|  |
| --- |
| PLANNING BOARD MINUTESmarch 28, 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, Patrick Maloy, Nicholas Craig and Dan Leeman. Associate Members William Kuhl and Natalie Thomsen were present as well. Also present was Mark Stambach, Code Enforcement Officer; Kate Burch, Town Planner; Sarah Bennet, Assistant Town Manager; Councilor Larochelle,Town Council Liaison; and 4 audience members.
3. **REVIEW OF MEETING RULES:**

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

1. **WRITTEN COMMUNICATIONS:** Minutes of March 14, 2024

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

**VOTE: (2024-29)** Mr. Craig, seconded by Mr. Leeman moved to approve the Minutes of March 14, 2024.

**Vote: 5-0 Carried.**

1. **PUBLIC HEARINGS – NONE**
2. **UNFINISHED BUSINESS - A**. [Findings of Facts - **Case #21-15**King Rd](https://lisbonme.v8.civicclerk.com/Meetings/Agenda/ItemFields?id=1829) Subdivision Amendment

**VOTE:(2024-30)** Mr. Craig, seconded by Mr. Maloy moved to dispense with the reading of the Findings of Facts for Case #21-15 King Rd Subdivision Amendment and insert it into the record as follows:

 **Vote: 5-0 Carried.**

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

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 to 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 approve the Subdivision review application.

On March 14, 2024, the Planning Board voted to reconsider the Subdivision review application, and 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.

With the Finding that the turnaround is not necessary in the interest of public health and safety because the plan shows adequate space for emergency vehicles to turn around.

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

1. Sawyer Landing Road is a private road and is to be built to the Town of Lisbon’s road standards. No building permit shall be issued until the private road section has been developed to the Town of Lisbon road standards as approved by the Code Enforcement Office and Public Works.

**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.**

 **B**. Findings of Facts - **Case #20-04** Lisbon CSG Extension

 **VOTE: (2024-31)** Mr. Craig seconded by Mr. Maloy moved to dispense with the reading of the Findings of Facts for Case #20-04 Lisbon CSG Extension and insert it into the record as follows:

 **Vote: 5-0 Carried.**

Case #20-04 - Lisbon CSG, LLC Solar Project

Branch Renewable Energy

47 Upland Road

Lisbon, Maine 04250

Tax Map R05 Lot 044

**Findings of Fact**

The Lisbon CSG, LLC Solar Project site plan was approved by the Lisbon Planning Board on July 1, 2020. The site plan approval subsequently received two extensions.

On March 14, 2024, the Planning Board Voted:

To extend the Lisbon CSG, LLC Solar Project site plan approval for an additional 12 months, to be valid through June 2025, with the following condition:

1. The applicant shall extend the proposed screening around the corner of the site to screen the Pelletier property.

**Conclusions of Law**

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

**Therefore, the Planning Board hereby approves the Site Plan Extension for Lisbon CSG, LLC Solar Project.**

 **C**. Findings of Facts - **Case #24-03** Conditional Use App. - Haven, LLC

 **VOTE: (2024-32)** Mr. Craig, seconded by Mr. Maloy moved to dispense with the reading of the Findings of Facts for Case #24-03 Conditional Use Application- Haven, LLC and insert it into the record as follows:

Case #24-03, Conditional Use Application

Haven, LLC

Amanda Boucher

143 Lisbon Street

Lisbon, ME 04250

Map U22, Lot 003

**Findings of Fact**

Haven, LLC applied for a Conditional Use Application to operate a hair salon in Zone 2 of the Aquifer Overlay. The hair salon has been open for several years and was given a Certificate of Occupancy by a previous town employee without going through the required Conditional Use process. The application first came before the Planning Board on February 22, 2024. A public hearing was held at the Planning Board meeting on March 14, 2024.

On March 14, 2024, the Planning Board Voted:

To approve the Conditional Use Application for Haven, LLC, Map U22, Lot 003.

**Conclusions of Law**

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

Conditional Use : Lisbon Code of Ordinances, Chapter 70, Article III.

**Therefore, the Planning Board hereby approves the Conditional Use Application for Haven LLC.**

1. **NEW BUSINESS – Case #23-19** Modification of Approved Conditional Use Permit

Ryan Weaver

190 Ferry Rd

Lisbon, ME 04250

Map R-07, Lot 004-A

 Mr. Stambach stated that he checked the new layout and found it is outside the flood zone and in Resource Protection like the previous location. He said the setback is 108 feet from the high water mark which meets the requirements of the shoreland zone, so he found no reason that this could not be relocated.

 **VOTE: (2024-33)** Mr. Craig, seconded by Mr. Maloy, moved to approve the Modification of the approved Conditional Use Permit for Case #23-19.

 **Vote: 5-0 Carried**.

1. **OTHER BUSINESS –**

Ms. Burch said the state recently approved an amendment to LD 337 which regulates Manufactured Housing. She explained that Manufactured Housing, or mobile homes, are built in a factory on a chasee after the 1974 law to regulate manufactured housing. She said they are different from modular houses which are built in a factory but are always on a permanent foundation. She stated that Lisbon’s Ordinance defines Mobile Homes as manufactured housing as defined by the State Ordinance. She explained that LD 337 makes it very explicit that municipalities shall permit manufactured housing to be placed or erected on individual house lots where single family dwellings are allowed. This means, in terms of land use, there is no difference between single family homes and manufactured homes. She said Lisbon’s Ordinance currently has mobile homes (manufactured homes) as a use and only allows them in some zones, which currently does not comply with State law. She recommends striking Mobile Homes as a use.

Mr. Stambach said manufactured housing is built on a permanent steel frame, a modular is not.

She said the other part of the law is that you are allowed to have design standards for manufactured housing, which she showed the Board a couple examples from other Towns, one being they need to be placed on a permanent foundation, which is an individual lot, not a mobile home park, requiring a roof pitch and exterior surfaces to have typical siding or similar materials.

Mr. Stambach said the other thing that needs to be reviewed is design standards for the Rt. 196 corridor which currently does not have any requirements for residential.

Mr. Kuhl asked how rigid the other town’s standards are. He doesn’t want to put on too many limits. Ms. Burch said there are limits to the design standards that can be applied. The State says you cannot use design standards to prevent manufactured housing. Typical standards are to require a roof pitch, a foundation and certain types of exterior materials.

Mr. Craig asked if the Board needs to remove the conditional use first to line up with the State standards first and then work on design standards or can they be done at the same time.

Mr. Stambach said he wasn’t sure when the changes go into effect from the State, so there is time to make the changes.

**\*\*\* After researching this, Mr. Stambach said the changes happen 90 days after the end of the legislative session.**

**He thinks they are scheduled to end the session on April 15th, which makes the change in law effective mid July.**

1. **CODE ENFORCEMENT OFFICER – NONE**
2. **ADJOURN TO WORKSHOP**

**VOTE: (2024-34)** Mr. Craig, seconded by Mr. Maloy moved to adjourn to Workshop at 7:25 pm**.**

**Vote: 5-0 Carried.**

1. **WORKSHOP** - A. ROSII and Open Space Subdivision Ordinance updates

Mr. Huston recommended to change the following: “Section (g) *Road and common driveways-* (1)(b) All common driveways in excess of 500 feet shall contain at least one ~~10~~20 foot by 30 foot turnout. The exact location shall be determined by the Planning Board with the review of the Fire Department.”

He said this would give more room for a Fire Truck to turn around.

A community member asked if there will be a required size on how many houses for 50 acres after someone divides their 100 acre lot. Ms. Burch said the minimum lot size is about 2-1/4 acres.

The community member stated this would allow for a possibility of 25 more houses on Summer Street to be built and increasing the traffic entering onto Rt. 196, which is already difficult to enter onto since they increased the speed limit.

She asked if there will be any consideration for widening the roads since they may be adding 25 residential home to a small street. Ms. Burch said if someone were to propose a subdivision of that size they would be required to bring it before the Planning Board for the review process, so these issues would be reviewed closely.

B. Discussion of the mapping of the Resource Protection and Shoreland Zones

 Mr. Stambach said he’s been in contact with Mr. Raitt and will get more specific information on certain areas that need to reviewed and then compare the maps. He said he spoke with someone from the Maine DEP and confirmed that any modifications to the Shoreland Zoning Map does have to go back to Maine DEP for review and approval.

**VOTE: (2024-35)** Mr. Maloy, seconded by Mr. Craig moved to adjourn the Workshop at 7:40pm.

**Vote: 5-0 Carried.**

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

 Lisa B. Smith, Planning Board Secretary

 Date Approved: April 11, 2024