



MINUTES PLANNING BOARD APRIL 9, 2015

Dan Nezol - Regular 2017
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 7:00 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; Councilor Bickford, Jay Raitt, and 3 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 (2015-27) Mr. Lunt, seconded by Mr. Fellows moved to approve the minutes of March 26, 2015 as presented. **Order passed - Vote 5-0.**

5. PUBLIC HEARINGS:

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

Jay Raitt, said it is the same plan he brought last time with the addition of the turn around and the legal review of the declaration.

There were no questions or comments from the public, the Chairman closed the public hearing.

Case #15-3 Proposed changes to Chapter 70 Zoning Map of Lisbon, Maine

Dennis Douglass, Code Enforcement Officer handed out copies of the proposed amendments and said the public hearing and abutter notices have been sent out as required.

Mr. Lunt wanted clarification of what these changes were too.

Rachel Reuling, 29 Spring Street, has a question and apologizes if this is not the right forum to do ask. She said the tax maps online show the property is currently in the Village Zone already so she was curious why this was listed as a change. She also asked if the set back requirements change in this zone.

Dennis explained that the maps online are only tax maps and are not the current zoning maps. He said that the Village zone gives the most flexibility in regard to set backs.

Ms. Reuling said that was good and they would gain 4' by changing to a village zone if they were to expand their home down the road.

Don said that this is a perfect example of why we are looking at correcting these errors.

There were no questions or comments from the public, the Chairman closed the public hearing.

Case #15-4 Proposed changes to Chapter 70 Section 70-531 Land Uses

Dennis explained that changing the footnote was to allow multi-family housing that abuts the river.

There were no questions or comments from the public, the Chairman closed the public hearing.

Case #15-5 Proposed changes to Chapter 70 Section 70-115 Officers and Duties

Dennis explained that this is to update the language to be in line with the Charter and Administrative Ordinances in regard to Officers and duties of the Zoning Board of Appeals.

There were no questions or comments from the public, the Chairman closed the public hearing.

6. UNFINISHED 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, Little River Surveying, submitted a modified map on behalf of the applicant of the 15-acre parcel outlining 3 lots to meet the requirement of a traditional subdivision. He said he believes the drafted easement submitted answers many of the questions that came up at the first meeting including road care and open space.

Mr. Fellows has a question about the request for a waiver because the road way already exists.

Mr. Raitt said that is because they don't plan to put in a road, it is a trail and the third lot will not be accessed or developed.

Mr. Fellows asked if there is a plan to build/utilize two lots and suggested to review this is an open space subdivision based on the qualifications.

Mr. Raitt said there is no requirement for a public roadway; lots A & C have a driveway and there is no plan for the development of Lot B to be able to fit the criteria of open space.

Mr. Douglass said that if someone ever wanted to build on parcel B in the future it would require would building a 12' gravel drive which covers up to 5 dwellings. This would have to be included with any building plans and permitting.

Mr. Fellows said he was glad the covenants were not signed off yet because the Planning Board can require the Town to enforce covenants.

Mr. Raitt said that he specifically asked about that last week and the board did not indicate they wanted to see that in the covenants.

Mr. Lunt agreed it should be enforceable.

Mr. Douglass stated that per state law he has the right to go on property regardless of adding language even if the land is posted. Mr. Fellow said that the planning board can require that covenants be signed before recording and at the same time as the plan.

VOTE (2015-28) Mr. Fellows, seconded by Mr. Lunt moved to accept the application as complete with the condition that the declaration of open space, easements, covenants, and restrictions are reviewed by the applicant's legal counsel. **Order passed - Vote 5-0.**

VOTE (2015-29) Mr. Fellows, seconded by Mr. Lunt made a motion that covenants are recorded at the same time as the plan. **Order passed - Vote 5-0.**

7. NEW BUSINESS:

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

Case #15-3 Proposed changes to Chapter 70 Zoning Map of Lisbon, Maine

Proposed Amendment to the Lisbon, Maine Code of Ordinances Chapter 70: Zoning Map of Lisbon, Maine dated May 1st, 2012. **Note:** *The proposed zoning changes will not conflict with the currently adopted Comprehensive Plan.*

1. **Current Zone:** Industrial
Proposed Zone: Commercial

Properties affected:

- 725 Lisbon Street Map U1 Lot 04
- 743 Lisbon Street Map U1 Lot 02
- A portion of the Maine State Railroad Map U1 Lot 001A

Description: Recommend a change in the current Industrial zone to allow for more commercial use businesses and to match the commercial zoning in this area.

2. **Current Zone:** Limited Residential
Proposed Zone: Commercial

Properties affected:

- 568 Lisbon Street Map U9 Lot 14A
- 570 Lisbon Street Map U9 Lot 14B

Description: Recommend a change in the current Limited Residential zone to reflect the current commercial use of these properties. Correct a mistake in the previous zoning lines provided by AVCOG. Abutting property (Aubuchon Hardware) is zoned for commercial use.

3. **Current Zone:** General Residential
Proposed Zone: Village

Properties Affected:

- 10 Memorial Street Map U19 Lot 123
- 29 Spring Street Map U19 Lot 124

Description: Recommend a change in the current General Residential zone to reflect the current village/commercial use of this area.

Case #15-4 Proposed changes to Chapter 70 Section 70-531 Land Uses

Change Sec 70-531 Table of Land Uses, under Residential Uses, Multi Family Dwelling, Commercial Zone to "C" conditional, from "P", permitted and eliminate footnote #11 from the Industrial Zone but keep it for the Commercial Zone modifying it as indicated here:

¹¹Multifamily dwellings are permitted conditionally as an element of the revitalization of commercial ~~and/or~~ industrial structures zones that directly abut the Androscoggin River.

Mr. Fellows withdrew his motion to combine all three 15-3, 15-4 and 15-5 seconded by Mr. Lunt

VOTE (2015-30) Mr. Fellows made a motion to combine 15-3 & 15-4 seconded by Mr. Lemieux. To present to council for approval Order **passed - Vote 5-0.**

Case #15-5 Proposed changes to Chapter 70 Section 70-115 Officers and Duties

To amend Sec. 70-115 Officers and duties as follows:

(a) *Officers*. The officers of the zoning board of appeals shall be a chairman, vice chairman, secretary and such other officers as the board may choose from its membership. Officers shall be elected at the first regularly scheduled zoning board of appeals meeting following the ~~annual town meeting~~ beginning of the Fiscal year. The term of office for officers is one year; officers may succeed themselves in office if so elected except that no member may be elected to more than two consecutive terms as chair".

VOTE (2015-31) Mr. Fellows, seconded by Mr. Lunt to approve to changes and present to council.

Order passed - Vote 5-0.

8. OTHER BUSINESS: None**9. CODE ENFORCEMENT OFFICIAL BUSINESS:**

Mr. Douglass informed the Planning Board that the following tier 1 site plans are coming up:

Tier 1 Site Plan review of Blue Ox Malt House located at 41 Capital Avenue, Lisbon Falls

Tier 1 Site Plan review of Advanced Auto Parts located at 580 Lisbon Street, Lisbon Falls

10. TOWN PLANNER OFFICIAL BUSINESS: None.**11. ADJOURN:**

VOTE (2014-31) Mr. Lemieux, seconded by Mr. Nezol moved to recess at 8:04 PM. **Order passed - Vote 5-0.**

Minutes are not taken at the workshop.

VOTE (2014-32) Mr. Fellows, seconded by Mr. Lunt moved to reconvene the meeting at 8:32 PM. **Order passed - Vote 5-0.**

VOTE (2014-33) Mr. Fellows, seconded by Mr. Lunt moved to approve the Building & Property Maintenance Ordinance and send it to AVCOG for review. **Order passed - Vote 5-0.**

VOTE (2014-34) Mr. Lemieux, seconded by Mr. Fellows moved to adjourn at 8:37 PM. **Order passed - Vote 5-0.**

Jody Durisko, Administrative Assistant

Date Approved: _____