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| PLANNING BOARD MINUTESapril 11, 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 7:07 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 excused. Also present was Mark Stambach, Code Enforcement Officer; Kate Burch, Town Planner; Sarah Bennett, Assistant Town Manager; Councilor Larochelle, Town Council Liaison; and 3 audience members.
3. **REVIEW OF MEETING RULES:**

The Chairman explained the meeting rules are located in the folder on the wall and reminded the audience of the following:

* If anyone wishes to speak on a matter before the board, that will be done during the Public Hearing which are scheduled events upon acceptance of an application being considered complete.
* If you have any questions about potential or hypothetical projects not before the board, please direct those questions to the Code Enforcement Officer or Economic Development Director.  The Board can only comment on cases that have had an application submitted for review.
	+ If you have a concern or other item that you want the board to address, please inform the Code Enforcement Officer or planning board members after the meeting or the by the Friday before the next meeting so it may be placed on the agenda.
1. **WRITTEN COMMUNICATIONS:** Minutes of March 28, 2024

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

**VOTE: (2024-36)** Mr. Craig, seconded by Mr. Maloy moved to approve the Minutes of March 28, 2024.

**Vote: 5-0 Carried.**

1. **PUBLIC HEARINGS – NONE**

#### **UNFINISHED BUSINESS -** [Findings of Facts - **Case #23-19**](https://lisbonme.v8.civicclerk.com/Meetings/Agenda/ItemFields?id=1960) Conditional Use Application Amendment

**VOTE: (2024-37)** Mr. Craig, seconded by Mr. Maloy moved to dispense with the reading of the Findings of Facts for Case #23-19 Conditional Use Amendment-Ryan Weaver and insert it into the record as follows:

Case #23-19: Conditional Use Application Amendment

Ryan Weaver

190 Ferry Road

Lisbon, ME 04250

MapR-7 Lot 23

**Findings of Fact**

The applicant submitted a Conditional Use Application to construct an Accessory Dwelling Unit on his parcel. The Planning Board first considered the application on September 14, 2023 and accepted the application as complete. On September 28, 2023 the Board conducted a Public Hearing. On September 28, 2023, the Planning Board voted to approve the Conditional Use Application for 190 Ferry Road.

On March 28, 2024, the applicant submitted an amendment to the approved Conditional Use Application. Due to the presence of ledge, the applicant proposed to change the location of the dwelling unit.

On March 28, 2024, the Planning Board voted to approve the amendment to the Conditional Use Application for 190 Ferry Road.

**Conclusions of Law**

Conditional Use Permit Standards: Lisbon Code of Ordinances. Chapter 70-194.

Performance Standards.

1. Completed the Conditional Use application 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 amendment to the approved Conditional Use Application for Case #23-19, 190 Ferry Road, Map R-7 Lot 23.**

1. **NEW BUSINESS – Case #24-04** Conditional Use Application & **Case #24-05** Site Plan Review

 A1 LA Used Appliance, Inc.

Stephen M. Gaul

2 Lisbon St.

Lisbon, ME 04250

Map U24, Lot 014

 Ms. Burch explained that the applicant is proposing to rent a portion of the existing Glamour Pools building for an appliance sales showroom. She said this parcel is currently in resource protection, aquifer overlay and the 100 year flood hazard area. She said the applicant is only renting a portion of the inside of the existing building which is all they will have control over. They will have no outdoor space or any other areas except for what they’re renting for inside the building. Ms. Burch said this would be considered a change of use for a non-conforming and a conditional use. She said after looking at the original Site Plan approval which was going to be used primarily as a warehouse, this proposal for retail use is a different Conditional and Non-conforming use.

 The applicant stated there will be a movable trailer on site if people want to drop off their old appliance but will disposed of that same day.

 **VOTE: (2024-38)** Mr. Craig, seconded by Mr. Maloy moved to accept the application as complete for Case #24-04 Conditional Use Application and Case #24-05 Site Plan Review for A1 LA Used Appliance, Inc. and set a Public Hearing for April 25, 2024.

 **Vote: 5-0 Carried.**

**Ordinance Amendment** - Chapter 70, Article IV, Division 5A: Rural Open Space II Zoning District - *First Reading*

 Ms. Burch presented the Board with the updated changes listed below after comments.

She stated that there’s been one minor change since the last Workshop regarding driveway turnaround requirements changing it to a 20 foot by 30 foot turnaround.

 Ms. Burch said that Mr. Stambach brought to her attention that the NFPA (National Fire Protection Association) recommends requiring a turnaround on all driveways exceeding 150 feet in length. The Lisbon Ordinance currently requires a turnaround on all driveways exceeding 500 feet in length. Ms. Burch stated they could change it to match the NFPA requirements. The Planning Board decided to get the recommendations from the Lisbon Fire Chief before making a decision how to proceed with this section.

 David Bowie, 140 Upland Road, suggested to move slowly to make changes to ROS II because uncontrolled growth could defeat the attempt. His concern is the area is building more residential homes thus reducing the production for farms. Too much residential growth will make it so it’s not rural anymore and an increase in traffic. Mr. Bowie suggested

 1. Monitoring the growth regarding schools, water/sewer, police & fire protection and road maintenance and can the town afford to do the upgrades needed with the growth.

 2. Create and enforce Ordinances to promote healthy growth including enforcing the Junkyard Ordinance. He has three junkyards within a ½ mile of his property. This impacts the desire for people wanting to come to Lisbon.

 3. Set standards for property maintenance to make people take care of their property.

 4. Set standards for residential development.

 **VOTE: (2024-39)** Mr. Maloy, seconded by Mr. Craig moved to accept the Ordinance Amendments as presented and schedule a Public Hearing for April 25, 2024.

 **Vote: 5-0 Carried.**

* **Updated proposed changes:**

 **Background**

North Star Planning has developed a series of proposed ordinance changes regarding land use needs in the Rural Open Space zones. These changes are an incremental approach to respond to resident feedback that more flexibility is desired for landowners in these zones.

Public feedback also emphasized the need for town programmatic and communications regarding easements, economic development, and understanding accessory dwelling units and the impact of LD2003. We recommend these needs are also presented to the Town Council when these zoning changes move forward.

The Planning Board held several workshops in 2023 to discuss this issue. An online survey was opened to the public from December 2023-January 2024 for feedback. The Board held a public workshop on January 25, 2024, and then discussed the results and recommendations in a workshop at the February 22, 2024 meeting.

The Board has held two workshops to review the proposed changes outlined in this memo, on March 14, 2024 and March 28, 2024. The meeting on April 11, 2024 will be the first reading of these ordinance changes.

**Overview of Zoning Changes**

Changes are proposed to ROS-II and to the Open Space Subdivision ordinance. No changes are proposed for ROS-I at this time. The zoning changes proposed are a targeted adjustment. There are no major changes to existing policy.

There are three major policy changes proposed that the Board should review and discuss.

1. Change zoning (Sec. 70-362) to allow residential subdivisions in ROS-II.

2. As a result, Sec. 66-154 will go into effect, requiring Open Space Subdivision design for all subdivisions over 10 acres in ROS-II.

3. Road and driveway standards have been added to the Open Space Subdivision ordinance (Sec. 66-155) to be more consistent with general road standards (with context-sensitive waivers permitted.)

The remainder of the changes consist of clean-up and revisions of the Open Space Subdivision ordinance language to make it clearer and more concise – in “plain English.” No additional policy changes were made.

**Code Officer Comments** **– NFPA guidance**

The Code Enforcement Officer noted that the National Fire Prevention Association (NFPA) recommends requiring a turnaround on driveways exceeding 150 feet in length. The Board should discuss if they would like to alter the standard in Sec 66-155 (g)(1)(b) to the NFPA recommendation, or keep it at 500’ as drafted.

**Consistency with Comprehensive Plan**

The 2019 Comprehensive Plan set the policy to “Provide for innovative development options that conserve farmland.” Several strategies follow, including disallowing new residential subdivisions in the ROS-II zone.

While we are proposing to repeal this ordinance provision, the proposed ordinance changes remain consistent with the policy to conserve farmland and is consistent with the Comprehensive Plan.

**Proposed Zoning Changes – Redlined**

*Chapter 70, Article IV, Division 5A: Rural Open Space II Zoning District*

**Sec. 70-362. - Performance or land use standards**.

Permitted uses and conditional uses in this division shall conform to the performance standards delineated in article VI of this chapter and the following:

1. ~~After the effective date of this amendment, residential subdivisions are prohibited.~~
2. After the effective date of this amendment, rear lots are prohibited.

*Chapter 66, Article III, Division 2*

**Sec. 66-155. - Open space subdivisions.**

1. Purpose. It is the policy of the Town of Lisbon to encourage the use of open space subdivisions in order to preserve ~~a sense of~~ open space, provide for agriculture and forestry as well as recreational land, preserve other resources identified in the Town of Lisbon comprehensive plan, and harmonize new development with the traditional open, wooded, agricultural and village landscapes.

A open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements as contained in Chapter 70, modifying the road design standards and clustering housing and uses in those areas where they have the least impact on identified environmental, agricultural and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions or conservation easements that run with the land. The open space principle can be applied to subdivisions of any size. It shall not be construed as granting variances from dimensional standards when the planning board grants waivers provided for in this section as allowed for in 30-A M.R.S.A. § 4353.4-C.

~~This standard is intended to implement that policy by providing incentives that afford flexibility to a subdivider in road and lot layout and design, placement of residential structures and road frontage requirements and by allowing the planning board to waive or reduce certain otherwise applicable standards and provisions of this chapter and Chapter 70, Zoning, if the subdivider commits to the permanent preservation of important open space resources. It shall not be construed as granting variances from dimensional standards when the planning board grants waivers provided for in this section as allowed for in 30-A M.R.S.A. § 4353.4-C. These incentives are designed to encourage greater flexibility and more innovative approaches to housing and environmental design that will promote the most appropriate use of land and will preserve, as permanent open space, agricultural or forestry land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.~~

(b) *Applicability*. The provisions of this ordinance shall be mandatory for all subdivisions of 10 acres or greater in the ROS-I and ROS-II zones, and optional for all subdivisions in any other zone.

 (c) *Planning board review*.

1. The planning board shall review the application in accordance with 30-A M.R.S.A. § 4404 and the chapter as modified by the provisions of this section.
2. The submissions for an open space subdivision shall include all plans and materials required for a conventional subdivision under this chapter.
3. *Lots and Dwelling Units*. In planning board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this chapter or Chapter 70, Zoning.
4. All open space subdivisions shall meet the use standards of the zoning district in which they are located.

b. The overall density of the subdivision shall not exceed the density requirements of the zoning district in which it is located. ~~In the event that an open space subdivision is located~~ ~~in more than one zoning district, the overall density of the subdivision shall not exceed the combination of the density requirements of the districts in which the open space subdivision is located.~~ In calculating overall density the land area contained in road rights-of-way ~~that are proposed for~~ ~~public acceptance~~ shall be deducted prior to determining density.

c. A lot for a dwelling unit created as part of an open space subdivision shall not be further divided.~~, except that a lot for a dwelling unit created as part of an open space subdivision where such lot shall have within its bounds designated open space may not be further divided if the original approved plan shall have reserved future development of such lot, but any such further division shall only be made in accordance with this standard.~~

d. *Density bonus*. The planning board may grant a density bonus of one lot or dwelling unit for each ten lots or dwelling units when it makes a written finding that the open space subdivision design provides public access to open space or pedestrian friendly layouts through the use of sidewalks or trail systems. ~~within the project or provides linkages for pedestrian movements between adjoining properties which contributes to town wide open space planning. The planning board must find that the project can provide for adequate subsurface wastewater disposal and adequate supply and quality of water for both domestic and firefighting purposes, if public sources are not available, to grant the density bonus.~~

(d) *Layout and siting standards*. In planning the location and siting of residential structures in an open space subdivision, priority should be given to the preservation of the open space for its agriculture or natural resource value with ~~human habitation activity~~ residential structures located and sited on the lower valued natural resource portion of a parcel. ~~taking into account the contours of the land and the reasonableness of slopes.~~

The building lots and designated open space ~~and/or residential structures~~ shall be laid out and be sited according to the following principles to the greatest extent feasible. The planning board in its discretion shall resolve conflicts between these principles as applied to a particular site.

1. Maximize contiguous usable area for agriculture, forestry, conservation areas, or open space for recreation;
2. Preserve essential habitats of rare, threatened or endangered wildlife, rare or exemplary plants and natural communities, and high value plant and animal habitat areas identified on State Beginning with Habitat maps in protected open space;
3. Preserve rural landscape features, including significant trees, tree lines, stone walls, and other natural features;
4. Create linkages to existing open space, trails, natural areas, and habitat corridors where possible;
5. Lots within woodlands or along the far edges of open fields to allow new residential structures to be visually absorbed by natural landscape features;
6. Lots where scenic views from public roadways are least likely to be blocked or interrupted;

(7) Architectural compatibility of new construction with existing buildings in the community.

~~(1) In the least suitable agricultural soils and in a manner which maximizes the useable area remaining for the designated open space use, where agricultural, forestry, or recreational, existing or future uses, are particularly sought to be preserved;~~

~~(2) Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to reduce encroachment upon agricultural soils, to provide shade in the summer, and shelter as well as solar gain in the winter, and to enable new residential development to be visually absorbed by natural landscape features;~~

~~(3) In such manner that the boundaries between residential lots and/or structures and active agricultural or forestry land are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural or forestry uses;~~

~~(4) In locations where buildings may be oriented with respect to identified scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development, scenic vistas may be addressed by creating at least one scenic window per development with at least one turnout suitable for public use;~~

~~(5) In locations that provide compatibility in terms of physical size, visual impact, intensity of use, proximity to other structures, and density of development with other permitted uses within the zoning district;~~

~~(6) In locations such that diversity and originality in lot layout and individual building, street, parking layout is encouraged; and~~

~~(7) So that individual lots, buildings, street and parking areas shall be designed and situated to minimize alterations of the natural site, to avoid the adverse effects of shadows, noise and traffic on the residents of the site, to conserve energy and natural resources, and to relate to surrounding properties, so as to improve the view from and of buildings.~~

(e) *Space standards*.

(1) Shore frontage, shore setback and shoreland density requirements shall not be reduced below the minimum required in the zoning district.

(2) Distances between residential structures shall be a minimum of the height of the tallest adjacent structure.

(3) When individual lots will be laid out, the required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced. Unless public sewage collection and treatment is provided, no lot shall be less than 20,000 square feet.

(4) Minimum road frontage requirements may be waived or modified by the planning board provided that:

1. Any applicable provisions regarding roads in subsection (g) of this section are satisfied; and

b. Adequate access and turnaround to and from all parcels and/or structures by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and/or common driveways.

(5) A reduction of required setback distances may be allowed at the discretion of the planning board, based upon the public benefits to be achieved from the design. ~~provided that the front and rear setbacks shall be no less than 25 feet or that required for the applicable zoning district, whichever shall be less. For the perimeter of cluster development, overall development setback shall not be reduced below the minimum~~

~~front, side and rear setbacks required in the zoning district unless the planning board determines a more effective design of the project can better accomplish the purposes of this performance standard.~~

1. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

(f) *Utilities*.

1. All utilities shall be installed underground unless specifically waived by the Planning Board. Transformer boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public.
2. All structures requiring plumbing in the development shall be connected to the public sewer system, individual septic systems, or a shared subsurface disposal system in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules. Proposed systems shall in no way endanger groundwater supplies which are currently being utilized as a water source for any existing development or which are to be utilized as a common or individual water supply for the proposed development.
3. Shared subsurface disposal systems may be permitted in designated open space provided that requirements of the Maine State Plumbing Code are met, including appropriate provisions for legal obligations related to maintenance and replacement.

~~At the discretion of the planning board, in order to achieve the most appropriate design and layout of lots, residential structures and open space, utilities including individual wells and septic systems may be located on designated portions of the open space, if necessary, provided they shall not unreasonably interfere with the open space purposes or uses to be achieved under this section.~~

~~(1) All structures requiring plumbing in the development shall be connected the public sewer system, to individual septic systems or a private central collection and treatment system in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules. Proposed systems shall in no way endanger ground water supplies which are currently being utilized as a water source for any existing development or which are to be utilized as a common or individual water supply for the proposed development.~~

~~(2) If a private central collection system is proposed, the applicant must show either that at least one designated site for each lot, in the open space or on the lot, has adequate soils and land area suitable for subsurface waste disposal for each lot in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules, or that a second site on the parcel has the size, location and soil characteristics, to accommodate a system similar to the one originally proposed.~~

~~(3) If a private central collection system is proposed, the system shall be maintained by an homeowners' association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a homeowners' association or the lot or unit owners in common and written evidence of said maintenance agreement shall be submitted to the planning board. The planning board may require the developer and homeowners association to retain a qualified third party to inspect and approve the system from time to time and furnish a copy of his report to the code enforcement officer.~~

 (g) *Roads and common driveways.* The planning board shall require private roads and common driveways to comply with the design standards set forth in this chapter except as provided in subsection (g)(4) of this section.

(1) Common driveways are allowed and encouraged where appropriate to access individual lots. The following design and construction standards shall apply:

(a) A common driveway serves up to 2 lots.

(b) The maximum length shall not exceed 1000 feet.

(c) All common driveways in excess of 500 feet shall contain at least one 20 foot by 30 foot turnout. The exact location shall be determined by the Planning Board with the review of the Fire Department.

(d) The common driveway shall have a minimum 25 foot right of way (ROW) for up to 2 lots or dwelling units

(e) The travel way shall be 12 feet wide and shall be located as close as possible to the ROW centerline.

(f) The travel way shall be constructed of a minimum of 12 inches of gravel.

(g) Drainage ditches and culverts shall be provided as necessary.

(2) Roads serving open space subdivisions shall meet the following standards:

(a) Roads serving open space subdivisions shall have a minimum 16-foot travel way with a minimum shoulder width of 3 feet, and a maximum pavement width of 20 feet. All roads shall have a minimum 50-foot ROW.

(b) Where feasible, road alignments shall work with the topography and existing site conditions to follow the natural contours and avoid physical features that give the land its character.

(c) Drainage ditches and culverts shall be provided as necessary.

(d) The subdivision plan shall show the road clearly labeled "private road."

1. ~~The subdivider shall submit to the planning board as part of the application for approval a professional engineers drawing showing the location and drainage characteristics, dimensions and grade of roads and common driveways as well as specifications setting forth their proposed composition.~~
2. ~~The subdivision plan shall show the road clearly labeled "private road."~~

1. ~~Whenever possible and as far as practicable, the roads and common driveways shall:~~

~~a. Follow natural contours in an effort to limit phosphorous export;~~

~~b. Be limited in width, curvilinear in design, and keeping within the rural character of the town;~~

~~c. Turn away from the front access to public roads, and shall use sufficiently dimensioned culverts to accommodate pre-development and post-development drainage and flows, where necessary.~~

1. ~~Travelways and shoulders of roads and common driveways within open space subdivisions shall meet the following minimums:~~

~~a. Common driveways serving three or fewer dwelling units: 12 foot travel way.~~

1. ~~Roads serving four units: 16-foot travel way and three-foot shoulders.~~

~~c. Roads serving five to ten units: service 16-foot paved travel way and three foot shoulders.~~

~~d. Roads serving 11 to 50 units: 20 foot paved travel way and three-foot shoulders.~~

(h) *Open space requirements.* In planning board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this chapter or Chapter 70, Zoning.

(1*) Designated Open Space*.

(a) In all districts, an area of at least 50 percent of the gross acreage of the parcel being divided shall remain as open space.

(b) Open space shall not include individual lots, driveways, roads, or road rights of way.

(c) Designated Open Space shall be shown on the plat plan with the following notation: “Designated Open Space shall not be further subdivided or used for future building lots.”

(d) Designated Open Space shall be marked in the field to distinguish those areas from private property.

(e) Open space areas shall be contiguous, where possible, to allow linking of open space areas throughout the town.

(2) *Open space uses*. Uses are limited to passive recreation, passive outdoor activities, agriculture, forest management, and for preserving the natural areas or habitat. Potential uses (e.g., farming) may be by the subdivider, owners or residents, or a lessee. The use of any open space may be further limited or controlled at the time of final subdivision approval as necessary to protect adjacent properties.

(3) *Ownership*. Designated Open Space shall be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof as a condition of subdivision approval:

 (a) Dedication of open space to the Town or a suitable land trust, if either is willing to accept the dedication.

(b) Dedication of development rights of open space to a suitable land trust with ownership by a private individual or homeowners association.

(c) Ownership of the open space by a homeowners' association which assumes full responsibility for its maintenance with open space protection deed restrictions enforceable by any landowner in the subdivision, any owner of separate land parcels abutting the open space, or the municipality

(d) For open space reserved for agriculture or woodlot use, ownership by a private individual with open space protection deed restrictions enforceable by any land owner within the subdivision, any owner of separate land parcels abutting the open space, or the municipality.

(4) *Maintenance standards.* Ongoing maintenance standards and the entity responsible for stewardship and management shall be established as a condition of subdivision approval. Such maintenance standards may include such conditions, obligations, or costs to maintain their use, facilities, and maintenance of vegetation.

(5) *Final plan*. The final plan shall include information or provide reference to a legal document which defines use, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof, and shall contain a reference or notation indicating any conservation easements, deed restrictions, or other documents regarding those provisions required to be recorded to implement such reservations, restrictions or provisions.

~~Open space set aside in an open space subdivision shall be permanently preserved as required by this section except where open space is dedicated by a landowner under contract with the town for a term of years as set forth below. Land set aside as permanent open space may, but need not be, a separate tax parcel. Such land may be included as a portion of one or more large parcels on which dwellings are permitted provided that a conservation easement or a declaration of covenants and restrictions is placed on such land pursuant to subsection (h)(3) of this section and provided that the planning board approves such configuration of the open space.~~

1. ~~Open space. In all districts at least 50 percent of the gross acreage shall remain as open space outside of individual lots or building envelopes assigned to individual dwelling units and/or road rights-of-ways that are proposed for public acceptance.~~
2. ~~Open space uses. On all parcels, open space uses shall be appropriate to the site, Open space should include natural features located on the parcel(s) such as, but not limited to, agricultural land, forested acreage, wildlife habitat and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:~~

~~a. On parcels that contain significant portions of land suited to agriculture, open space shall be preserved for agriculture or other compatible open space uses such as forestry, recreation (active or passive) and resource conservation.~~

~~b. When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.~~

~~c. Open space areas shall be contiguous, where possible, to allow linking of open space areas throughout the town.~~

~~d. The use of any open space may be limited by the planning board at the time of final plan approval where the planning board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of plan approval, shall be reviewed by the planning board as an amendment to the approved plan.~~

~~e. Further division of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions. Structures and buildings accessory to recreation or conservation uses may be erected on open space, subject to planning board approval.~~

~~(3) Notations on plan. Open space areas must be clearly labeled on the final plan. The final plan shall include information or provide reference to a legal document which defines open space uses, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The open space land shall be permanently reserved for open space purposes and is subject to reservations for future development, including those provisions allowed under subsection (h)(4)(d) of this section. Reference or notations shall also be provided for any conservation easements or deed restrictions required to be recorded to implement such reservations or restrictions.~~

~~(4) Preservation in perpetuity. An owner of a parcel of land may designate all or a portion of the parcel for open space use in perpetuity if the purposes set forth in subsection (h)(4)(a)—(f) of this section are achieved and all other requirements of this performance standard are met subject to the following conditions:~~

~~a. A perpetual conservation easement, or declaration of covenants and restrictions, restricting development of the open space land must be incorporated in the open space plan.~~

~~b. The conservation easement may be granted to or the declarations may be for the benefit of a private party, third party or other entity, the town, with the approval of the council or to a qualified not-for-profit conservation organization acceptable to the planning board.~~

~~c. Such conservation easement or declaration of covenants and restrictions shall be reviewed and approved by the planning board and be required as a condition of plan approval hereunder.~~

~~d. The planning board may require that such conservation easement, or declaration of covenants and restrictions, be enforceable by the Town of Lisbon if the town is not the holder of the conservation easement or beneficiary of the declarations.~~

~~e. The conservation easement or declarations shall prohibit residential, industrial, or commercial use of such open space land (except in connection with agriculture, forestry and recreation) and shall not be amendable to permit such use.~~

~~f. The conservation easement or declaration shall be recorded in the Androscoggin County Registry of Deeds prior to or simultaneously with the filing of the Open Space Subdivision final plan in the Androscoggin County Registry of Deeds.~~

~~(i)~~ *~~Maintenance standards~~*~~. Ongoing maintenance standards, where appropriate, shall be established, enforceable by the town against the owner(s) of common land, including open space land, roads and other facilities as a condition of subdivision approval. Such maintenance standards may include such conditions, obligations, or costs to maintain their use, facilities and/or scenic character.~~

~~(j)~~ *~~Notations on plan~~*~~. Common lands, roads or facilities, including open space lands, must be clearly labeled or referenced on the final plan. The final plan shall include information or provide reference to a legal document which defines use, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof, and shall contain a reference or notation indicating any conservation easements, deed restrictions, or other documents regarding those provisions required to be recorded to implement such reservations, restrictions or provisions.~~

1. **OTHER BUSINESS –** The Chairman reminded the Board that the Parliamentary Procedures training will be at the next meeting at 6:00pm.
2. **CODE ENFORCEMENT OFFICER – NONE**
3. **ADJOURNMENT TO WORKSHOP**

**VOTE: (2024-40)** Mr. Craig, seconded by Mr. Maloy moved to adjourn to Workshop at 7:37 pm**.**

**Vote: 5-0 Carried.**

1. **WORKSHOP** - Proposed Road Standards

Ms. Burch presented the Board with the proposed Road Standards listed after the comments.

Ms. Burch explained that Lisbon currently has road design and construction standards in the subdivision section of the Ordinance. There is nothing in the zoning section, besides for roads and shoreland and **Section 46. Streets-** which gives standards for public road acceptance, access management, naming and lighting. She said outside of Subdivisions, there are no design and construction standards for roads. Northstar Planning is recommending to bring all construction standards out of Subdivision and have a whole roads section as part of the Zoning Ordinance.

One of the changes recommended is to make a distinction between a major and minor street which would allow the Town to set thresholds for what a road has to look like depending on how many lots or houses are on it.

Mr. Stambach said he thought the proposed sprinkler requirements should be more under Subdivision Standards rather than Road Standards.

The Planning Board agreed to have the Town Engineer and Public Works Director look at these changes and give their recommendations then further discuss it at the next meetings.

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* **Project Purpose**

Lisbon’s ordinance currently lists road design and construction standards in Section 66 (Subdivision), and standards relating to public roads, access management, naming, and lighting in Section 46 (Streets.) Currently, Lisbon has no standards for design and construction for roads outside of a subdivision, and the ordinance also lacks dead end, driveway, turnaround, and fire prevention standards for roads. These issues were brought to the attention of North Star Planning by the Lisbon Fire Chief and Code Enforcement Officer, and the lack of standards has also come up during Planning Board review.

Road standards serve several purposes:

• Allow for well-planned, connected development to occur over time

• Protect public safety through emergency access and fire prevention, lessening strain on volunteer fire department • Support municipal capacity by ensuring roads are well-constructed with plans for maintenance, and limit demand on public works, school busing, garbage collection, and other public services

• Proactive approach to prevent long-term issues of road quality and maintenance

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**Summary of Proposed Standards**

To improve Lisbon’s ordinance to make it easier to use and improve road standards throughout town – for both new and existing roads part of any kind of development – we propose creating a new section in Section 70, Zoning that covers roads and driveway design, construction, and safety standards. Section 46 will remain as-is. Road standards currently in Section 66, Subdivision, will be moved to Section 70, and only standards that are specific to subdivision review will remain in Section 66.

The following draft standards are for Planning Board discussion prior to creating a redlined ordinance draft. All technical and construction standards will be reviewed by Lisbon Public Works and the town’s consulting engineer.

North Star Planning met with Lisbon’s Town Manager, Assistant Town Manager, Code Enforcement Officer, Fire Chief, and interim Public Works Director on April 2, 2024 to review draft road standards, and Lisbon town staff supported the suggestions listed below.

Proposed Standards include:

• Move road standards out of subdivision ordinance and into zoning

• Definitions

• Create major vs minor streets

• Remove “mobile home park road” from the construction standards table and put road requirements for mobile home parks in Sec. 22 (Mobile Homes) instead.

• Require turnarounds on all roads, and on shared driveways over a certain length

o NFPA recommendation is for driveways over 150’

• Dead end road limits - length and number of lots

• Sprinkler requirements

• Requirement to upgrade road once it hits a certain number of lots

• Road construction inspection process

• Performance bond requirement for road construction

• Updated dimension/design standards

• Allow gravel roads in context-appropriate areas with limited number of lots

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**Proposed New Section: 70-617 Roads and Driveways**

**Definitions**

*Driveway* means a route that provides access to no more than two lots from either a public or private right-of-way. A driveway shall not be used to provide frontage.

*Street* means public or private roads or ways such as alleys, avenues, boulevards, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

**Street Classification**

*Arterial Street* means a public roadway classified on the most recent functional classification map generated by the Maine Department of Transportation as a major or minor arterial street. These are streets which serve primarily as major trafficways for travel between and through towns.

*Collector Street* means a public roadway classified on the most recent functional classification map generated by the Maine Department of Transportation as a collector street. These streets serve as feeders to arterial streets, as collectors of traffic from minor streets and for circulation and access in commercial and industrial areas.

*Dead end street* means a street with a single common ingress and egress.

*Local street* means a street designed for public acceptance or a public roadway shown on the most recent functional classification map generated by the Maine Department of Transportation as a local street providing direct access within identifiable neighborhoods and lands, where through traffic is usually discouraged, and carrying a low volume of traffic.

*Major Street* means a street that complies with the standards in Table [reference] and serves more than 10 lots. Minor Street means a street that complies with the standards in Table [reference] and serves less than 10 lots.

*Private Way* means a street that was constructed prior to [DATE], that does not meet the specifications for private roads in [reference], and that has not been accepted by the Town of Lisbon. Private ways do not include accessways typically referred to as "tote roads" or "woods roads."

**General Standards**

● Streets must be designed to integrate with the topography and natural features and provide safe travel for all users of the street.

● Streets shall be designed to move vehicle and pedestrian traffic safely.

● Any new street or road approved through the development review process shall be based upon the written recommendations of the Public Works Director, Fire Chief, and Police Chief, who shall review the project for safety and the capacity to serve all users.

● Design of streets shall address pedestrian and bicycle safety and movement.

● Permanent survey monumentation (four-inch by four-inch by four-foot granite monument or approved equal) is to be provided and set by a State of Maine Professional Land Surveyor along the street at all changes in direction (including point of curvature and point of tangency for curved) on both sides of the street parcel. Monument location and type at all other points must conform to standard State of Maine survey practices

* Performance bond. For collector, major, and minor streets, the developer shall provide an itemized cost estimate for the street and related improvements.

○ The applicant shall tender either a certified check payable to the town or a faithful performance bond running to the town in an amount of money to be determined by the town manager to be equal to the costs of furnishing, installing, connecting and completing all aspects of the street grading, construction, all layers of paving, storm drainage and utilities required within one year from the date of the check or bond.

○ This bond may be renewed for one additional year at the discretion of the town manager.

● Inspections. The developer shall coordinate the construction of streets, drains, sewers, and utilities with the responsible agencies.

○ The Code Enforcement Officer and the town’s consulting engineer shall work with the developer to schedule a preconstruction meeting. The developer shall present his construction program and schedule inspections. At a minimum, the Director of Public Works (and/or designee), the Code Enforcement Officer (and/or designee), and the town’s consulting engineer shall be contacted by the developer to schedule inspections.

○ When a minimum length of 300 feet (or the entire length of a street if it is less than 300 feet in length) has been excavated to subgrade and properly prepared for the placement of gravel, the Public Works Department must be called to perform an inspection and approval granted before gravel is placed. Gravel shall be placed in compacted layers of not more than 8 inches. Before any surface material is placed in any area, the work shall again be inspected by the Director of Public Works. The placement of bituminous concrete shall be in accordance with this chapter, and be inspected by the Department of Public Works.

 ○ Prior to any water or sewer construction, necessary permits shall be obtained from the Lisbon Water and Sewer Districts. A representative of the District shall be present whenever an existing sewer is to be cut, entered, or in any way disturbed. The Districts are to be notified immediately if any of its lines are damaged or in need of repair. All utilities must certify in writing that the work has been accomplished to their satisfaction prior to acceptance by the Town of any street or way.

**Private streets**

● For all streets not to be constructed for town acceptance, the roadway will be constructed to meet the private road standard in the below table as a minimum.

* No building permit shall be issued for a new primary dwelling unit with primary access from a private street serving a total of ten (10) or more lots, unless the street has been or will, as a condition of approval, be built or upgraded to meet the Major Street standards. These standards may be modified only where (1) the easement serving the property was conveyed prior to [date] and is not of sufficient width or contains other restrictions which prevent the standards from being met; or (2) prior conveyances or construction abutting the private street make it impossible or an undue hardship to meet the standards.

● Private roads not part of a subdivision or site plan application.

○ Submission requirements. An application form and accurately scaled plan shall be prepared by a Maine licensed professional authorized by the State of Maine to design streets or roads. At a minimum, the plan shall include the location and width of the right-of-way, a plan view and profile view of the roadway, the location and size of culverts and proposed drainage features.

○ Review authority. All private roads application forms and plans shall be submitted to and approved by the Code Enforcement Officer or the Code Enforcement Officer’s designated agent.

**Dead end streets**

● Cul-de-sacs and dead end streets that provide the sole vehicular access to improved or improvable land shall be provided with a suitable turning circle or turnaround, as applicable, at the closed end.

○ A hammerhead turnaround shall be constructed to specified street standards, whether temporary or permanent, for a distance of 50 feet from the roadway edge at ninety degrees (90°) to the street it serves. Larger dimensions may be required by the Code Enforcement Officer to accommodate larger design vehicles anticipated to use the turnaround.

○ All turning circles shall be paved to specified street standards and have the following minimum diameter: ■ Right-of-way: 100 feet.

■ Outer pavement edge: 85 feet.

■ Inner pavement edge: 65 feet.

● Temporary turnarounds may be allowed where future road extensions are planned if designed to allow discontinuance of the turning circle while not creating any lots with less than the required frontage for the zone in which located.

● Driveways shall not be located off the ends of hammerhead turnarounds.

● In the LR, GR, V districts, no dead end shall exceed 1,500 linear feet, or 15 lots.

* In the RR, LRR, ROS-I, and ROS-II districts, no dead end shall exceed 2,500 linear feet, or 15 lots.

**Fire Prevention**

• Streets with public water access shall provide fire hydrants every 1,000 feet.

• Streets without public water access shall provide a dry hydrant or fire pond, or all dwellings beyond 1,000 linear feet from the fire hydrant shall have a National Fire Protection Association (NFPA) 13D monitored sprinkler system installed. Hydrants, ponds, and sprinklers shall be approved and inspected by the Lisbon Fire Chief.

• Dead-end private roads not supplied with public water shall have hammerhead turnarounds installed every 1,000 linear feet.

**Driveways**

● The maximum length shall not exceed 1000 feet.

● All driveways serving more than 1 dwelling unit in excess of 150 feet shall contain at least turnaround. The exact location shall be reviewed by the Fire Department.

**Design & Construction Standards Table**

(move out of Sec. 66-186 because it applies to all roads, not just subdivisions)





**Additions to Subdivision Standards**

**66-204 Privately Owned Streets**

**Maintenance agreement.**

The applicant shall provide evidence that the private road shall be maintained either by the applicant or by the lot owners or a homeowners' association. Proof may consist of a declaration of covenants that will be recorded and become part of each deed and specify how the costs of maintenance will be apportioned among the lot owners, or appropriate homeowners' association documents. In the event that a homeowners' association is formed, each lot deed shall refer to the association and shall require the lot owner to be a member of the association. No private road will be maintained by the Town until the Town has accepted the road. No private road shall be offered to the Town for acceptance until it meets the design requirements in Sec. 70-617.

**66-176 Dead End Streets**

All proposed roads shall be designed as through roads, and shall connect at both ends to different public roads or provide an easement to allow a future connection. This provision may be waived by the Board under the following circumstances:

● Lot location and/or configuration does not provide for connection to an existing public road;

● Constraints on the subdivided parcel are such that no connections to existing public roads can be made;

● Existing natural features and resources are located in such a fashion to prevent connections to a public road; or ● Valuable open spaces or natural resources can be preserved by eliminating a second entrance into the property.

When the Board waives the dead-end restriction, the following standards shall apply:

1. In the LR, GR districts, no dead end shall exceed 1,500 linear feet, or 15 lots.

2. In the RR, LRR, ROS-I, and ROS-II districts, no dead end shall exceed 2,500 linear feet, or 15 lots.

3. Dead ends shall be designed with a hammerhead or cul-de-sac turn around. Dead ends shall include 50 foot wide right-of-way extensions to adjoining parcels at the approximate half way point, and at the end of the dead end.

 4. Driveways shall not be located off the ends of hammerhead turnarounds.

**ADJOURN FROM WORKSHOP**

**VOTE: (2023-41)** Mr. Maloy seconded by Mr. Craig moved to adjourn from the Workshop at 8:00pm.

**Vote: 5-0 Carried.**

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

Lisa B. Smith, Planning Board Secretary

Date Approved: April 25, 2024