



## MINUTES PLANNING BOARD MARCH 12, 2015

Dan Nezol - Regular 2014  
Karin Paradis - Regular 2015  
James Lemieux - Regular 2015  
Richard Long - Associate 2015  
Scott T. Hall - Associate 2015  
Curtis Lunt - Regular 2016  
Don Fellows - Regular 2016

1. **CALL TO ORDER:** The Chairman, Mrs. Paradis called the meeting to order at 7:30 PM.
2. **ROLL CALL:** Regular members present were Karin Paradis, Dan Nezol, Curtis Lunt, Donald Fellows, and James Lemieux. Associate members present were Scott Hall and Richard Long. Also present were Dennis Douglass, Code Enforcement Officer; Amanda Bunker, Contracted Town Planner; Councilor Bickford, Jay Raitt, and no other members in the audience.
3. **CHAIR'S REVIEW OF MEETING RULES:**  
The Chairman reviewed the meeting rules outlined on the back of each agenda.
4. **WRITTEN COMMUNICATIONS:**  
**VOTE (2015-17)** Mr. Lunt, seconded by Mr. Fellows moved to approve the minutes of February 26, 2015 as presented. **Order passed - Vote 5-0.**
5. **PUBLIC HEARINGS: NONE**
6. **UNFINISHED BUSINESS: NONE**
7. **NEW BUSINESS:**

### OPEN SPACE SUBDIVISION APPLICATION

**Case #15-2** Applicants: Therrian/Lavers Open Space subdivision  
Property Location: 3 Stonewall Drive, Lisbon Falls, ME 04252  
Tax Map: R4 Lot 8G  
Intended Use: Add house lot

Mr. Raitt representing the applicant submitted a map outlining where the 15-acre parcel is to be divided. He said the property owner is interested in preserving the right to subdivide this parcel again to create a lot in the future (20 years down the road) for their young child should they decide to convey a piece at that time. The owner is willing to set aside the required conservation space needed to meet the requirement for an open space subdivision.

Mr. Raitt pointed out where this new lot would be and where the conservation easement would be on the attached map. Mr. Fellows explained why requesting a permit for a rear lot does not work (already at the number of rear lots limit). Mr. Raitt pointed out that four (4) lots could be served by one gravel drive under the subdivision requirements. This lengthy access road would be cost prohibitive to improve and pave at the owner's expense. The open space subdivision requirements are less restrictive on road standards. Mrs. Bunker explained that five (5) lots would then require this access road to be paved. Mr. Fellows pointed out that section 66-152 specifies that the open space has to be accepted by the Town of Lisbon, a Home Owner's group or an association as follows:

- (b) All open space, recreational facilities and other common land and facilities and property shall be owned by:
  - (1) The owners of the lots or dwelling units by means of a lot owners' association incorporated under laws of the State of Maine;
  - (2) An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
  - (3) The municipality when the council has so voted that there would be a public benefit to municipal ownership. Public benefits include, but are not limited to, the proximity to other public recreation/open space areas and implementation of municipal recreation plans.

Mr. Raitt indicated the owner's were planning to incorporate the Declaration of Covenants into the deed. Mr. Lunt pointed out this would be similar to what happened on Caron Court where they set aside a strip of land along the river that was conveyed in their deeds as covenants. Mr. Raitt said this parcel's most valuable resource is the brook that runs through it.

After more discussion, Mrs. Bunker pointed out that that the parcel set aside as covenants is not considered a separate lot, there are only two lots currently shown on the map, and the third lot not created for another 20 years, makes this application for an open space subdivision questionable. She suggested further discussions be held with the owner to see if they wanted to create the third lot at this time or restructure this. She suggested tabling this application for a couple of weeks.

**VOTE (2015-18)** Mr. Fellows, seconded by Mr. Lunt moved to table this discussion and place the item on a future agenda. **Order passed - Vote 5-0.**

## **8. OTHER BUSINESS: NONE**

## **9. CODE ENFORCEMENT OFFICIAL BUSINESS:**

Mr. Douglass explained that recent zoning changed the property at 10 Memorial Street from Village to General Residential. He said the owner's had been given a permit for storage buildings, but did not put them in until now and the new zone does not allow this use. To correct the situation will require a zoning change. Mr. Fellows suggested all the areas along Route 196 and other areas where this may have affected properties be reviewed and that changes all be done at the same time. Mr. Douglass indicated that he was not the CEO at the time the zoning amendment was made to change that from Village to General Residential. Mr. Fellows pointed out that the Planning Board members were aware of the time restrictions and that corrections would be made as fast as they can be done; however if there were other corrections to be made, now is the time. Mr. Lemieux said this would be a chance to clear up an over site. Mrs. Bunker suggested the company send a letter to the Planning Board requesting the change. Mr. Fellows explained that amendments can be made as outlined in Chapter 70 Section 7(a) as follows:

- (1) *Planning board.* The planning board provided a majority of the board has so voted;
- (2) *Town officers.* Request of the town officers to the planning board; or
- (3) *Petition.* Written petition of a number of voters equal to at least ten percent of the number of votes cast in the town at the last gubernatorial election.

Mr. Douglass recommended the Zoning issue regarding 10 Memorial Street, overview along Route 196 corridor, and draft property maintenance ordinance be moved to the workshop tonight for discussion. No objections were noted.

Mr. Douglass announced that the Town Council will be holding an information meeting on MS4 on March 31 at 7:00 PM. He indicated that Phil Ruck will be presenting the information about our storm water management plan. He said it would be a joint meeting with Sabattus.

## **10. ADJOURN:**

**VOTE (2014-19)** Mr. Lemieux, seconded by Mr. Lunt moved to adjourn to workshop at 7:55 PM. **Order passed - Vote 5-0.**

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Twila Lycette, Town Clerk  
Date Approved: 03/26/2015