



MINUTES PLANNING BOARD JULY 14, 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 7:00 PM.
2. **ROLL CALL:** Regular members present were Karin Paradis, Dan Nezol, Donald Fellows, Curtis Lunt, and Scott Hall. Associate member present was James Lemieux. Also present was Dennis Douglass, Code Enforcement Officer; Amanda Bunker, Contracted Town -Planner, Councilors Bickford and Kolbe, and approximately eleven citizens in the audience.

3. ELECTION OF OFFICERS:

Election of Chairman and Vice Chairman

VOTE (2016-48) Mrs. Paradis, seconded by Mr. Lunt nominated Don Fellows to serve as Chairman of the Planning Board. There were no other nominations. **Order passed - Vote 4-0-1 (Abstained: Fellows).**

VOTE (2016-49) Mr. Fellows, seconded by Mr. Hall nominated Karin Paradis to serve as Vice Chairman of the Planning Board. There were no other nominations. **Order passed - Vote 4-0-1 (Abstained: Paradis).**

The newly elected Chair, Mr. Fellows wanted to thank Karin for serving as chair, she did a great job!

4. CHAIR'S REVIEW OF MEETING RULES:

The Chair informed the audience that the review of the meeting rules is on the back of each agenda available in the document holder by the door. He said the public hearing portion will be to hear comments only and to please keep comments limited to two minutes.

The Chair, Mr. Fellows granted Mr. Lemieux voting privileges for this meeting.

5. WRITTEN COMMUNICATIONS:

Minutes of June 23, 2016

VOTE (2016-50) Mrs. Paradis, seconded by Mr. Lunt moved to approve the minutes of June 23, 2016. **Vote: 5-0 carried.**

6. PUBLIC HEARING:

Route 9 Corridor Future Land Use and Growth

The Chair opened the public hearing to hear comments regarding the Route 9 Corridor Future Land Use and Growth.

Roger Bickford, 149 Main St. requested to speak first because he had another appointment to get to. He said he is a resident and as Council Chair he brought this to the Planning Board. He thinks if he could do it all over again, he would ask them to look from the Mason's property to the Sabattus town line and change the zone in that section. The Mason's are the only ones who have come to the Council asking for a change prior to conducting a business instead of the Town having to go back and fix things.

Wayne Lavers, Ridge Road, said he can't understand why we can't look at this particular case and look at it on an individual level.

Roger Cote, Ridge Road, stated he doesn't think people understand that you cannot spot zone. "Am I correct, Dennis?" Mr. Douglass answered, "spot zoning is frowned upon." Roger said it was done that way to protect people's properties. It is heavily residential there and thinks businesses going in there would put an end to new houses being built there. He does not think we should start making specialty decisions.

Jerry Hicks said he owns 60 acres on Route 9 and has seen a mill town but this has turned into a commuting road. The times have changed and it is a good road for commuting with speed limits up to 45 miles per hour. It is a good Sunday afternoon drive. What happens when you add stores if they become four lane roads to allow for turning traffic. Towns all around us are developing and Lisbon is also showing signs of expanding. He said expanding on Route 196 where it is snuggled in nicely and you can get to them with bicycles, which is good; he likes what we have been doing there on 196.

Curtis Lunt, Route 9, said in 1992 he moved here looking for a nice rural neighborhood. In 1998, they purchased a home on Route 9 and they chose this neighborhood because of its character. The Comprehensive Plan was written in 1995; in 2005 it was amended to approve zoning to allow a non-conforming garage. In 2011, they looked to amend it again for a non-conforming garage and the Planning Board voted to allow home occupations to allow the garage. In 2016 the Council voted to consider commercial uses on Route 9. At all of the forums the residents have stated they want it to stay the way it is now. The residents and commuters appreciate the character, please tell the Council not to change the zoning on Route 9.

Mark Lunt, 192 Ridge Road, and former chair of the Town Council said he also worked with the Planning Board to meet the needs of what was currently on Route 9. He urges them to look at home occupations versus commercial zoning. He has no problem with one or two cars for sale but does have a problem with ten cars. He urges them to look at the Comprehensive Plan which states commercial growth should be directed to Route 196 to prevent sprawl. He is asking the Planning Board to look at and follow the Comprehensive Plan.

Larry Fillmore, Lisbon, said he has been told there are 23 car lots in Lisbon, he thinks that is enough. Two to three years ago they held some discussions and the people said they didn't want to change Route 9 zoning, then they held another meeting and people came in again and said they didn't want it. Now we are having this meeting. He said the question has been asked and answered more than once, they don't want it changed. If the Mason's want to sell cars, go for it, go down to Route 196 get a spot and sell their hearts out.

Rick Mason, Ridge Road, said he has lived there for 58 years; there is a commercial road up there right now. Sabattus is open for business until you hit the town line in Lisbon on the same road, the speed limit is 45 mph, and it is a commercial road. It was built with stimulus money to spur growth; it is time for change, so let's change. He wants to get dealer plates and has everything he needs but the zoning. The traffic has increased by quite a bit. He is not asking for a gas station, or a huge lot, just wants to supplement his income as he gets older.

Marty Roop said he has lived in Lisbon since 1968; it still is not a commercial road. He has no problem with Rick selling some cars because he is a good business man but it does not need to be commercial. He thinks that home occupations are doing well but please don't change it to commercial.

Roger Cote said he can understand what Rick is saying and the issue isn't what Rick does, that is just fine but you have to let anybody who buys property up there do it, and then they are going to have to live with it.

There were no further comments from the public; the Chair closed the public hearing.

7. UNFINISHED BUSINESS:

Route 9 Corridor Future Land Use and Growth

The Chair said he doesn't think the Planning Board is ready to make a decision but he would like to read a statement:

As you all know, we were asked by the Council to "investigate" Route 9 Zoning. Actually the following is recorded in the minutes of the April 5th, 2016 Town Council Meeting:

"Councilor Comments: Councilor Bickford reported the Council by consensus requested the Planning Board consider the Route 9 zoning change to allow a used car lot on Route 9. Mr. Fellows explained there were certain ways to amend Chapter 70, which could be done by Council or by petition and indicated the Planning Board, would proceed after the formal vote. VOTE (2016-81) Councilor Ward, seconded by Councilor Metivier moved to proceed with the Route 9 zoning changed sending it to the Planning Board. Order passed - Vote 6-1. (Opposed: Kolbe)"

Under the current Table of Uses in Chapter 70, Auto Sales are permitted in Commercial, Village or Diversified Development zones and no others. As a result of the feedback we received from the Workshop held in May and the information we have received tonight, I think it is clear that the Planning Board has no desire to make blanket changes that would place the Route 9 corridor into any of those zones.

There has been talk of various creative ways of including auto sales in the area, but I, for one, am not in favor of any more auto sales lots in any places other than Route 196, where we have many. I do not believe that commercial activity is appropriate to every area of town and that the development of certain areas should be limited to the scope envisioned when the comprehensive plan was developed.

However, one of the things that I have learned from this process is that while most folks want to keep the rural character of Route 9 especially above the Wing Street area, what I have heard when people talk with each other is that nobody seems to care what is done as long as the activity cannot be seen, smelled, or heard.

With that in mind, I think there could be a modification of the Home Occupation section of the Zoning Ordinance that follows that concept. If the modification only affected Route 9 area currently zoned ROS I or ROS II and limited visibility to one or two specialty cars (restored cars in keeping with a rural visibility expectation), maybe that "no see, smell, hear" theme could be attained. Other vehicles could be kept in a space that would meet the Home Occupation standards.

So...with what we know and what our formal charge from the Town Council was, I recommend that we send a formal letter to the Council, explaining the summary of the information we gathered and I would like to know if the rest of the board would like to include anything more in the letter which addresses the possibility of a modification of Home Occupations or any other idea.

Mrs. Bunker, Contracted Town Planner said the kind of change Councilor Bickford wants to make only works if it is consistent with the Comprehensive Plan. She said that she agrees that looking at home occupations could be an option or the other option would be to do nothing.

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

The Chair said he would entertain a motion to report the findings and the Planning Boards position.

VOTE (2016-51) Mrs. Paradis, seconded by Mr. Hall moved to report the findings and the Planning Boards position regarding the Route 9 Corridor Future Land Use and Growth. **Vote: 4-0 carried. (Abstained: Lunt, Nezol)**

The Chair invited the abstaining members to return to their post for the remainder of the agenda items.

Mrs. Bunker said she wants to work on a policy with the Town Manager and Town Council on how zoning requests will be handled.

8. NEW BUSINESS:

Conditional Use Application

Case #16-5 Applicants: Jessica Corriveau
Property Location: 14 Spear St., Lisbon Falls, ME 04252
Tax Map: U25 Lot 044
Intended Use: Home Daycare

The applicant said she is here because she would like to open a home daycare to care for up to eight children.

9. PUBLIC HEARING:

Conditional Use Application

Case #16-5 Applicants: Jessica Corriveau
Property Location: 14 Spear St., Lisbon Falls, ME 04252
Tax Map: U25 Lot 044
Intended Use: Home Daycare

The Chair, Mr. Fellows opened the public hearing. There were no comments from the public; the Chair closed the public hearing.

10. UNFINISHED BUSINESS:

Conditional Use Application

Case #16-5 Applicants: Jessica Corriveau
Property Location: 14 Spear St., Lisbon Falls, ME 04252
Tax Map: U25 Lot 044
Intended Use: Home Daycare

Mrs. Bunker asked if there were any changes to the existing structure. Ms. Corriveau said there would not be any changes to the existing structure.

Mr. Douglass reviewed the checklist with the Planning Board.

Mr. Fellows assumes the kids won't be inside all the time and would like to know if they would use the front or backyard. He said his only request would be that they not use the front yard to play or store daycare equipment.

VOTE (2016-52) Mr. Lunt, seconded by Mrs. Paradis moved to approve the conditional use application for case 16-5 with the condition that outdoor activities be limited to the backyard. **Vote: 5-0 carried.**

11. OTHER BUSINESS

Shooting Range Draft Ordinance

Mr. Douglass handed out the Shooting Range Draft Ordinance including attorney's comments for the Planning Boards review. He said he will schedule it for discussion on the next agenda. The Council appointed a committee to work on this due to issues with noise complaints and safety concerns. He reported that they all came to an agreement and the Fish and Game will have some things to do but they are aware of that and are okay with it.

The Planning Board will schedule this item for a public hearing and vote on its August 11th meeting.

Medical Marijuana Draft Ordinance

The Chair, Mr. Fellows said what they have there in front of them is for inclusion in the zoning chart. He said that two or less registered patients are not covered in this zone.

Mr. Hall said he wondered about the use of cultivating and household because we don't allow houses in the Commercial Zone.

Mr. Fellows agreed that houses are not allowed in a commercial zone. He also recommends adding a third one in dispensary that is not included in the copy we are looking at tonight.

Mrs. Bunker requests that the footnote be clarified and to take out the items in parenthesis and put it in the footnote.

The Planning Board will clean up the Medical Marijuana Draft Ordinance, schedule it for review on July 28th, and schedule a public hearing on August 11th.

12. CODE ENFORCEMENT OFFICER OFFICIAL BUSINESS

Findings of Fact - Cases #16-1 and #16-4

Mr. Douglass submitted the Findings of Fact for cases 16-1 and 16-4 for the board to sign.

MS4 Municipal Stormwater Survey

Mr. Douglass said he has only received a couple of the MS4 Surveys and he needs them completed so he can turn them in to Ryan.

Mrs. Bunker, Contracted Town-Planner said at the next meeting she wants to look at the schedule at what is next on the horizon and see if we have time to do some training.

13. ADJOURN:

VOTE (2016-53) Mrs. Paradis, seconded by Mr. Lunt moved to adjourn at 7:27 P.M. **Vote: 5-0 carried.**

Jody Durisko, Administrative Assistant
Date Approved: