AGENDA
PLANNING BOARD MEETING
May 23, 2024
LISBON TOWN OFFICE
7:00 PM MEETING

1. CALL TO ORDER
2. ROLL CALL
   Shaun Carr, Chair
   Nicholas Craig, Vice Chair
   Christopher Huston
   Patrick Maloy
   William Kuhl
   Dan Leeman
   Natalie Thomsen
3. CHAIRMAN'S REVIEW OF MEETING RULES
   A. Planning Board Meeting Rules Available in Public Meeting Room
4. WRITTEN COMMUNICATIONS
   A. Minutes of May 9, 2024
5. PUBLIC HEARINGS
6. UNFINISHED BUSINESS
   A. Findings of Facts - **Case #24-06** Conditional Use Application
   - Accessory Dwelling Unit
   Garrett Mason, 330 Ridge Rd, Lisbon Falls, ME, 04252
7. NEW BUSINESS
   A. Ordinance Amendment - Chapter 70, Proposed Ordinance Changes LD 337 - *First Reading*
8. OTHER BUSINESS
9. CODE ENFORCEMENT OFFICER ITEMS
10. ADJOURNMENT

LISBON PLANNING BOARD – MEETING/HEARING RULES

The Board welcomes everyone to the meeting of the Lisbon Planning Board. If this is a meeting which will include a hearing, some special provisions will apply and are listed below. While we value the input of every interested person, we must limit the comment period in order to conduct business in a timely fashion.

Meeting Format – The format for each meeting (whether regular or special) shall be in strict accordance with Article 4, Section 4.1.6 of the Planning Board Bylaws. *Please note that the* ***Chair may change the order of business for the current meeting upon a majority vote of the Board.***

All meetings shall be conducted in such a manner as to be completed within two and one half (2.5) hours of commencement. The Board, by unanimous consent, may decide to extend a meeting but only at the point where the meeting can be concluded within another hour. Any action after that point requires a tabling or postponing order.

Public Participation – With regard to participation by the public, all comments to the Board and from the Board shall be made through the Chair. The attending public may participate as follows:

- **During Regular Meetings**- is **allowed at the discretion of the Chair**, but only after introduction of an agenda item and appropriate motions with time for explanation and Board member questions. The public may be allowed to comment, butduring that period, the **public may address that agenda item only** and each participant shall be limited **two (2) minutes**. Each participant may address the Board only one time unless requested by the Chair to comment further, and the Chair may limit time for comments to no more than **ten (10) minutes in total** on any one agenda item**. A member of the public who wishes to comment on an item not on the agenda may be allowed to speak during the "Other Business" portion of the agenda.**

- **During Workshops** – **The attending public may not participate** unless the Chair allows or requests such comment.

- **During Site Visits**– This is a **special meeting** in all respects except that **the public is not allowed to participate**. Although the public is allowed to be present, comments and explanations will only be accepted by Board members and an applicantor agents representing an applicant. Only participant comments may be considered in any notes taken for minutes of suchmeeting.

- **During Hearings** – The attending **public may speak only in accordance with the specific rules** set up for hearings.

  - The public must comment only when specifically allowed. **The Chair shall emphasize that no decisions are made during the hearing and the process may not conclude during the regular current meeting.** Finally, **the Chair will state that order must be maintained and is required of all participants.**
  - There will be a Call by the Chair to open a specific hearing with case number followed by a Call for a **Presentation by the Applicant or Representative or attorney and witnesses without interruption**. Then general **questions may be asked through the Chair to the applicant by Board members and people who will be directly affected by the project (e.g., abutters)**. Then requests for more detailed information on the evidence presented by the applicant will be allowed by the same parties.
  - **Next** there will be a call for presentations by **abutters or others** including their attorneys and witnesses, who will be **directly affected by the project.**
  - Then **questions** through the Chair**, by the applicant and Board members to the people directly affected** and the witnesses who made presentations will be allowed.
  - **Next there may be rebuttal statements by any of the people who testified previously.**
  - Following that, **comments or questions by other interested people** in the audience will be entertained. Comment by those other interested people in the audience will be limited in the same fashion as for regular meetings, i.e. **two (2) minutes per person and ten (10) minutes overall.** The hearing will be closed at the end of public comment.

- It is important **that respect for each person** be considered. There will be opposing views and opinions and all will be considered without impunity. All persons speaking within the guidelines delineated herein will be treated with respect and allowed to complete the statement or viewpoint**. Any individual who speaks out of turn or in such a manner as to be considered unruly by the Chair, may be warned and then removed** if the situation creates a significant disruption of the orderly conduct of the business of the Board.

PLANNING BOARD
MINUTES
MAY 9, 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 Vice Chairman, Mr. Craig called the meeting to order at 7:00 PM.

2. **ROLL CALL:** Regular members present were Chris Huston, Patrick Maloy and Nicholas Craig. Associate Member William Kuhl was present as well. Shaun Carr and Dan Leeman were excused. Natalie Thomsen was absent. Also present was Mark Stambach, Code Enforcement Officer; Kate Burch, Town Planner; Emily Rotundo, Community Development Specialist; Councilor Larochelle,Town Council Liaison and 3 audience members. The Vice Chairman extended voting privileges to Mr. Kuhl.

3. **REVIEW OF MEETING RULES:**

The Vice Chairman explained the meeting rules are located in the folder on the wall.

4. **WRITTEN COMMUNICATIONS:** Minutes of April 25, 2024

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

VOTE: (2024-47) Mr. Maloy, seconded by Mr. Huston moved to approve the Minutes of April 25, 2024.
Vote: 4-0 Carried.

5. **PUBLIC HEARINGS – Case #24-06 Conditional Use Application - Accessory Dwelling Unit**

The Vice Chairman opened the Public Hearing**.**

Paul Mason Jr, 340 Ridge Road, an abutter, was attending the meeting to get more information on the project.

Garrett Mason, the applicant, stated he wants to add an accessory dwelling unit to the building that he is currently building which will be a twin to that structure. Paul Mason said he wanted it on record that he strongly opposes this project.

The Vice Chairman closed the Public Hearing.

6. **UNFINISHED BUSINESS -** Findings of Facts-**Case #24-04** & **Case #24-05**-A1 LA Used Appliance, Inc.

VOTE: (2024-48) Mr. Kuhl seconded by Mr. Maloy moved to dispense with the reading of the Findings of Facts for Case #24-04 & Case 24-05 A1 LA Used Appliance, and insert it into the record as follows:
Vote: 4-0 Carried.

Case #24-04, Conditional Use Application
Case #24-05, Site Plan Application
A1 LA Used Appliance, Inc.
Stephen M. Gaul
2 Lisbon St
Lisbon, ME 04250
Map U24, Lot 014

Findings of Fact
A1 LA Used Appliance applied for a Conditional Use Application to operate a used appliance retail showroom in Zone 2 of the Aquifer Overlay, and for a Site Plan Application for a change of use to a nonconforming use from warehouse to retail within the Resource Protection zone.

The application first came before the Planning Board on April 11, 2024. A public hearing was held at the Planning Board meeting on April 25, 2024.

On April 25, 2024, the Planning Board Voted:
To approve the Conditional Use Application and Site Plan Application for A1 LA Used Appliance, Map U24, Lot 014.

Conclusions of Law
General Review Standards: Lisbon Code of Ordinances. Chapter 62, Site Plans.
Conditional Use: Lisbon Code of Ordinances, Chapter 70, Article III.

Therefore, the Planning Board hereby approves the Conditional Use Application and Site Plan Application for A1 LA Used Appliance.

Case #24-06 Conditional Use Application - Accessory Dwelling Unit
Garrett Mason
330 Ridge Rd, Lisbon Falls, ME 04252
R04 Lot 008-B

Ms. Burch went through the required Checklists.

VOTE: (2024-49) Mr. Kuhl, seconded by Mr. Maloy moved to approve the Application for Case #24-06 Conditional Use Application-Accessory Dwelling Unit.
Vote 4-0 Carried.

7. NEW BUSINESS – Ordinance Amendment - Chapter 70, Article 11, Division 4, Section 70-120 Powers & Duties - *First Reading*

Ms. Burch said the language in this part of the Ordinance contradicts itself saying you could and could not appeal the decision of the Code Enforcement Officer. The Amendment is to strike out one sentence in the Ordinance as follows:

Section 70-120.(a) – Administrative Appeals
To hear and decide appeals within 30 days, where it has been alleged that there is an error in any interpretation, determination, order, requirement or decision made by the codes enforcement officer or a failure to act by the codes enforcement officer or in any other administrative matter involving the codes enforcement officer in the administration of any applicable land use or building related ordinances of the Town of Lisbon. ~~Administrative appeals shall not include enforcement decisions by the codes enforcement officer or the failure to provide for enforcement.~~ In acting on administrative appeals, the zoning board of appeals may sustain the action or inaction of the codes enforcement officer or may modify or reverse his or her action if the zoning board of appeals decides that the codes enforcement officer was in error.

VOTE (2024-50) Mr. Maloy, seconded by Mr. Huston moved to approve the Ordinance Amendment as it is written and schedule a Public Hearing for June 13th.
Vote 4-0 Carried.

8. OTHER BUSINESS – NONE

9. CODE ENFORCEMENT OFFICER – NONE

10. ADJOURNMENT TO WORKSHOP

VOTE: (2024-51) Mr. Maloy, seconded by Mr. Huston moved to adjourn to Workshop at 7:11 pm.
Vote: 4-0 Carried.

Item taken out of order with Planning Board approval

11. WORKSHOP - Changes to Building Height Ordinance

The Board had a preliminary discussion and have asked Northstar Planning to come back with 2 proposals outlining the options for either updating the character district overlay in the Rt. 196 Design Standards or updating the overall ordinance height restriction for the entire village zone.

Overview
Lisbon's Land Use Ordinance currently limits building height to 35' throughout town. The Route 196 Design Standards allow a 1½ to 2 story height in the Village Character District (Lisbon Falls & Lisbon Village.) The Lisbon Development Corporation and Economic Development Director are interested in the possibility of a higher height limit to encourage residential development.

A 35' height limit allows a maximum 2-3 story building, and the Route 196 Standards limit new buildings to 2 stories. These heights can be a limiting factor to property developers. Due to available incentives and other financial reasons, affordable and workforce housing is easier for developers to build at a larger scale, such as a 4-story building. To construct a mixed-use building with commercial on the ground floor and apartments upstairs, it will be more economically viable with 1 commercial story + 3 floors. Increasing the height limit can also allow property owners to be able to get more units in small village parcels by building higher.

In a village setting, it is not uncommon for building heights to start at 35' and range up to 50-60'. Buildings of this height can be compatible with historic churches, mills, and other larger-scale traditional buildings. In Lisbon, the Farwell Mill and the York Lodge are 3 stories and the former Worumbo Mill was 4 stories. Additionally, variations in building height can create a more visually interesting landscape. The following image shows Lisbon Falls in 1882. You can see the 4-story mill buildings, and the arrows point to two 3.5 story buildings in the village



The graphics below show basic mixed-use buildings ranging from 40-55 feet.



Neighboring Communities

Topsham has a maximum building height of 50’ in the Topsham Fair Mall area and 45’ on Main Street. The town has a minimum building height of 35’ on Main Street to encourage village-style development. The image below is a 49’ residential apartment building proposed for Park Drive off Topsham Fair Mall Road.



Brunswick has a maximum building height of 40’ on Maine Street and 50’ at Brunswick Landing. Auburn has a maximum building height of 45’ for multifamily buildings. The images below are two recent 4-story residential buildings constructed in Auburn





.

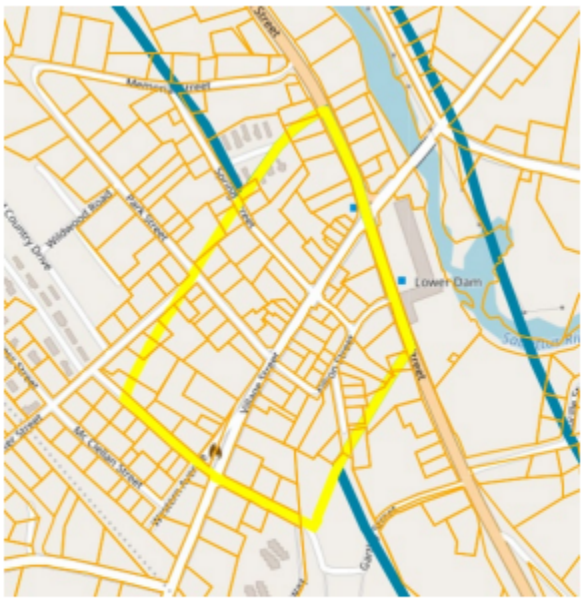
Recommended Strategies

The Economic and Community Development Director is interested in seeing the height limit in Lisbon Village changed to accommodate 4-story buildings to incentivize new residential development in the area outlined to the right.



The simplest ordinance change is to raise the maximum building height in the Village Zone 45’50’. This would impact new development in Lisbon Falls and Lisbon Village. While this is a larger area than what

is targeted by the Economic Development Director, it would be a zoning change that is consistent throughout town, reflects historic building scale, and matches what similar neighboring communities have for regulations.



To limit the change to Lisbon Village, the Board could use the Route 196 Design Standards Ordinance to raise the maximum building height in the Village Main Street Character District for Lisbon Village only. As you can see in the image to the left, this would impact only the area outlined in yellow - a smaller area than the Economic Development Director's target.

North Star Planning does not recommend using a new overlay zone or similar to change these limits, as it would add a third zoning condition in addition to the Village base zoning and the Route 196 Design Standards.

The Board should discuss these options. Following discussion, proposed ordinance changes can be made to reflect the Board's desired approach.

Road Ordinance Discussion

The Board had further discussions on the Road Ordinance. They will wait until the Town Engineer looks at it further before making any final decisions.

Respectfully Submitted,
Lisa B. Smith, Planning Board Secretary
Date Approved: May 23, 2024

Case #24-06: Conditional Use Application – Accessory Dwelling Unit
Garret Mason
330 Ridge Road
Lisbon Falls, ME 04252
Map R04 Lot 008-B

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 April 25, 2024 and accepted the application as complete. On May 9, 2024 the Board conducted a Public Hearing.

On May 9, 2024, the Planning Board Voted:
To approve the Conditional Use Application for 330 Ridge Road, Map R04, Lot 008-B.

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 #24-06, 330 Ridge Road, Map R04, Lot 008-B.

_____ _____

Planning Board Chair Date

MEMORANDUM

TO: Lisbon Planning Board

CC: Mark Stambach, Code Enforcement Officer

From: Kate Burch, Senior Planner, North Star Planning

RE: LD337 Compliance

Date: May 10, 2024

Overview

The Maine State Legislature recently passed LD337, which goes into effect in July 2024. This law requires that municipalities permit manufactured housing to be placed on individual lots where single-family dwellings are allowed, subject to the same requirements as single-family dwellings. Municipalities may establish design criteria such as a pitched roof, a permanent foundation, and exterior siding that is residential in appearance.

The proposed ordinance changes below bring Lisbon into compliance with LD337 by amending the definition of manufactured housing and removing "mobile home" from the use table. A new section under Zoning -> Supplemental District Regulations -> Generally creates additional design and siting standards for manufactured homes on individual lots. These standards will not apply to manufactured homes in mobile home parks.

Proposed Ordinance Changes

Sec. 70-1. - Definitions.

Manufactured housing ~~/mobile home~~ ~~means structures as defined in 30-A M.R.S.A. § 4358(1).~~ *or mobile home* means a structural unit or units designed for residential occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. This term includes both newer mobile homes and modular homes as defined in 30-A M.R.S.A. § 4358.

Sec. 70-531. - Table of land uses.

Residential Uses	RP	LR	GR	RO-I	RO-II	RR	LRR	V	C	I	DD 8
Accessory Dwelling Unit	C	C	C	C	C	C	C	C	NO	NO	C
Single-family Dwelling	C	P	P	P	P	P	P	P	NO	NO	P 10
~~Mobile Home~~	~~NO~~	~~NO~~	~~NO~~	~~P~~	~~P~~	~~P~~	~~NO~~	~~NO~~	~~NO~~	~~NO~~	~~NO~~

Sec 70-617. Manufactured housing on individual house lots.

a) Manufactured housing is permitted to be placed or erected on individual house lots where single-family dwellings are allowed, subject to the same requirements as single-family dwellings and the following siting and design standards. The following standards do not apply to manufactured homes in mobile home parks.

b) Siting Standards.
   1) The unit shall be placed on a permanent foundation with a minimum 4' frost wall or a floating slab.
   2) The unit may not be placed on grade beams, gravel pads, or wheels and axles.
   3) Units placed within 100' of the right-of-way must be oriented with the horizontal dimension facing the street. Exceptions to this will be made for manufactured housing units used as accessory dwelling units, which may have other orientations.

c) Design Standards.
   1) The roof pitch shall be at least 3/12 or steeper. Rounded or flat roofs are not allowed.
   2) Roof shingles shall be either asphalt composition shingles or wood shingles or shakes.
   3) Exterior wall surfaces shall be of residential site-built building materials, such as clapboards, simulated clapboards such as conventional vinyl or metal siding, or wood shingles.
   4) Exterior walls shall not be clad in metal panels or metallic surfaces.
   5) A unit on a floating slab must have skirting between the slab and the bottom of the unit made of durable material made for such use that is visually compatible with the exterior wall surfaces.

Example Images

Not allowed: round roof, metal siding



Not allowed: no foundation or slab, round roof, metal siding



Allowed: at least 3/12 roof pitch, vinyl siding, skirting
(examples from Topsham and Scarborough)





