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| PLANNING BOARD MINUTESapril 27, 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 and Patrick Maloy. Associate Member Nicholas Craig was present as well. Chris Huston and Dan Leeman were excused. Also present was Mark Stambach, Code Enforcement Officer; Councilor Fellows, Town Council Liaison; Mark Lunt, Town Councilor; Glenn Michalowski, Town Manager; Ross Cunningham, Economic & Community Development Director; and 3 audience members. The Chairman extended voting privileges to 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 April 13 , 2023

The meeting minutes of April 13, 2023 were distributed to all the members. The Chairman asked if there were corrections or additions.

**VOTE: (2023-41)** Mr. Carr, seconded by Mr. Maloy, moved to approve the Minutes of April 13, 2023.

**Vote: 5-0 Carried.**

1. **PUBLIC HEARINGS –**

A**.** Erosion and Sedimentation Control at Construction Site Ordinance &

 Post Construction Stormwater Management Ordinance

No comments.

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

Mr. Stambach stated this is a definition change only. He said there is no minimum area defined in the State’s Pool and Spa Code, so this change will match their definitions.

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

 Sec. 70-536 Table of Dimensional Requirements.

Mr. Stambach stated this is a change in the Footnote section that was incorrectly changed before. He said the Footnote should mirror Footnote #7, which allows for an increase from 30% to 60% with a stormwater management plan provided by an evaluator or civil engineer.

Scott Gaiason asked what the definition of Site Evaluation was. Mr. Stambach stated this is done by a knowledgeable professional that reviews the stormwater being regulated on the Site and keeping the stormwater from leaving the site.

The Chairman opened the Public Hearings at 7:00pm and closed the Public Hearings at 7:10pm.

**6. UNFINISHED BUSINESS - A**. Capital Improvement Plan presentation

 Mr. Michalowski presented the CIP to the Planning Board.

 **VOTE: (2023-42)** Mr. Lunt, seconded by Mr. Craig, moved to find that the Town’s Capital Improvement Plan as presented is consistent with the Town’s Comprehensive Plan and to send it to Town Council.

 **Vote: 5-0 Carried.**

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

 Eric Schroeder

 428 Ridge Road

 Lisbon, Me 04250

 Map R09 Lot 013

Mr. Stambach stated the applicant is in the process of getting a survey done and hasn’t gotten any more information from them. He suggested the Board Table this Case to another meeting.

Robert Chapman, an abutter, shared his concerns about trash and debris that’s been placed on his property and does not want it to continue.

**VOTE: (2023-43)** Mr. Craig, seconded by Mr. Lunt, moved to table Case #**23-08** to the next meeting.

**Vote: 5-0 Carried**.

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 **C**. Erosion and Sedimentation Control at Construction Site Ordinance &

Post Construction Stormwater Management Ordinance

**VOTE: (2023-44)** Mr. Lunt, seconded by Mr. Carr moved to accept the Erosion and Sedimentation Control at Construction Site & Post Construction Stormwater Management Ordinance as follows and send to Town Council with the stipulation that they add a Fee Schedule that would alleviate the tax payers from paying for this expense.

**ARTICLE IV. POST-CONSTRUCTION STORMWATER MANAGEMENT**

#### DIVISION 3. POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN COMPLIANCE

Sec. 42-121. General requirements.

Any person owning, operating, leasing or having control over stormwater management facilities required by a post-construction stormwater management plan approved under this ordinance shall demonstrate compliance with that plan as follows.

(1) That person or a qualified post-construction stormwater inspector hired by that person, shall, at least annually, inspect the stormwater management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.

(2) If the stormwater management facilities require maintenance to function as intended by the approved post-construction stormwater management plan, that person shall take corrective action(s) to address the deficiency or deficiencies no later than 60 days following the date the deficiency was identified. If 60 days is not possible, then the permittee must establish an expeditious schedule to complete the maintenance and establish a record of the deficiency and corrective action(s) taken.

(3) That person shall employ a qualified post-construction stormwater inspector to provide, on or by March 1 of each year, a completed and signed certification to the enforcement authority in a form identical to that attached as Appendix 2 to this ordinance, certifying that the stormwater management facilities have been inspected, and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the stormwater management facilities, and, if the stormwater management facilities require maintenance or repair of deficiencies in order to function as intended by the approved post-construction stormwater management plan, the person shall provide a record of the required maintenance or deficiency and corrective action(s) taken.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-71 )

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 **Vote 5-0 Carried.**

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 **D**. Ordinance Amendment–Chap 54-Article III-Swimming Pools Sec. 54-71-Definitions

**VOTE: (2023-45)** Mr. Carr, seconded by Mr. Lunt moved to approve the Ordinance Amendment to Chapter 54 Article III-Swimming Pools Sec. 54-71-Definitions as follows:

Sec. 54-71. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Swimming pool* means 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, the primary purpose of which is for swimming or bathing.

(Code 1983, § 4-301)

Cross reference(s)—Definitions generally, § 1-2.

**Vote: 5-0 Carried.**

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 **E**. Ordinance Amendment – Chapter 70, Article IV-Dist. Regulations, Division 14. Dimensional Requirements, Sec. 70-536 Table of Dimensional Requirements

**VOTE: (2023-46)** Mr. Carr, seconded by Mr. Lunt, moved to approve the Ordinance Amendment to Chapter 70, Article IV-Dist. Regulations, Division 14. Dimensional Requirements, Sec. 70-536 Table of Dimensional Requirements as follows:

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|  | WO/Water & Sewer- 20,000 sq. ft.4 Single family W/Water & Sewer 5,000 sq. ft. Multi- family W/Water & Sewer- 3,000 sq. ft. per DU Other 5,000 sq. ft. per principal use  | 50'  | 100'  | 10'5  | 25'  | 10'6  | 10'  | 75 Percent  | 50'  |  |  |
| Commercial  | WO/Water & Sewer- 2 acres W/Water & Sewer 1 acre  | 200'  | 100'  | 50' arterial 35' collector 25' minor  | 25'  | 25'3  | 25'  |  |  | 30 Percent~~4~~ 7 |  |
| Industrial  | WO/Water & Sewer- 5 acres W/Water & Sewer 2 acres  | 200'  | 100'  | 50' arterial 35' collector 25' minor  | 25'  | 25'  | 25'  |  |  | 30 Percent7  |  |

**Vote: 5-0 Carried**

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**F**. Findings of Fact – Case **#23-04** SpringWorks Farm Expansion

**VOTE: (2023-47)** Mr. Lunt, seconded by Mr. Carr moved to dispense with the reading of the Findings of Facts for Case **#23-04** and insert it into the record as follows:

April 27, 2023

**In the matter of:**

**Case #23-04: Site Plan Review – Tier 2**

 **Springworks Farm Expansion Phase II and III**

 **347 Lisbon Street**

 **Lisbon, ME 04250**

 **Map R6 Lot 19 & Map U13 Lot 24**

**Findings of Fact**

The applicant submitted a Tier 2 Site Plan Review application for the Phase II and III expansion of Springworks commercial greenhouse and processing space. The Planning Board first considered the application on March 23, 2023 and accepted the application as complete. On April 13, 2023 the Board conducted a Public Hearing.

On April 13, 2023, the Planning Board voted to approvethe Springworks Farm Expansion Phase 2 & 3 site plan as submitted pursuant to the Findings of Fact in the memo dated April 6, 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.

**Conclusions of Law**

The conclusions of law are stated in the memo dated April 6, 2023.

General Review Standards: Lisbon Code of Ordinances. Chapter 62, Site Plans.

Performance Standards.

1. Completed the Tier 2 Site Plan Review Checklists

2. Town of Lisbon Ordinance Checklist

3. All abutters notified and public hearing notices were posted as required

**Therefore, the Planning Board hereby approves the Site Plan Review-Tier 2 for Case #23-04 Springworks Farm Expansion Phase II & III with conditions listed above.**

**Vote: 5-0 Carried**

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 Findings of Facts - **Case #23-06** Mynahan/McDougal – Lot Line Revision

**VOTE: (2023-48)** Mr. Lunt, seconded by Mr. Carr moved to dispense with the reading of the Findings of Facts for Case #23-06 and insert it into the record as follows:

April 27, 2023

**In the Matter of:**

**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**

**Findings of Fact**

The applicant proposed a Lot Line Revision at 93/91 Frost Hill Avenue, Lisbon Falls Maine, Map U11 Lot 14-A.

The Planning Board first considered the application on March 23, 2023 and accepted the application as complete. On April 13, 2023 the Board conducted a Public Hearing. On April 13, 2023, the Planning Board approved the Conditional Use Permit with no conditions.

**Conclusion of Law**

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

Performance Standards.

1. Application for Conditional Use Permit

* Completed the Local Ordinances Checklist
* Completed the Conditional Use Checklist

**Therefore, the Planning Board hereby approves the Conditional Use Permit – Lot Line Revision for Case #23-06 Mynahan/McDougal.**

**Vote: 5-0 Carried.**

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 Findings of Facts - **Case #23-07** Former Lisbon Falls Getty- Site Plan Review

**VOTE: (2023-49)** Mr. Lunt, seconded by Mr. Carr, moved to dispense with the reading of the Findings of Facts for Case #23-07 and insert it into the record as follows:

 April 27, 2023

**In the Matter of:**

 **Case #23-07 - Site Plan Review – Tier 2**

 **Former Lisbon Falls Getty**

 **686 Lisbon Street**

 **Lisbon Falls, Me 04252**

 **Map U-05 Lot 216**

**Findings of Fact**

The applicant submitted a Tier 2 site Plan Review application for a new use at the property referenced above. The use is for an Arts & Craftsmanship Store.

The Planning Board first considered the application on March 23, 2023 and accepted the application as complete. On April 13, 2023 the Board conducted a Public Hearing. On April 13, 2023, the Planning Board approved the Site Plan Review – Tier 2 with the following conditions:

 1) Rt. 196 Corridor Design Standards are followed.

 2) Parking is clearly delineated between Lisbon Artworks and the abutting businesses.

**Conclusion of Law**

General Review Standards: Lisbon Code of Ordinances. Chapter 62, Site Plans.

Performance Standards.

1. Completed the Tier 2 Site Plan Review Checklists

2. Town of Lisbon Ordinance Checklist

3. All abutters notified and public hearing notices were posted as required

**Therefore, the Planning Board hereby approves the Site Plan Review-Tier 2 for Case #23-07 Former Lisbon Falls Getty with conditions listed above.**

**Vote: 5-0 Carried.**

**7. NEW BUSINESS – Case #23-09** – Site Plan Review

 Danto’s Drywall

 William J. Hubble

 215 Lisbon Street

 Lisbon, Maine 04250

 Map U19 Lot 101B

William Hubble, the applicant, stated he wants to move his Drywall business into the building at 215 Lisbon Street after he does some work to it.

Mr. Kuhl asked if there are still Gas Tanks at this location and if they are still there, do they have to be removed.

Mr. Stambach said there is still gas tanks there. Mr. Hubble said to stay in compliance with the State, he’d like to purchase fuel from the State for his fleet of trucks. Mr. Hubble plans on putting a barrier around the tanks to deter the public from pulling in to purchase gas.

Mr. Lunt asked how many vehicles would be parked there. Mr. Hubble said there will be just three to four company vehicles at one time, since this building will be mostly used as an office for the business.

Mr. Carr asked about the holes in the pavement that are there. Mr. Hubble said he plans on repairing the holes and sealing it.

**VOTE: (2023-50)** Mr. Lunt, seconded by Mr. Carr moved to accept the application as complete for Case #23-09, Danto’s Drywall and set a Public Hearing for May 11, 2023.

**Vote: 5-0 Carried.**

 **Case #23-10 -** Site Plan Review

 Worumbo Waterfront Phase I

 Town of Lisbon

 1 Canal Street

 Lisbon Falls, Me 04252

 Map U05 Lot 014

Ross Cunningham, Economic & Community Development Director said there are two projects planned for Worumbo Waterfront Site as follows:

1. Adding Safety Lighting which was approved by the Council last year. Enterprise Electric is donating five 30 foot light poles that came from another job. Two lights for the parking lot area which will have an atomic clock to turn on automatically at night and three will light the community space, which will include a switch so they can be turned off when not in use.
2. Four inches of loam and grass added

Mr. Kuhl asked of this will affect runoff and will it involve DEP. Mr. Cunningham said they have done a DEP permit for the Loam.

Mr. Lunt asked if there is a plan for the Site that the Board can look at, what is the timeline for things to get done and where is the money coming from for these projects. Mr. Cunningham said the “Friends of Worumbo”, who is now managing the Site, is working on the plan. They are also using grant money to pay for projects and they’re having a meeting down at Worumbo in two weeks, inviting the public for public input as well as getting the information out there on Social Media etc.

Mr. Kuhl stated he is the President of PCL (Positive Change Lisbon) who has been working with Friends of Worumbo. They have been fact finding and resource hunting for ideas and funding sources to improve the Worumbo Waterfront.

He said it’s his understanding that Friends of Worumbo are coming up with a couple design proposals to lay before the town and to submit to various committees and to get public feedback. He said the idea is for any project to be revenue neutral to the town and funded through private funding sources but are not discouraged from asking for money from the town.

**VOTE: (2023-51)** Mr. Carr, seconded by Mr. Lunt moved to accept the application as complete and schedule a Public Hearing for May 11, 2023.

**Vote 5-0 Carried.**

1. **OTHER BUSINESS –** ROS I & II Discussion – The Board unanimously decided to move this topic to the next meeting since the Planner was not in attendance.
2. **CODE ENFORCEMENT OFFICER – NONE**

**10. ADJOURNMENT**

**VOTE: (2023-52)** Mr. Carr, seconded by Mr. Maloy moved to adjourn at 7:45 pm**. Vote: 5-0 Carried**

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

Lisa B. Smith, Deputy Town Clerk

Date Approved: May 11, 2023