|  |
| --- |
| PLANNING BOARD MINUTES  december 28, 2023 |



**Shaun Carr, Chair– Regular 2024**

**Nicholas Craig, Vice Chair– Regular 2026**

**Dan Leeman- Regular 2025**

**Christopher Huston– Regular 2025**

**Patrick Maloy– Regular 2024**

**William Kuhl- Associate 2024**

**Natalie Thomsen – Associate 2025**

1. **CALL TO ORDER:** The Chairman, Mr. Carr called the meeting to order at 7:00 PM.
2. **ROLL CALL:** Regular members present were Shaun Carr, Chris Huston, Nicholas Craig and Dan Leeman (arriving at 7:10pm). Associate Members William Kuhl and Natalie Thomsen were present as well. Mr. Maloy was absent. Also present was Mark Stambach, Code Enforcement Officer, Ben Smith from Northstar Planning, Councilor Larochelle and 4 audience members.

The Chairman extended voting privileges to Mr. Kuhl and Ms. Thomsen.

1. **REVIEW OF MEETING RULES:**

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

1. **WRITTEN COMMUNICATIONS:** Minutes of December 14, 2023

The meeting minutes of December 14, 2023 were distributed to all the members. The Chairman asked if there were corrections or additions.

**VOTE: (2023-115)** Mr. Craig seconded by Mr. Kuhl moved to approve the Minutes of December 14, 2023.

**Vote: 5-0 Carried.**

1. **PUBLIC HEARINGS –** Ordinance Amendment – Administrative Appeals

The Chairman opened the Public Hearing.

Mr. Stambach stated this is a minor change to the Ordinance to fix a conflict between section 70-614(h)(3) and Section 70-120(a) of the Ordinance. This is to remove one sentence of the Ordinance that reads “Administrative appeals shall not include enforcement decisions by the code enforcement officer or the failure to provide for enforcement.” to conform with other sections of the Ordinance.

The Chairman closed the Public Hearing.

1. **UNFINISHED BUSINESS –** Ordinance Amendment Sect. 70-120.(a) Administrative Appeals

Section 70-120.(a) – Administrative Appeals To hear and decide appeals within 30 days, where it has been alleged that there is an error in any interpretation, determination, order, requirement or decision made by the codes enforcement officer or a failure to act by the codes enforcement officer or in any other administrative matter involving the codes enforcement officer in the administration of any applicable land use or building related ordinances of the Town of Lisbon. ~~Administrative appeals shall not include enforcement decisions by the codes enforcement officer or the failure~~ ~~to provide for enforcement~~. In acting on administrative appeals, the zoning board of appeals may sustain the action or inaction of the codes enforcement officer or may modify or reverse his or her action if the zoning board of appeals decides that the codes enforcement officer was in

**VOTE: (2023-116)** Mr. Craig, seconded by Mr. Kuhl moved to approve the Ordinance Amendment to Section 70-120.(a) Administrative Appeals as presented.

**Vote: 5-0 Carried.**

1. **NEW BUSINESS – Case #21-15** King Road Subdivision Amendment

Ralph Sawyer

King Road

Lisbon Maine 04250

Map R9 Lot 16D

Ben Smith from Northstar Planning stated the intent for this application is to Amend an existing subdivision to create some new lots within the existing subdivision. Mr. Smith said creating new lots is not a small Amendment, so they’ll be looking for other information beyond what was submitted in the packet that Northstar and the Planning Board has received from the Applicant. Mr. Smith is asking for clarification on which lot lines are proposed and which are existing, abutter conveyances within the subdivision and road frontages.

Dennis Douglass from Double D Designs, representing the applicant, spoke about the project. He said the applicant is trying to create two rear lots off of an existing lot with a conveyance to an abutter on the Webster Road corner. Mr. Douglass said according to the Town of Lisbon’s Rear Lot Ordinance, it meets all the criteria and maintains the one lot on the front.

Mr. Smith asked if the conveyance to the abutter would be a stand-alone lot. Mr. Douglass stated the back corner lot will be conveyed to the abutter to become part of the landowners parcel and not a stand-alone lot.

Mr. Stambach said the Rear Lot Ordinance requires that the front lot have the minimum lot age required plus the minimum 20 foot right of way required to provide right of way to the two rear lots. Mr. Stambach will check the Ordinance for clarification at the next meeting.

Mr. Smith asked for clarification on the plan for the access road. Mr. Stambach said “Section 70-641 (c)(2)” in the Rear Lot Ordinance reads as follows:

**Sec. 70-641. - Rear lots.**

(a) Section 46-62 notwithstanding, a building permit may be issued as a conditional use for a structure on a rear lot, as defined in section 70-5(b)(2), but which meets the minimum area requirements for the district in which the lot is situated. The lot must be configured in such a manner that it is possible to inscribe completely within the boundaries of the lot a circle whose diameter is equal to the minimum required frontage for the district in which the lot is proposed. In the groundwater protection overlay zone and pro-tective strip located on public sewer the diameter of the circle shall be 100 feet. The access to the lot shall be no less than 20 feet wide at all points and may be either an easement or a fee ownership. The 20-foot requirement shall not apply to lots of record existing as of March 10, 1975 and rights-of-way servicing those lots which are less than 20 feet in width.

(b)The separate lot over which the right-of-way access passes shall have road frontage which exceeds the minimum lot frontage requirement for the district by the width of the access road.

(c)The following conditions shall apply:

(1)The application for a conditional use permit shall be accompanied by a plan showing the access to the lot prepared by a professional land surveyor.

* “(2) Only two new lot(s) may gain frontage from such an access as described in subsection (b) above. Any creation of three or more lots, over any time period, shall require that the road standards in terms of width, design and construction as required for subdivisions, shall be met.”

Mr. Stambach also clarified that there are road design requirements in the Subdivision Ordinance which he will forward on to the Planning Board.

Mr. Craig asked Mr. Smith that since they now know the conveyance is going to the other abutter, does this only create two lots as opposed to three. Mr. Smith said if you’re creating one lot or ten lots in an approved subdivision, it’s still amending an existing subdivision.

**VOTE: (2023-117)** Mr. Craig, seconded by Mr. Huston moved to set a Public Hearing for Case #21-15 King Road Subdivision Amendment for January 11, 2024 contingent upon on getting clarification on road frontage, right of way requirements and that all required documentation be submitted for this project and all modifications added to the plans.

**Vote 5-0 Carried.**

**Case #23-21** Site Plan Application- Self Storage Expansion

Millett Properties, LLC

5 & 10 Memorial Street

Lisbon, Me 04250

Map U19 Lots 99 and 123

Mr. Smith stated there are two items on the Agenda dealing with 10 Memorial Street. Case #23-15 deals with 5 & 10 Memorial Street for Self Storage Expansion and Case #23-22 deals with 10 Memorial Street trying to rectify a situation currently. Mr. Smith said the two Cases might be combined as one at the next meeting.

Craig Sweet, project engineer for Terradyn Consultants, LLC on behalf of Millett Properties stated the applicant is proposing to add 5 new self-storage buildings for an additional 73 units. Three units will be on 5 Memorial Street expanding the curb cuts from the current entrances for better access of emergency vehicles and will fill a portion of the parking lot to keep the buildings out of the flood plain. Mr. Sweet stated that on 10 Memorial St. they’ll be adding an additional sidewalk to better define the entrances to the self-storage areas. They also plan on relocating the Spring St. entrances further south of the property line and have it gated for emergency access, but the main entrance will be on Memorial St. They are also proposing adding some landscaping on the northwest side of both lots to aid in screening. Mr. Sweet said there will be an overall deduction in the paving area of about 1,600 square feet with all storm-water to be contained within the sites and the catch basins assigned to the existing basin systems.

Mr. Carr asked if the parking lot across the street from the existing building belongs to the building. Mr. Sweet said he thinks it’s owned by the same person who owns the building but is not used for that building.

Mr. Kuhl noticed that the bottom chunk of land with the existing building is located in the Flood Plain.

Mr. Sweet stated they are planning to fill part of the Northern side to raise it a little higher out of the Flood Plain more towards the property line.

Mr. Kuhl asked if that would have any negative effects on the neighbors. Mr. Sweet stated the Storm water would keep the same flow and wouldn’t reroute to the neighbor’s property.

**VOTE: (2023-118)** Mr. Craig, seconded by Mr. Kuhl, moved to accept the application as complete for Case #23-21 Site Plan Application for Self Storage Expansion, set a Public Hearing for January 11, 2024 and combine it with Case #23-22 Site Plan Review Application for Storage for all future Planning Board purposes.

**Vote: 5-0 Carried.**

**Case #23-22** Site Plan Review Application- Storage

Millett Properties, LLC

10 Memorial Street

Lisbon, Me 04250

Map U19 Lot 123

Mr. Millett, the applicant’s son, asked the Planning Board what is required to keep the business running.

Mr. Stambach stated he has issued a notice of violation after receiving several complaints as follows:

**Overview**

A1 Appliances, located at 10 Memorial Street in the Village zone, received a notice of violation regarding a deck constructed without a permit and nonconformance with the state of Maine’s Junkyard/Automobile Graveyard law (MRS Title 30A §3752), as it meets the definition of “a yard, field or other outside area used to store, dismantle or otherwise handle:

• Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture.

• Discarded scrap, and junked lumber; and

• Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.”

State law requires that junkyards must be screened from view on a public way by a fence of at least 6 feet.

Junkyards are a prohibited use in the Village zone. If the applicant wishes to remain at this site, they must store the used appliances indoors.

**Outstanding Information**

The applicant should submit a complete site plan application with details of where they plan to store the appliances that are currently stored outdoors.

Additionally, the property is subject to Route 196 Design Corridor Standards. The property is in the Village character district. The applicant’s next submission should include a description of how the site will meet these standards.

Mr. Stambach said the owner contacted him to ask if they could have outside storage for appliances while they were waiting to be repaired and resold. Mr. Stambach told the applicant that it might be possible with outside screening. Mr. Stambach stated there is a section of the Ordinance that talks about an outside storage yard and this seems to meet the criteria. His only issue with this would be security, screening and containing all the appliances within the screened area.

Mr. Kuhl asked the time frame for getting the screening up. Mr. Sweet said it would be late spring or early summer.

The Board asked what the applicant planned to use for lighting for the storage units and if they will have 24/7 access.

Mr. Sweet stated there will be cutoff fixtures that do not shine out very far. Mr. Smith suggested they install motion sensor lights to the units so they would not be on all the time shining onto the neighbor’s property.

**VOTE: (2023-119)** Mr. Craig, seconded by Mr. Leeman moved to accept the application as complete and set a Public Hearing for January 11, 2024 contingent on the screening being built to categorize it as an outdoor storage lot and to ensure that the Junkyard condition is resolved before any permits can be issued.

**Vote: 5-0 Carried.**

1. **OTHER BUSINESS –**

Bob Gray, property owner of 6 Pinewoods Road, stated he is seeking a permit to put a Mobile Home on the property.

Mr. Stambach stated Mr. Gray’s property is a newly created lot in the general residential zone which does not allow Mobile Homes as a stand-alone use. It is not a permitted use in that zone.

Mr. Gray feels that he should be able to put a Mobile Home on his property since there are other Mobile Homes in that area.

Mr. Stambach stated the purpose of this zone is to, over time, remove the uses that are not desirable in those zones.

Ms. Thomsen said she was under the impression that anywhere a single dwelling was allowed, that the State Law says that we have to allow trailers. Mr. Stambach said it’s only modular homes that are allowed not Mobile Homes.

The Planning Board unanimously decided to work on changing the Ordinance. Mr. Smith stated that one easy fix would be to strike Mobile Home as a use and just have all single family homes fall under the Single Family Homes definition.

1. **CODE ENFORCEMENT OFFICER –ADJOURNMENT**

**VOTE: (2023-120)** Mr. Craig, seconded by Mr. Kuhl moved to adjourn at 8:30 pm**. Vote: 5-0 Carried**

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

Lisa B. Smith, Planning Board Secretary

Date Approved: January 11, 2024