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





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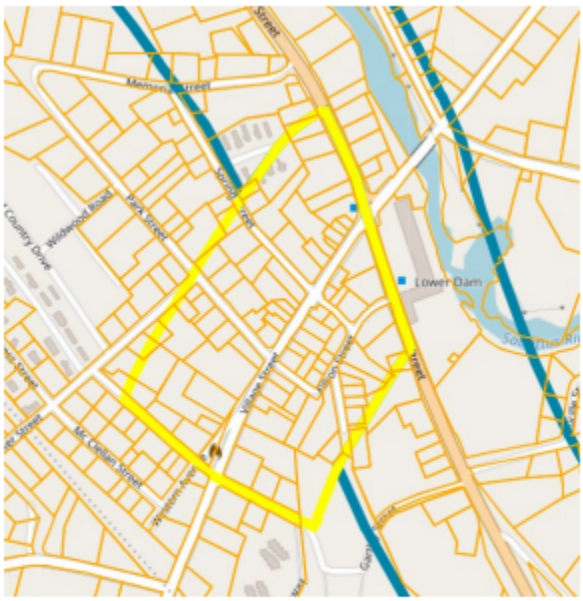
Recommended Strategies

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