parking is clearly delineated between Lisbon Artworks and the abutting businesses.

**Vote: 4-0 Carried.**

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 **Case #23-08** - Conditional Use Permit – Rear Lot

 Eric Schroeder

 428 Ridge Road

 Lisbon, Me 04250

 Map R09 Lot 013

Robert Chapman of 2 Evergreen Lane said he is concerned about what is going on with the property and asked that no more waste be put on his property since that happened when the little red house was removed.

Joanne Perkins of 147 King Road asked what the Conditional Use Permit is for. She said her in-laws used to own the property as well as the little red house and is curious what will be happening with the property.

Mr. Schroeder stated when he bought the property he received verbal approval to build a house on the back-lot which was a time bound allowance by the town and that time has expired. He’s now selling the property and is asking for that agreement to be extended.

Mr. Raitt stated that a Rear Lot is generally considered Non-conforming and a Conditional Use Application is needed to make it conforming. There was a single family residence on the property which has been gone for more than a year, so the property owner needs to re-apply for a Conditional Use if they want to build another Single Family Residence. Mr. Raitt said the Ordinance states that a Rear Lot may be used for a single family dwelling provided it conforms with the requirements of Section 70.641 (Rear Lot Ordinance), which says the Conditional Use Permit shall be accompanied by a plan showing the access to the lot prepared by a professional land surveyor. Mr. Raitt suggested if they were going to approve this that they waive these requirements.

Mr. Stambach said if there had been a Conditional Use Permit issued in the past, this would not be an issue, but it was only done verbally, but with the history of it, the Planning Board may have ground to be able to waive that portion of the requirement.

**VOTE: (2023-36)** Mr. Craig, seconded by Mr. Carr, moved to table Case #23-08 Conditional Use Permit-Rear Lot, Eric Schroeder to April 27, 2023, and asked Mr. Schroeder to contact the buyer to find out if they are getting a Land Survey done and for them to submit a copy of the plan for the property.

**Vote: 5-0 Carried.**

**7. NEW BUSINESS –** A. Erosion and Sedimentation Control at Construction Site Ordinance &

 Post Construction Stormwater Management Ordinance – *First Reading*

**VOTE: (2023-37)** Mr. Huston, seconded by Mr. Craig moved to approve the Erosion and Sedimentation Control at Construction Site Ordinance & Post Construction Stormwater Management Ordinance as presented and schedule a Public Hearing for April 27, 2023.

**Vote: 5-0 Carried.**

 B. Ordinance Amendment–Chapter 54-Art. III-Swimming Pools Sec. 54-71-Definitions

 *First Reading*

 Mr. Stambach stated the current Ordinance as it is written defines a swimming pool as any outdoor artificial receptacle, either in the ground or above the ground, having a surface area of 250 square feet or more and designed to hold water to a depth of at least 24 inches. He said the proposal is to remove the area requirement since with the adoption of the State Uniform Building and Energy Code, which has a reference to the pool and spa code in which there is no area minimum for a Swimming Pool.

**VOTE: (2023-38)** Mr. Leeman, seconded by Mr. Carr, moved to approve the Amendment to Chapter 54-Article III- Swimming Pools as presented and set a Public Hearing for April 27, 2023.

**Vote: 5-0 Carried.**

 C. Ordinance Amendment – Chapter 70, Article IV-Dist. Regulations, Division 14.

 Dimensional Requirements, Sec. 70-536 Table of Dimensional Requirements

 *First Reading*

Mr. Stambach stated there is a footnote in the Table of Dimensional Requirements under Commercial Zones that talks about impervious surfaces that does not line up with the table as it is written. This footnote was changed in error years ago and just never got fixed. This Amendment will take care of that.

**VOTE: (2023-39)** Mr. Leeman, seconded by Mr. Carr moved to approve the Amendment to Chapter 70, Article IV- Dist Regulations, Division 14. Dimensional Requirements, Sec. 70-536, Table of Dimensional Requirements Footnote and schedule a Public Hearing for April 27, 2023.

**Vote: 5-0 Carried.**

1. **OTHER BUSINESS – CIP** Review

The Planning Board requested that the Town Manager present the CIP at their next scheduled meeting.

1. **CODE ENFORCEMENT OFFICER –ADJOURNMENT**

**VOTE: (2023-40)** Mr. Carr, seconded by Mr. Craig, moved to adjourn at 8:15pm**.
Vote: 5-0 Carried.**

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

Lisa B. Smith, Deputy Town Clerk

Date Approved: April 27, 2023