



MINUTES PLANNING BOARD FEBRUARY 25, 2016

Dan Nezol - Regular 2017
Karin Paradis - Regular 2018
James Lemieux - Associate 2018
Vacant - Regular 2018
Scott T. Hall - Associate 2016
Curtis Lunt- Regular 2016
Don Fellows - Regular 2016

1. **CALL TO ORDER:** The Chairman, Mrs. Paradis called the meeting to order at 7:04 PM.
2. **ROLL CALL:** Regular members present were Karin Paradis, Dan Nezol, Donald Fellows, Curtis Lunt and Scott Hall. Excused absence was Associate member James Lemieux. Also present was Dennis Douglass, Code Enforcement Officer; Amanda Bunker, Contracted Town Planner; Councilors Bickford and Metivier, and Jay Raitt, representing Fox Knoll Subdivision.

3. CHAIR'S REVIEW OF MEETING RULES:

The Chairman waived the review of the meeting rules since all audience members present were very familiar with them.

4. WRITTEN COMMUNICATIONS:

Minutes of January 28, 2016

VOTE (2016-12) Mr. Lunt, seconded by Mr. Nezol moved to approve the minutes of January 28, 2016. **Order passed - Vote 5-0.**

Minutes of February 11, 2016

VOTE (2016-13) Mr. Fellows seconded by Mr. Lunt moved to approve the minutes of February 11, 2016. **Order passed - Vote 5-0.**

5. PUBLIC HEARINGS: None.

6. UNFINISHED BUSINESS:

Subdivision Review Application

Case #16-1 Applicants: Verne & Sally Ricker
Property Location: Mill Street, Lisbon, ME 04250
Tax Map: R5 Lot 38A
Intended Use: Create Fox Knoll Subdivision

Mr. Douglass, Codes Enforcement Officer said that from a procedural standpoint the Board is at the final plan process and waived the public hearing on the final plan because only one person attended at the public hearing on the preliminary plan. He also reviewed the following conditions:

- 20' x 22' throat measurement
- 16' road with 3' shoulders
- No occupancy permits will be issued until infrastructure is complete.

Mr. Douglass said he reviewed the final plans and reported that all three of the conditions are met.

VOTE (2016-14) Mr. Fellows, seconded by Mr. Lunt moved to approve the Subdivision Review Application with the conditions as noted in the final plan. **Order passed - Vote 5-0.**

Mr. Fellows asked Mr. Douglass what the findings would be.

Mr. Douglass reported in the matter of:

Case 16-1: Fox Knoll Subdivision

Findings of Fact

The applicant, Verne and Sally Ricker, proposed a new 5 lot subdivision, Fox Knoll, to be located on Mill Street, Lisbon Me 04250. Map R5 Lot 38A.

The Planning Board first considered the Subdivision Review Application on January 28th, 2016. On January 28th, 2016 the Board accepted the application as complete. On February 6th, 2016 the Board conducted a Site Visit. On February 11th, 2016 the Board held a public hearing. On February 11th, 2016 the Board approved the Preliminary Subdivision Plan as submitted with conditions. On February 25th the Board approved the Final Subdivision Plan as submitted.

Conclusion of Law

Subdivision Review: Chapter 66 Subdivisions, Lisbon Code of Ordinances

Performance Standards.

- Completed the Subdivision Review Application
- Completed the Required Attachments Checklist
- Completed the Planning Board Procedure Checklist
- Completed the Local Ordinances Checklist
- Completed the Planning Board Review Standards Checklist
- Completed the Preliminary Plan review and approved with conditions
- Completed the Final Plan review and approved as submitted.

7. NEW BUSINESS: None.

8. OTHER BUSINESS:

Property Maintenance Draft Ordinance

The draft Property Maintenance Ordinance just came back to the board from legal review and feel they have looked at it enough to set a public hearing on it.

VOTE (2016-15) Mr. Fellows, seconded by Mr. Lunt moved to schedule a public hearing on March 10, 2016 at 7:00 PM. **Order passed - Vote 5-0.**

Recap Public Workshop on the Route 196 Corridor Zoning Discussion

Mrs. Bunker said they went through the process and explained the justification behind the Route 196 Committee's proposal and they received good feedback. To summarize the discussion confirmed that they need to concentrate on the two village areas, the waterfront areas in Lisbon Falls, and the expansion of the Village zone in Lisbon. She said they have received some preliminary concerns from folks through the workshop but still need to have a public hearing. At this point in order to move forward with the public hearing in 30 days we need to notify abutters. After the Board's discussion in workshop tonight she would need time to do the mapping and finalize material which should give them an opportunity to schedule a public hearing on the 5th Thursday on March 31, 2016.

VOTE (2016-16) Mr. Fellows, seconded by Mr. Lunt moved to schedule a public hearing for the Route 196 Zoning and Future Land Use Changes on March 31, 2016 at 7:00 PM. **Order passed - Vote 5-0.**

Mr. Fellows said the Planning Board will be working on drafting a yard sale ordinance.

9. CODE ENFORCEMENT OFFICIAL BUSINESS: None.

10. TOWN PLANNER OFFICIAL BUSINESS:

Mrs. Bunker listed the goals in order as: Property Maintenance, Zoning, Access Management, and Yard Sales.

Mr. Fellows shared with the Planning Board members who were not able to attend the February 16, 2016 Council meeting that there was a request from Council for a zoning change to allow auto sales on Route 9. He said that through an informal discussion with the Council they want them to investigate it thoroughly and would likely result in a Comprehensive Plan change but that various approaches could be looked at. There was no formal vote taken by Council but generally they wanted something to happen before Fall if that is possible.

The Chairman, Mrs. Paradis said what she took away from the meeting that evening was that the Town Manager was drafting a letter to the Planning Board with the directive.

Councilor Bickford said he would like to see both sides of the road from Wing Street to the Sabattus Town line probably commercialized and they would like to see it expedited. He has been on Council for going on six years and there have always been problems with Route 9 zoning and he wants to fix the problem. He said he talked to the Manager in Sabattus and they are going to fix the zoning over there to do the same thing.

Mr. Douglass said that there isn't any zoning in Sabattus so they can do whatever they want.

Mrs. Paradis said it sounds like they want the Planning Board to hold some public workshop and get input from the Town.

Councilor Bickford said that was correct but that he would prefer to see regular public hearings or public workshops where you sit down and discuss it because he would rather just get it over with.

Mrs. Bunker said that clarifies it for her that the interest is specifically to look at Route 9 as a whole and that it isn't just about auto sales and where they are allowed.

Mr. Fellows mentioned he thought Mrs. Bunker had a matrix that outlines different options and how to handle it and what the pros and cons of it would be for each particular way. He would hope to get that out there publicly and get input from as many people as they can and possibly from some people who would not be able to make it to a public hearing.

Mrs. Bunker said is it a zoning change entirely, an overlay, or an allowed home occupation use.

Councilor Bickford said when he looks at areas around Bowdoinham Road what if somebody wanted to come in to buy that property and put in a big business, that would only help bring more revenue into the Town but the zoning would not allow it and they would go into Sabattus.

Mrs. Bunker said development on Route 9 is revenue but it will come with costs because as you take more growth out of your density areas along Route 196 and the Villages and put it further out there are costs with services and traffic impacts on Rte. 196 so while they are exploring this they have to put it all out there.

** These minutes are not verbatim. A recording of the meeting is on file.*

Mr. Fellows pointed out that the Comprehensive Plan is a growth document and there was a section in there until 2011 that had two commercial hubs, one by the Sabattus town line and one by Mr. Nezol's place. The thought at the time was to get rid of the commercial hubs and allow more with home occupations and that is what they did. With that being said the plan also noted that there would be future pressure for developments on Route 9 and basically just said don't make a mess when you do it.

Mrs. Bunker said if public participation was good they could expect to get this done by late summer but it is hard to say because they have to finish up the Route 196 project before they can start on this.

Councilor Metivier asked is spot zoning would be completely out of the question.

The Chairman, Mrs. Paradis said legally it is out of the question.

Mrs. Bunker said spot zoning is not something she would participate in but if they wanted to do it they could probably find someone who would be willing to do it for them but it just would not be her.

Mr. Fellows mentioned spot zoning is illegal but contract zoning is a legal way that special zoning can be accomplished.

Mrs. Bunker said even with contract zoning there are many things that are involved and it is very complicated.

Mr. Douglass said typically contract zoning would only be considered for a major development like Super Wal-Mart or something on that scale but you would not do something like that for an individual who wanted to sell five cars because you would be undermining the intent of the zoning ordinance.

Councilor Metivier asked about home occupations.

Mrs. Bunker said that currently auto sales are not allowed under home occupations but agrees it is one of the options that should be explored.

Mr. Fellows said they want to find the best approach to deal with the issue.

Mr. Lunt recalled that the last time the Planning Board had an issue on Route 9 it was in regard to a garage that was not allowed to be there and they amended home occupations at the time and it has worked seemingly well since that time.

The Chairman, Mrs. Paradis said the Planning Board serves the Council and they just want to make sure they understand the directive so they can find the best approach.

The Planning Board discussed the priority of the to-do list and agreed that the priority should be to work on Yard Sales and Route 9 which would push the Access Management back until Route 9 is complete. They will begin working on the yard sale ordinance.

11. ADJOURN:

VOTE (2016-17) Mr. Fellows, seconded by Mr. Lunt moved to adjourn at 8:01 PM. **Order passed - Vote 5-0.**

Jody Durisko, Administrative Assistant

Date Approved: _____