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| PLANNING BOARD MINUTESfebruary 22, 2024 |



**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. Associate Members William Kuhl and Natalie Thomsen were present as well. Mr. Maloy was excused. Also present was Mark Stambach, Code Enforcement Officer; Kate Burch, Town Planner; Councilor Larochelle, Town Council Liaison; and 3 audience members. The Chairman extended voting privileges to Mr. Kuhl.
3. **REVIEW OF MEETING RULES:**

The Chairman explained the meeting rules are located in the folder on the wall.

1. **WRITTEN COMMUNICATIONS:** Minutes of February 8, 2024

The meeting minutes were distributed to all the members. The Chairman asked if there were corrections or additions.

**VOTE: (2024-17)** Mr. Craig, seconded by Mr. Leeman moved to approve the Minutes of February 8, 2024.

**Vote: 5-0 Carried.**

1. **PUBLIC HEARINGS – NONE**

#### **6. UNFINISHED BUSINESS -** [**Findings of Fact Case #24-02 - Crafts Property**](https://lisbonme.v8.civicclerk.com/Meetings/Agenda/ItemFields?id=1630)

 **VOTE:(2024-18)** Mr. Craig, seconded by Mr. Leeman moved to dispense with the reading of the Findings of Facts for Case #24-02- Subdivision Review-Crafts Property and insert it into the record as follows:

 **Vote: 5-0 Carried.**

 Case #24-02: Subdivision Review – Crafts Property

Dan & Michelle Oram

9 Moxie Lane

Lisbon Falls, ME

Map U3, Lot 25-A & 25-C

**Findings of Fact**

The applicant submitted a Subdivision review application for an amendment to move the lot line and adjust the shared access driveway on a previously approved subdivision. The Planning Board first considered the application on January 25, 2024 and accepted the application as complete. On February 8, 2024 the Board conducted a Public Hearing.

On February 8, 2024, the Planning Board voted to approve the Subdivision review application for the Crafts Property.

**Conclusions of Law**

General Review Standards: Lisbon Code of Ordinances. Chapter 66, Subdivisions

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 Subdivision review application for Case #24-02 Crafts Subdivision Map U3 Lot 25-A and 25-C.**

**Findings of Facts Case #23-21 Self Storage Expansion- 5 & 10 Memorial St.**

**VOTE: (2024-19)** Mr. Craig, seconded by Mr. Leeman moved to dispense with the reading of the Findings of Facts for Case #23-21- Self Storage Expansion- 5 & 10 Memorial St. and insert it into the record as follows:

**Vote: 5-0 Carried.**

Case #23-21: Site Plan Review

Millet Properties, LLC

5 and 10 Memorial Street

Lisbon, ME 04250

**Findings of Fact**

The applicant submitted a Site Plan Application to expand an existing self-storage facility on property at 5 and 10 Memorial Street.

On January 11, 2024, the Planning Board voted:

To approvethe 5 and 10 Memorial Street site plan as submitted.

**Conclusions 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. Route 196 Design Standards Checklist

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

**Therefore, the Planning Board hereby approves the Site Plan Application for Case #23-21 for 5 and 10 Memorial Street.**

 **Findings of Facts Case #21-15 King Road Subdivision Amendment**

**VOTE: (2024-20)** Mr. Craig, seconded by Mr. Leeman moved to dispense with the reading of the Findings of Facts for Case #21-15 King Road Subdivision Amendment and insert it into the record as follows:

**Vote: 5-0 Carried.**

Case #21-15: Subdivision Review – King Road Subdivision Amendment

Ralph Sawyer

King Road

Lisbon, ME

Map R9 Lot 16D

**Findings of Fact**

The applicant submitted a Subdivision review application to create 3 new lots on a previously approved subdivision. The subdivision amendment consists of adding 1 front lot and 2 rear lots, all accessed by a shared drive that comes off a new private road, Sawyer Landing Road. An amendment ot the King Road Subdivision was first brought to the Planning Board in 2021. A revised application was submitted in 2023 and first considered by the Planning Board at the December 28, 2023 meeting. The Board held a Public Hearing at the January 11, 2024 meeting. Following that meeting, the applicant provided additional materials.

On February 8, 2024, the Planning Board voted:

To waive Section 70-641(c)(4): The principal access shall be designed, constructed and maintained to permit access and turnaround by emergency vehicles including fire trucks.

To approve the Subdivision review application for the King Road Subdivision Amendment, with the condition of approval:

1. The first property owner to build a house on one of the new lots is responsible for construction of Sawyer Landing Road to be built to town road standards.

**Conclusions of Law**

General Review Standards: Lisbon Code of Ordinances. Chapter 66, Subdivisions

Performance Standards.

1. Completed the Subdivision Review Checklist

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 Subdivision review application for Case #**21-15 **King Road Subdivision Amendment Map R9 Lot 16D.**

1. **NEW BUSINESS – Case #24-03** Conditional Use Application - Haven, LLC

Amanda Boucher

143 Lisbon Street

Lisbon, ME 04250

Map U22 Lot 003

 Mr. Stambach said this was brought to the Planning Board because the original Certificate of Occupancy was issued without proper review. He said this property is located in the Aquafer Overlay and Limited Commercial Shoreland Zones which require Conditional Use Applications. Mr. Stambach stated the original concern was that some of the Town’s mapping showed that the Aquafer Overlay Zone in which the property is located is in Zone I which does not permit a Salon in that zone. He said they discovered after doing more research that one of the maps matches the State map for Aquafer Overlay, which is the map that is currently on the Town’s GIS system, which shows that the entire building is located outside the Aquafer I zone and in the Aquafer II zone. He said this zone allows a Salon as a Conditional Use.

 **VOTE: (2024-21)** Mr. Craig, seconded by Mr. Leeman moved to accept the application as complete for Case #24-03 Conditional Use Application- Haven, LLC and schedule a Public Hearing for March 14, 2024.

 **Vote: 5-0 Carried.**

1. **OTHER BUSINESS –** Discussion of the mapping of the Resource Protection and Shoreland Zones

Mr. Stambach said Jay Raitt brought concerns to him about the mapping of the Shoreland/Resource Protection Zone.

Mr. Stambach said the Shoreland Zone has specific requirements for distances of regulation from a waterbody, depending on what that waterbody is. From rivers, great ponds and wetlands, it’s 250 feet. From steams, it’s 75 feet.

What they discovered is that there are areas in town that have 250 feet associated with it, even though it’s a stream. Mr. Stambach said the question is whether or not that Resource Protection Zone should be shrunk. He said there’s limited uses that are allowed, and anytime those uses are proposed, in most cases they require Conditional Use Permit Applications which is quite a bit more involved with developing any areas like that. He said the question is whether the Town wants that area to be expanded/protected area, where the State does not require it under State Shoreland Zone mandates.

Mr. Kuhl asked if these areas were categorized incorrectly or did the definition change over time.

Mr. Stambach said he thinks maybe, and he hasn’t been able to verify this fact, that the Resource Protection Zone was put into place by the Town before the Shoreland Zone came into effect, so everything was given the 250 foot boundary.

Mr. Stambach said he has not been able to reach the Shoreland Zoning Coordinator yet and is trying to find out that since this is Resource Protection and not Shoreland Zone, does it need State review and approval.

Mr. Carr asked what steps would the Town need to take to fix this issue. Mr. Stambach said it would require going through all of the areas in town to determine which ones are beyond the scope of the Shoreland Zone, make proposed changes to those, bring it to the Planning Board for review and approval and then send to Council.

**Discussion of ROS I and ROS II listening session**

 ​ **Overview**

On January 25, 2024, North Star Planning (NSP) held a one-hour workshop about rural land use and zoning in Lisbon, with a focus on the ROS-I and ROS-II zones. Residents of those zones were notified of the workshop by mail, and there were approximately 37 attendees.

The workshop began with a presentation that reviewed what the ROS-I and ROS-II zones are and what regulations they currently require. The presentation then discussed rural and agriculture land use and different strategies to preserve open

space and working land in a community. Following the presentation, attendees were invited to speak and share their needs and ideas for these zones. This public input is summarized below, along with updated recommendations from North Star Planning based on what we’ve heard from the survey and workshop.

Before the January workshop, NSP hosted an online survey to solicit input on priorities for preservation vs housing development in rural Lisbon, property owner land use in the ROS-I and ROS-II zones, any issues they’ve experienced with land use, and town strategies to help rural landowners. The feedback from this survey was summarized in a memo dated January 19, 2024. 88 people responded, 71 who own property in ROS-I or ROS-II. Feedback generally indicated a high priority for preservation, few issues with land use, and a preference for municipal programs like easements and farm assistance to help rural landowners.

**January Workshop Public Input Summary**

Several attendees expressed concerns about too much development in this area,

including:

o Need to slow/prevent sprawl

o Service demands

o Well and septic capacity

o Don’t want to lose farms

o Don’t change it all at once

o Compliance with comprehensive plan

Two landowners shared their difficulty with splitting lots to family members due to frontage requirements.

Other attendees spoke about the type of housing, with concerns about multifamily development in these areas, and for design standards.

The input expressed at the January workshop was largely consistent with the survey. Residents are mostly concerned about preserving farms and limiting development.

**Recommendations**

Based on the online survey and January workshop, NSP has adjusted our recommendations from previous Planning Board work about ROS-I and ROS-II. The public engagement we heard expressed that the majority of residents in these zones are content with the current land use regulations, and do not have issues with their zoning. We recommend very limited ordinance changes. Rather, programmatic support and better communication seems to be the most impactful way Lisbon could help rural landowners.

We have 3 recommendations for next steps:

1. Programmatic Support:

o Lisbon should provide information and assistance for landowners to enroll in easement and tax assistance programs.

o Consider a voluntary municipal farm support program, which would allow for temporary agricultural easements that benefit landowners.

o Economic development support for agriculture, like a local farmer’s market and a guide to Lisbon’s farms and farmstands.

o Pursue a stronger relationship with local land trust or conservation easement partners.

2. Better communication:

o Make sure rural landowners understand the impact of LD2003. Some of the land use issues expressed at the workshop can be resolved by building a second unit or an accessory dwelling unit on the lot.

3. Minimal zoning changes:

o Leave ROS-I as it is.

o In ROS-II, eliminate the “no new residential subdivisions” regulation and instead require Open Space subdivision for all lots. This will help the 1 or 2 landowners who want to split their lots do so without any major changes.

o Review and make minor changes/clean up to Open Space subdivision ordinance as necessary.

o Limiting zoning changes and working with existing ordinances will

make change easier and limit administrative burden on town staff

Mr. Carr said he thought a lot of people were concerned that the Town is trying to bring in giant developments, but when the Board explained what their intentions were, the public was open to the changes.

Mr. Kuhl said there were a few landowners that wanted more versatility with their land for their children and future generations and a big concern about larger developments coming in.

Mr. Huston asked what could be done about road frontage requirements for new houses. He said right now the new houses have to be right up against the road instead of being able to go way back on their property. The current Ordinance states that anything over three houses is a subdivision, which scares a lot of people.

Ms. Burch stated the biggest roadblock is that right now, in ROSII, it says no new residential subdivisions and that all new lots have to be on existing public roads, which is limiting people. She said those are targeting changes that should be made. She said allowing subdivisions in ROSII, but requiring them to follow open space subdivision rules would be a fairly straightforward way to address that, which would allow people to get frontage by putting them on a new private road. She said for an open subdivision, you’re allowed to reduce frontage requirements. If someone had a 50-100 acre lot in ROSII and wanted to split off to four kids, they could build a road and design it in a way that maximizes the remaining usable land in open space. Ms. Burch suggested maybe doing something incremental rather than introducing an entirely different way of dividing land and if they continue to have problems they can keep walking it forward from there.

1. **CODE ENFORCEMENT OFFICER –**

Mr. Stambach made the Planning Board aware that the new GIS (Geographic Information System) system is now public and on the Town’s website and will be on several different pages on the website, including the Code Enforcement page over the new few days.

Mr. Carr stated that the Town Clerk is willing to put on a training for the Planning Board at the March 14th meeting at 6pm. regarding Parliamentary Procedures since they need to tighten up on how the meetings are done with the new sound system.

1. **ADJOURNMENT**

**VOTE: (2024-22)** Mr. Craig, seconded by Mr. Leeman moved to adjourn at 7:50 pm**. Vote: 5-0 Carried**

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

Lisa B. Smith, Planning Board Secretary

Date Approved: March 14, 2024