NORTHSTAR PLANNING

MEMORANDUM

TO: Lisbon Planning Board
Through Mark Stambach, Code Enforcement Officer

CC: Ryan Syliva, PE, RPEx Consulting, LLC
Gervais Homes, LLC

From: Kate Burch, Senior Planner, North Star Planning

RE: Site Plan and Subdivision, 223 Lisbon Street Duplexes – Planning Board meeting August 22, 2024

Date: August 14, 2024

Overview

Gervais Homes, LLC proposes a 10-unit residential development at 223 Lisbon Street consisting of five duplexes. The property is located in the Village Zone and is located in the Village Character district of the Route 196 Corridor Design Standards, as well as Zone 2 of the Aquifer Overlay. The project combines two lots, Map U-19 Lot 119A and Lot 120, to create a 0.69 acre parcel with 0.338 acres to be developed. These lots are currently vacant and were previously cleared. The duplexes will be rental units managed and maintained by Gervais Homes. Construction is planned to begin in fall 2024 and continue to summer 2025, with landscaping complete by winter 2025.

The proposal meets the minimum density requirements of 3,000 SF per dwelling unit. The project will have 22 parking spaces, including one ADA space (20 parking spaces are required by Lisbon's Zoning Ordinance.) The traffic calculations provided show the project is expected to generate 80 trips per day. The applicant confirmed in an email dated July 11, 2024 that the westerly end of the parking area is rip-rapped with the intention of storing snow. This treatment will also somewhat trap excess sand and salt, and help prevent erosion that would impact the drainage channel.

The project will be served by public water and sewer, with underground electric connected to service on Lisbon Street via a new transformer box. The applicant provided ability to serve letters from the Lisbon Sewer and Lisbon Water Departments.

Most stormwater will be routed through private stormwater structures to an existing Town of Lisbon catch basin. The site has been graded to control the flow of runoff and route runoff through grassy swales and channels before reaching the town storm system. The swale that previously ran through the property will be improved. The stormwater management was designed to abate the standing water that currently accumulates at the property line from surrounding properties. This runoff will be controlled by a weir with a 4" drain pipe to mitigate the issue while managing the rate at which runoff enters the town storm system. No Maine DEP permits are required. Stormwater modeling and calculations are provided in the application package. Best Management Practices for erosion and sediment control will be followed.

Updates

Following the August 8, 2024 meeting, the application proposed via an email dated August 9, 2024 to reduce the length of the landscape fence by 3-4 feet on either side of the driveway and replace the boxwood plantings with creeping juniper, to address concerns about sight distance.

Access Management

The development will be accessed by a new entrance of Lisbon Street. The property is located within the Urban Compact and the applicant must obtain a driveway permit from Lisbon Public Works.

The property's existing driveway entrance is undersized for two-way traffic, with a sight distance of 290 feet, located 35 feet from the driveway to the north and 154 feet from the driveway to the south. The access management standards in Sec. 46-134 require 380 feet of sight distance on a 35 mph road, with entrances aligned with those located on the opposite side of the street, and for the entrance to be located at least 85 feet from neighboring entrances.

The proposed new entrance meets the width and corner clearance standards in Sec. 46-134, and is consistent with Maine DOT's rules for Curbed Commercial Entrances onto Curbed Highways with Sidewalks.

The applicant has submitted a request for waivers for 3 of the access management standards in Sec. 46-134. Due to the layout of the road and existing driveways, the applicant states they are not able to meet all the access management standards. The new proposed driveway entrance will increase sight distance by 45' to 335', which remains less than the ordinance standard of 380'. The proposed layout relocates the entrance to be located 81' from the closest entrance, which is greater than the existing entrance but less than the ordinance standard of 85'. This layout, which comes closest to meeting the ordinance standards, does not align with the existing entrance on the opposite side of the street. The proposal and alternatives are detailed in the letter from the applicant on Access Management dated July 11, 2024.

The waivers requested are:

1. Sec. 46-134 2.1, *Sight Distance*
2. Sec. 46-134 2.2, *Spacing between accesses* – distance to neighboring entrances
3. Sec. 46-134 2.2, *Spacing between accesses* – alignment with opposite entrance

In considering these waivers, the Board must review the following criteria (Sec. 46-134 3):

- Impact on public safety
- Availability of alternatives
- If the proposed new entrance provides a net gain towards meeting the standards from the existing entrance

In considering the spacing waivers (Sec. 46-134 2.2), the Board must review the following criteria (Sec. 46-134 3.2):

- If the proposal meets the criteria above
- If the property is in an area designated for growth by the comprehensive plan
- The proposal will not have an unreasonable adverse impact on the road such that traffic speed would need to be lowered.

Based on the review criteria, these waiver requests appear to be reasonable. The applicant's proposal creates a net gain in sight distance and spacing. The sight distance meets Maine DOT and AASHTO standards for a 35mph road. The property is in a growth area as designated in the comprehensive plan.

Route 196 Design Standards

This project is located within the Village Character District of the Route 196 Design Standards. The buildings are designed to reflect traditional New England character and materials. The dumpster will be screened by a fence. No signage is proposed. New landscaping beds will be installed between the sidewalk on Lisbon Street and the buildings, as well as along the border of the parking lot. Sidewalks will provide access to the units in Buildings A and B which face Lisbon Street. Parking is not located closer to the street than the front of the building. Exterior lighting will consist of down-lights at building entry doors and patio doors. The sides and rear of the building will be surrounded by a 6' and 8' privacy fence, respectively.

Aquifer Protection Overlay

The property is located in Zone 2 of the Aquifer Protection Overlay (referred to as "wellhead" in the application.) Residential homes are an allowed use in this overlay, and because the development will be served by public water and sewer, the underlying zoning density requirements apply. The proposed project will cover 48.9% of the lot, which is under the maximum 50% allowed in this overlay.

The applicant has provided soil maps, an erosion control plan, and a stormwater management plan that meet the requirements of Sec. 70-566, Additional application requirements – Aquifer protection overlay district. The applicant confirmed in an email dated July 11, 2024 that:

- No petroleum or chemical storage will occur on site beyond typical household items.
- Gervais Homes will maintain the stormwater management system as part of routine property maintenance.
- Winter maintenance will use sand or a salt/sand combination with reduced salt.
- The applicant will create a spill prevention and control plan for any fuels, paints, grease, lubricants, etc used during construction.

Application Stage

This application was presented to the Planning Board as a preapplication at the April 25, 2024 Planning Board Meeting. The Board voted the application complete on August 8, 2024. The Board should vote on the waiver requests and the application approval.

Applicant: Ryan Sylvia, PE, RPEx Consulting LLC

Owner: Gervais Homes, LLC

Location: 223 Lisbon Street

Zoning: Village

Tax Map Number: Map U19 Lots 119A & 120

Existing Land Use: vacant

Proposed Land Use: Residential

Acreage: .69

Waivers: The applicant has requested a waiver of 3 access management standards:

1. Sec. 46-134 2.1, *Sight Distance*
2. Sec. 46-134 2.2, *Spacing between accesses* – distance to neighboring entrances
3. Sec. 46-134 2.2, *Spacing between accesses* – alignment with opposite entrance

Site Walk: A site walk has not been scheduled for this project.

Public Hearing: A public hearing for this meeting will be held at the August 22, 2024 meeting.

> **Suggested Motion:** That, based upon the application and related documents and information provided by the applicant, the written and oral comments of the applicant, reviewing officials, and members of the public, as reflected in the public record, the Planning Board finds that the Site Plan and Subdivision applications **[satisfy / do not satisfy]** the applicable standards of the Site Plan and Subdivision ordinances, and therefore **[approve / deny]** the application subject to the following conditions:
>
> 1. The applicant must obtain a driveway entrance permit from Lisbon Public Works prior to the start of construction.

Site Plan Review - Findings of Fact:

1. Generally

- The applicant has designed the project to meet the standards as outlined within the Ordinance.

2. Landscape Preservation

- The lot was previously cleared.
- No impacts upon scenic areas and views identified in the Lisbon Comprehensive Plan are proposed.
- No shoreland zoned streams or wetlands are located on or adjacent to the parcel.

3. Vehicular Access

- The existing entrance onto Lisbon Street (Route 196) will be moved.
- The proposed design provides for safe turning movements and is consistent with MDOT and AASHTO standards.
- The applicant has provided a letter explaining the current design and an alternatives analysis to meet the Chapter 46 Article V – Entrances onto Public Ways.
- The applicant requests waivers for standards in Sec. 46-134.

- The proposed design creates a driveway entrance that comes closer to complying with the standards of Sec. 46-134 than the existing driveway entrance.
- The applicant will reduce the length of the landscape fence and plant creeping junipers instead of boxwoods to increase sight distance.

4. Parking Requirements

- Section 70-661 requires 2 parking spaces per residential unit, for a total of 20 spaces.
- The project provides 22 parking spaces including 1 ADA space.

5. Pedestrian Circulation

- The project provides pedestrian connections from the new housing units to the existing sidewalk on Lisbon Street.

6. Stormwater Management

- A Stormwater Management Plan has been enclosed with this submission.
- This project does not require a permit from the Maine Department of Environmental Protection (DEP).
- The stormwater management system meets the criteria of a 25-year storm.
- The system includes riprap and swales to reduce erosion and control the flow of stormwater into the town system.

7. Conservation, Erosion, Sediment Control

- The project has been designed to incorporate Best Management Practices (BMPs) as provided by MDEP.

8. Exterior Lighting

- The development will have down lights on exterior building and patio doors.

9. Emergency Vehicle Access

- The building, driveway, and parking lot design allows for safe emergency vehicle access.

10. Water Supply

- The development will be served by public water.
- The project has received an Ability to Serve letter from the Lisbon Water District.

11. Groundwater

- There are no on-site water supply or sewage disposal systems.

12. Air Emissions

- No excessive air emissions are anticipated as a result of the development.

13. Odor

- No excessive odors are anticipated as a result of the development.

14. Noise

- No excessive noise is anticipated as a result of the development.

15. Sewage Disposal

- The development will be served by the public sewer system along Lisbon Street (Route 196).
- The project has received an Ability to Serve letter from the Lisbon Sewer Department.

16. Waste Disposal

- The project includes a dumpster for waste disposal.

17. Compliance with Comprehensive Plan

- The proposed development is located within the Village zoning district, a designated growth area.
- The project complies with the 2019 Comprehensive Plan goals for increase housing development in Lisbon's villages.

18. Proof of Federal or State Required Permits

- No federal or state permits are required.

19. Archaeological Resources

- No historic properties or archaeological resources are impacted by the proposed development.

20. Protection of Significant Wildlife Habitat

- No wildlife resources identified by the 2019 Comprehensive Plan or the Maine Department of Inland Fisheries & Wildlife (MDIF&W) are located in the project area.

21. Rare and Endangered Species

- No rare botanical features will be directly impacted by the project

22. Building Design

- The proposed new buildings reflect traditional New England building forms and are harmoniously related to the neighborhood.
- The sides and rear of the development will be screened with a fence.
- The dumpster will be screened from public view.

23. Impact on Public Facilities and Services

- No negative impacts on community services or facilities will result from the proposed development.

24. Aquifer Protection Overlay

- The development is located in Zone 2 of the Aquifer Protection Overlay.
- The project will cover 48.9% of the lot.
- The submission includes soil maps, an erosion control plan, and a stormwater management plan that meet the requirements of Sec. 70-566, Additional application requirements – Aquifer protection overlay district.
- No petroleum or chemical storage will occur on site beyond typical household items.
- Gervais Homes will maintain the stormwater management system as part of routine property maintenance.
- Winter maintenance will use sand or a salt/sand combination with reduced salt.
- The applicant will create a spill prevention and control plan for construction.

25. Lisbon Route 196 Corridor Design Standards

- This project is located within the Village Character District of the Route 196 Design Standards.
- The buildings are designed to reflect traditional New England character and materials.
- The dumpster will be screened by a fence.
- No signage is proposed.
- New landscaping beds will be installed between the sidewalk on Lisbon Street and the buildings, as well as along the border of the parking lot.
- Sidewalks will provide access to the units in Buildings A and B which face Lisbon Street.
- Parking is not located closer to the street than the front of the building.
- Exterior lighting will consist of down-lights at building entry doors and patio doors.
- The sides and rear of the building will be surrounded by a 6’ and 8’ privacy fence, respectively.

Subdivision Review - Findings of Fact:

1. Pollution

- The development will not result in undue water or air pollution.

2. Availability of water supply

- The development will be served by public water.

3. Burden on water supply

- The Lisbon Water District has provided an Ability to Serve letter.

4. Soil erosion

- The development will not result in unreasonable soil erosion.
- The development will follow Maine DEP Best Management Practices for erosion control.
- The submission includes a stormwater management plan.

5. Traffic

- The development is expected to create approximately 80 trips per day.
- The new driveway entrance is located within the urban compact area.

6. Waste disposal, private

- The development will provide for waste disposal with a dumpster on site.

7. Waste disposal, burden on municipal facilities

- The project will be served by public sewer.
- The Lisbon Sewer Department has provided an Ability to Serve letter.

8. Aesthetic, cultural, and natural values

- The project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, wildlife habitat, natural areas, or visual access to the shoreline.

9. Conformance with zoning and comprehensive plan

- The development conforms to the goal to create housing in Lisbon's villages in the 2019 Comprehensive Plan.

10. Financial and technical capacity

- The subdivider has provided a letter from Norway Savings Bank demonstrating Gervais Homes, LLC has the financial capacity to complete the project, with an estimated cost of $2,100,000.

11. Surface waters

- The project is not situated within 250 feet of any wetland or river.

12. Groundwater

- The project will not adversely affect the quality or quantity of groundwater.

13. Flood areas

- The project is not located within a 100-year flood hazard area.

14. Freshwater wetlands

- No wetlands are located on the project site.

15. Farmland

- No farmland is located on the project site.

16. River, stream or brook

- No rivers, streams, or brooks abut the proposed subdivision.

17. Stormwater

- The development includes an adequate stormwater management system.

18. Spaghetti-lots prohibited

- The subdivision does not have shore frontage.

19. Impact on adjoining municipality

- The subdivision does not cross municipal boundaries.

20. Lands subject to liquidation harvesting

- No timber is being harvested on the parcel.

Conclusions of Law – Site Plan

1. The landscape **will** be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.
2. The proposed development **will** provide safe vehicular access to and from public and private streets.
3. Development parking **will** meet the town standards as set forth in section 70-661 et seq.
4. The development plan **wi**ll provide for a system of pedestrian circulation within the development and interconnection with existing facilities.

5. Adequate provision **will** be made for disposal of all storm water generated within the development through a management system of ditches, swales, culverts, underdrains, and/or storm drains.
6. Stripping of vegetation or other development **will** be done in such a way as to minimize erosion and sedimentation. The development **does** include best management practices as provided by the Maine Department of Environmental Protection.
7. All exterior lighting **will** be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways.
8. Provisions **will** be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
9. The development **will** be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the state for drinking water.
10. The project demonstrates that the groundwater at the property line **(will/will not)** comply with the standards for safe drinking water as established by the state.
11. All air pollution control **will** comply with minimum state requirements.
12. The proposed development **will not** produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.
13. Noise **will** comply with the standards as set forth in Chapter 26, Article IV of this Code.
14. A sanitary sewer system **will** be installed at the expense of the developer.
15. The proposed development **will** provide for adequate disposal of solid wastes and hazardous wastes.
16. All new development and redevelopment **is** in conformance with the town's comprehensive plan and shall be consistent with the goals and objectives stated in such plan.
17. ~~The applicant **(will/will not)** provide proof of any required state or federal permits.~~ (N/A)
18. The proposed development **does not** involve structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places.
19. The proposed development **will not** impact wildlife resources identified in the Town of Lisbon comprehensive plan or by the Maine Department of Inland Fisheries and Wildlife.
20. The proposed development **will not** impact rare or endangered species identified by the Maine Natural Areas Program.
21. The proposed structures **will** be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures so as to have a minimally adverse effect on the aesthetic qualities of the developed and neighboring areas.
22. The proposed development **will not** impact municipal services beyond current capacity.

Conclusions of Law – Subdivision

1. The subdivision **will not** result in undue water or air pollution.
2. There **is** sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The subdivision **will not** cause an unreasonable burden on an existing water supply.
4. The subdivision **will not** cause unreasonable soil erosion or reduction in capacity of the land to hold water so that a dangerous or unhealthy condition may result.
5. The subdivision **will not** cause unreasonable highway or public road congestion or unsafe conditions.
6. The subdivision **will** provide for adequate solid and sewage waste disposal as applicable.
7. The subdivision **will not** cause an unreasonable burden on the ability of the town to dispose of solid waste and sewage.
8. The subdivision **will not** place an unreasonable burden on the ability of the town to provide municipal or governmental services.

9. The subdivision **will not** have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat, natural areas, or public rights for physical or visual access to the shoreline.
10. The subdivision **conforms** with the zoning ordinance and comprehensive plan.
11. The subdivider **has** adequate financial and technical capacity.
12. ~~The subdivision (**will/will)** not adversely affect the quality of any wetland, river, or body of water within 250 ft.~~ (N/A)
13. The subdivision **will not** adversely affect the quality or quantity of groundwater.
14. ~~The subdivision is located within a flood-prone area and (**does/does)** not include a condition of plan approval requiring principal structures are constructed with their lowest floor at least one foot about the 100-year flood elevation.~~ (N/A)
15. ~~All freshwater wetlands (**have/have not**) been indentified on maps submitted as part of the application.~~ (N/A)
16. ~~All farmland within the subdivision (**has/has not**) been identified on maps submitted as part of the application.~~ (N/A)
17. ~~All river, streams, or brooks within the subdivision (**have/have not**) been identified on maps submitted as part of the application.~~ (N/A)
18. The subdivision **will** provide for adequate stormwater management.
19. ~~Lots with shore frontage on a river, stream, or brook (**have/do not have)** a lot depth-to-shore frontage ration greater than 5:1.~~ (N/A)
20. ~~Subdivisions that cross municipal boundaries (**will/will not**) cause unreasonable traffic congestion or unsafe conditions in an adjoining municipality~~. (N/A)
21. ~~Timber harvested on the parcel (**has/has not**) been harvested in violation of State law.~~ (N/A)