



AGENDA
PLANNING BOARD MEETING
JUNE 22, 2023
LISBON TOWN OFFICE
7:00 PM

William Kuhl, Chair- Regular 2023
Curtis Lunt, Vice Chair- Regular 2025
Christopher Huston- Regular 2025
Patrick Maloy - Regular 2024
Shaun Carr - Regular 2024
Dan Leeman - Associate 2025
Nicholas Craig - Associate 2024

1. CALL TO ORDER
2. ROLL CALL

___ William Kuhl (Chair)	___ Chris Huston	___ Nicholas Craig (Associate)
___ Curtis Lunt (Vice-Chair)	___ Patrick Maloy	___ Dan Leeman (Associate)
___ Shaun Carr		

3. CHAIRMAN'S REVIEW OF MEETING RULES
4. WRITTEN COMMUNICATIONS – Minutes of June 08, 2023
5. PUBLIC HEARINGS – Conditional Use Application – Little Orchid Daycare
6. UNFINISHED BUSINESS – Androscoggin-Sagadahoc Counties Extension Assoc. Abutter to **Case #23-11**

Case #23-11 – Conditional Use Application
Rianne Morris
Little Orchid Daycare
20 Main St, Unit C
Lisbon Falls, Me 04252
Map U05 Lot 226

7. NEW BUSINESS –

Case #23-12 - Conditional Use Application
Park Street Friends Daycare
Heidi Stuart
7 Park Street
Lisbon, Me 04250
Map U19 Lot 75

Case #23-13 - Conditional Use Application – Changing garage to In-law Apt.
Michael Capprini
8 Center Street
Lisbon Falls, Me 04250
Map U07 Lot 149A

Case #23-14 – Conditional Use Application – Compost
Bush's Bushes
Edward Bush
159 Ridge Road
Lisbon Falls, Me 04252
Map R05 Lot 007

Case #23-15 - Conditional Use Application – Reconstruction of a Non-Conforming Structure
Brent & Sybill Brewer
Brewer Garage Reconstruction
19 North Street
Lisbon Falls, Me 04252
Map U04 Lot 103

8. OTHER BUSINESS - ROSI & ROSII Discussion
Applicant Requirements Discussion
9. CODE ENFORCEMENT OFFICER ITEMS –

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, but during 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 applicant or agents representing an applicant. Only participant comments may be considered in any notes taken for minutes of such meeting.
- **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 JUNE 08, 2023

William Kuhl, Chair- Regular 2023
Curtis Lunt, Vice Chair- Regular 2025
Christopher Huston- Regular 2025
Patrick Maloy - Regular 2024
Shaun Carr - Regular 2024
Dan Leeman - Associate 2025
Nicholas Craig - Associate 2024

- 1. CALL TO ORDER:** The Chairman, Mr. Kuhl called the meeting to order at 7:00 PM.
- 2. ROLL CALL:** Regular members present were William Kuhl, Shaun Carr, Chris Huston (arriving at 7:06pm) and Patrick Maloy. Associate Member Nicholas Craig was present as well. Also present were Mark Stambach, Code Enforcement Officer; Kate Burch, Lisbon's Contracted Planner; Councilor Fellows, Town Council Liaison and one audience member. Curt Lunt and Dan Leeman were excused.

3. REVIEW OF MEETING RULES:

The Chairman explained the meeting rules are located on the back of each agenda.

4. WRITTEN COMMUNICATIONS: Minutes of May 11, 2023

The meeting minutes of May 11, 2023 were distributed to all the members. The Chairman asked if there were corrections or additions.

VOTE: (2023-57) Mr. Carr, seconded by Mr. Maloy moved to approve the Minutes of May 11, 2023.

Vote: 3-0 Carried.

5. PUBLIC HEARINGS – NONE

6. UNFINISHED BUSINESS – Findings of Facts

Case #23-09 – Site Plan Review – Danto's Drywall

VOTE: (2023-58) Mr. Carr, seconded by Mr. Maloy moved to dispense with the reading of the Findings of Facts for Case #23-09 and insert it into the record as follows:

Case #23-09: Site Plan Review

Danto's Drywall
William J. Hubble
215 Lisbon Street
Lisbon, ME 04250
Map U19 Lot 101B

Findings of Fact

The applicant submitted a Site Plan Review application for a new use at the property referenced above. The use is office, storage, and vehicle storage for a drywall company.

The Planning Board first considered the applicant on April 27, 2023 and accepted the application as complete. On May 11, 2023 the Board conducted a Public Hearing. On May 11, 2023, the Planning Board approved the Site Plan Review.

Conclusions of Law

General Review Standards: Lisbon Code of Ordinances. Chapter 62, Site Plans

Performance Standards

1. Completed the Tier 2 Site Plan Review Checklists
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 Site Plan Review for Case #23-09 Danto's Drywall.

Vote 3-0 Carried.

Case #23-10 – Site Plan Review – Worumbo Waterfront Phase I

VOTE: (2023-59) Mr. Carr, seconded by Mr. Maloy moved to dispense with the reading of the Findings of Facts for Case #23-10 and insert it into the record as follows:

Case #23-10: Site Plan Review
Worumbo Waterfront Phase I
Town of Lisbon
1 Canal Street
Lisbon Falls, ME 04252
Map U05 Lot 014

Findings of Fact

The applicant submitted a Site Plan Review application for two projects planned for the Worumbo Waterfront site: to add additional safety lighting, as approved by the Lisbon Town Council last year, and to landscape with four inches of loam and grass.

The Planning Board first considered the applicant on April 27, 2023 and accepted the application as complete. On May 11, 2023 the Board conducted a Public Hearing. On May 11, 2023, the Planning Board approved the Site Plan Review with the following Conditions of Approval:

1. This approval is conditioned on the applicant receiving all necessary federal, state, and local approvals prior to construction.
2. Prior to the start of any site work, erosion and sedimentation control must be in place and inspected by the town Code Enforcement Officer or the CEO's designee.

Conclusions of Law

General Review Standards: Lisbon Code of Ordinances. Chapter 62, Site Plans

Performance Standards

1. Completed the Tier 2 Site Plan Review Checklists
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 Site Plan Review for Case #23-10 Worumbo Waterfront Phase I.

Vote: 3-0 Carried.

7. NEW BUSINESS – Lisbon CSG -Ricker Farms Solar Project – Permit Extension Request

47 Upland Road
Lisbon, Maine 04250
Tax Map R05 Lot 044

Nick Walsh, representing Dimension Energy, who is the Developer and will be the owner/operator of Lisbon CSG LLC. said this project was approved two years ago and has since been granted an extension. They are asking for another 1-year extension due to the fact that CMP has decided the transmission infrastructure is not robust enough after doing a study of what's needed for all the Solar Farm Projects. In order to upgrade their system, it would not be finished until 2027-2028. Mr. Walsh stated to keep this project moving forward, they can downsize the project from 3.125 Megawatts to 1 Megawatt, which would not require the transmission system upgrade.

Mr. Stambach asked if this would be a two phase project with them building the 1 Megawatt system and then upgrade to the 3.125 Megawatt system once CMP is done with the upgrades. Mr. Walsh said they are not planning on a Phase II project. Mr. Kuhl asked what the change would be of the footprint of the project. Mr. Walsh stated it will be reduced from the original 12.5 acres to a 4-5 acre range. Mr. Kuhl asked that they submit an updated plan of the project to the Code Enforcement Officer.

VOTE: (2023-60) Mr. Carr, seconded by Mr. Maloy moved to grant a one year extension to Lisbon CSG, LLC-Ricker Farms Solar Project.

Vote: 4-0 Carried.

Case #23-11 – Conditional Use Application

Rianne Morris
Little Orchid Daycare
20 Main St, Unit C
Lisbon Falls, Me 04252
Map U05 Lot 226\

VOTE: (2023-61) Mr. Carr, seconded by Mr. Huston moved to accept the application as complete and schedule a Public Hearing for July 27th, (corrected and set for June 22, 2023.)

Vote: 4-0 Carried.

8. OTHER BUSINESS – Case #23-08 Conditional Use Permit – Eric Schroeder- 428 Ridge Rd.

Mr. Kuhl stated the buyer that was associated with this project has withdrawn and suggested pulling the tabling of it and declining it.

VOTE: (2023-62) Mr. Carr, seconded by Mr. Maloy moved to decline the application for Case #23-08, Conditional Use Permit, 428 Ridge Road.

Vote: 4-0 Carried.

ROSI & ROSII Discussion

Ms. Burch presented the updated changes made as follows:

The purpose of this workshop is to review proposed zoning changes to implement maximum lot size regulations in ROS-I and ROS-II.

At the May 11, 2023 Workshop, the Planning Board discussed zoning updates to allow more residential development in these rural zones while still protecting the rural character and working lands of the area. The Board reviewed conventional subdivision, open space subdivision, and maximum lot size tools, and agreed to move forward with drafting maximum lot size regulations.

Current Zoning

The ROS-I zone allows limited residential development, requiring an Open Space Subdivision if the parcel is greater than 10 acres.

The ROS-II zone is intended to “to maintain the agriculture land base of Lisbon” while allowing limited residential development. New residential subdivisions are not allowed, back lots are not allowed, and all new residential lots must have driveways on existing public streets.

Current Dimensional Table for ROS-I and ROS-II

District	Minimum Lot Size/Density	Minimum Road Frontage	Minimum Shore Frontage	Minimum Front Setback	Shoreland Area	Minimum Side Setback	Minimum Rear Setback	Maximum Lot Coverage
Rural Open Space I				50' arterial, 35' collector, 25' minor	75'	25'	25'	
Single Family	100,000 SF	300'	300'					25%
Multi Family	60,000 SF per DU	300' (up to 4 DU); 300' + 75' per DU (over 4 DU)	300' (up to 4 DU); 300' + 75' per DU (over 4					25%
Agriculture/high-intensity farming	5 acres	300'	300'					20%
Other Uses	100,000 SF	300'	300'					25%
Rural Open Space II	60000 SF minimum; 100,000 SF maximum	Required frontage on an existing public road. The lot frontage to lot depth ratio shall be 1:1.5.	200'	50'	75'	25'	25'	20%

Proposed Ordinance Changes

New additions are underlined; suggested eliminations are ~~struck through~~.

Definitions

Agriculture means the production, keeping or maintenance for sale or lease of plants and/or animals, including but not limited to forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

Commercial farm means any parcel used for *agriculture* that meets at least one of the following conditions:

1. Eligible for or enrolled the current use taxation Farm and Open Space Tax Law (36 M.R.S. § § 1101 - 1121)
2. At least the minimum required farm income for the filing of an IRS Form-F of the landowner is derived from farm uses

Farm employee means any person who gains income from employment on a *commercial farm*.

Farm labor housing is a new or existing single or multi-family dwelling and/or other permanent structure converted into apartments, that is occupied by farm *employees* and their family members, on a *commercial farm*. Any housing occupied by the landowner or the landowner's family is not considered farm labor housing.

Division 5 – Rural Open Space District I

Sec. 70-352. - Permitted uses.

After the effective date of this amendment, no new residential building permits shall be issued for parcels larger than 1.5 acres, except to replace existing residences or for *farm labor housing* on a *commercial farm*.

Division 5A – Rural Open Space District II

Sec. 70-358. - Permitted uses.

After the effective date of this amendment, no new residential building permits shall be issued for parcels larger than 2 acres, except to replace existing residences or for *farm labor housing* on a *commercial farm*.

Sec. 70-361. - Dimensional requirements.

Lots in the rural open space II district shall meet or exceed the minimum requirements as identified in section 70-536 and the following (refer also to article VI of this chapter):

- (1) *Maximum coverage.* Maximum coverage of lot by structures in the rural open space district II shall not exceed 20 percent; except that high intensity farming shall not exceed 25 percent.

(2) ~~Lot standards. Lots shall comply with the following:~~

- ~~a. Lots shall have a minimum area of 60,000 square feet and a maximum area of 100,000 square feet.~~
- ~~b. After the effective date of this amendment, lots for residential use shall have the required frontage on an existing publically maintained road.~~
- ~~c. The lot frontage to lot depth ratio shall be 1:1.5.~~

Sec. 70-362. - Performance or land use standards.

Permitted uses and conditional uses in this division shall conform to the performance standards delineated in article VI of this chapter and the following:

(1) ~~After the effective date of this amendment, residential subdivisions are prohibited.~~

(2) After the effective date of this amendment, residential backlots are prohibited.

Proposed Dimensional Changes

District	Minimum Lot Size	Maximum Lot Size	Maximum Density	Minimum Road Frontage	Minimum Shore Frontage	Minimum Front Setback	Shoreland Area	Minimum Side Setback	Minimum Rear Setback	Maximum Lot Coverage
Rural Open Space I										
Residential/Other Uses	20,000 SF per DU; 20,000 SF	1.5 acres	1 unit per 5 acres	150'	150'	50' arterial, 35' collector, 25' minor	75'	25'	25'	20%
Agriculture/High-intensity	40,000 SF	none	1 unit per 5 acres	150'	150'		75'	25'	25'	25%
Rural Open Space II										
Residential/Other Uses	40,000 SF per DU; 40,000 SF	2 acres	1 unit per 10 acres	300'	300'	50'	75'	25'	25'	20%
Agriculture/High-intensity	40,000 SF	none	1 unit per 10 acres	150'	150'	50'	75'	25'	25'	25%

Maximum Lot Size Scenarios**ROS-I Scenario 1**ROS-I – 25 acre lot

Maximum lot size: 1.5 acres

Maximum density: 1 unit per 5 acres

Minimum road frontage: 150'



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

ROS-I Scenario 2ROS-I – 25 acre lot

Maximum lot size: 1.5 acres

Maximum density: 1 unit per 5 acres

Minimum road frontage: 300'

**ROS-I Scenario 3**ROS-I – 25 acre lot

Maximum lot size: 2 acres

Maximum density: 1 unit per 10 acres

Minimum road frontage: 300'



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

ROS-II Scenario 1**ROS-II – 60 acre lot**

Maximum lot size: 2 acres

Maximum density: 1 unit per 10 acres

Minimum road frontage: 300' on existing public road

**ROS-II Scenario 2****ROS-II – 60 acre lot**

Maximum lot size: 2 acres

Maximum density: 1 unit per 10 acres

Minimum road frontage: 300'



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

Mr. Craig asked with the ROSII Scenario 2, is there a requirement to keep the lots clustered or can the road be extended and the houses build off of that on multiple branches. Ms. Burch said not necessarily, but if the road was extended to allow for that it would be more costly, but language could be added to say that the added new lots need to be contiguous. She said the remaining land would have to remain contiguous. Councilor Fellows asked if it can be required that the subdivided lots be contiguous and not necessarily have to have existing road frontage. Ms. Burch said yes, she could add language to say multiple new lots have to be contiguous.

Mr. Craig said since the Board is eventually planning to combine ROSI & ROSII, should they be identical when they make the updates. The Board agreed.

Ms. Burch suggested setting the Minimum lot size to 1 acre and the Maximum lot size to 2 acres for residential. The Board suggested road Frontage of 150 feet.

Ms. Burch suggested the Maximum Density Unit for ROSI could be 1 Unit per 5 acres and ROSII could be 1 Unit per 10 acres. The Board stated they would like it to be 1 unit per 10 acres for both zones.

Ms. Burch said she will make the suggested changes and research the wording and bring it back to the Board for their approval. She said the next project she'll start working on is tweaking the Rt. 196 Design Standards to make it more consistent and more specific to be able to follow by the applicant and the Planning Board.

- 9. CODE ENFORCEMENT OFFICER** – Mr. Stambach made the Board aware of a business in town that has painted a mural on the side of their building. He said it didn't meet the Sign Ordinance because the name of the business, or what they do as a business is indicated in the Mural. The Ordinance states you can have art as long as it doesn't indicate the business use. After talking to the Town Attorney and Town Manager, it was determined that since the Art it is not intended to be construed or intended for commercial use, such as artistic, political, religious or Community Non Profit graphics or messages that it is allowed.

10. ADJOURNMENT

VOTE: (2023-63) Mr. Carr, seconded by Mr. Maloy moved to adjourn at 8:25 pm. **Vote: 4-0 Carried**

Respectfully Submitted: _____
Lisa B. Smith, Deputy Town Clerk
Date Approved: June 22, 2023

**Androscoggin-Sagadahoc Counties
Extension Association**

24 Main Street, Lisbon Falls, ME 04252
207.353.5550 1.800.287.1458 (in Maine)

June 21, 2023

Lisbon Planning Board
300 Lisbon St
Lisbon, ME 04250

Subject: Case #23-11

Dear Chairperson and Planning Board Members,

It has come to the attention of the Androscoggin Sagadahoc Counties Extension Association, as an abutter to the applicant for the Little Orchid Daycare Center, that they are hoping to open a daycare center next to us. We would like the planning board to know that a portion of the area we believe they are expecting to use as their playground may belong to the Association. We just learned of this recently and are attempting to sort out whether or not it is our property, and how far it extends. The board has had preliminary discussions about this matter, but at this time, if the property is ours we are not willing to commit to having it used as a playground for the daycare center.

Respectfully,


Jo-Jean Keller, Vice President

TAD \$150
CHECK 1005

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number: 23-11	Date Received: 5/24/23
Project Name:	Fee Paid (amount): \$150.00
Applicant:	



Town of Lisbon, Maine CONDITIONAL USE APPLICATION

Project Name/Title: Little Orchid Daycare

This application must be received at the Town Office by close of business on the **2nd Thursday of the month** to be considered at the regular Planning Board meeting on the 4th Thursday of the month. The applicant shall provide **10 copies** of the application form and all submission materials.

Applicant Information

2. Name of Applicant:

Address

Telephone

Rianne Morris

19 Spruce St, Sabattus ME 04280
(207) 754-8138

1. Name of Property Owner (if different):

Address

Telephone

Sarah Melendez

20 Main St, Unit C Lisbon Falls ME 04280
(207) 689-5076

3. Name of authorized agent (if different):

Address

Telephone

()

4. If applicant is a corporation, check if
licensed in Maine:

 No Yes

(if yes, attach a copy of State registration)

5. Person and address to which all correspondence regarding this application should be sent (if different):

Name

Address

Telephone

()

I have reviewed all submission requirements and completed the remaining pages of this application form.

☒ Attachments Checklist ☒ Waiver Request Form

To the best of my knowledge, all the information submitted in this application is complete and correct.

Rianne Morris

Signature of Applicant

Date

5/28/23

Application Number:

Project Name:

Property Information

6. Location of Property (Street or Road) 20 Main St, unit C

Register of Deeds

Book _____ Page _____

Lisbon Tax Maps

Map 405 Lot 226

7. What legal interest does the applicant/owner have in the property to be developed (fee ownership, option, purchase and sale contract, etc.)? Attach evidence of interest.

lease agreement

8. What interest does the applicant/owner have in any property abutting the parcel to be developed?

9. Are there any easements or restrictive covenants on the property to be developed?

____ Yes ☒ No If yes, please specify: _____

10. Current zoning of property: _____

Current use(s) of property: _____

11. Is any part of the project or property(s) in question part of an overlay zone?

____ Aquifer Protection Overlay

____ Wellhead Protection Overlay

11. Indicate if this property has previously been reviewed and/or permitted as part of a town-approved subdivision, site plan review, conditional use, floodplain development, or other planning board or appeals board review:

yes

Project Information

If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner.

12. Nature of the Project. Provide a brief description of the proposed project, including proposed use(s), proposed buildings and structures, proposed site work and other improvements to the property, or other information to familiarize the Planning Board with your application.

Daycare center providing care to infants
6 weeks to 2 year and toddlers age 2 to 4.

OFFICE USE ONLY – Conditional Use Application

Application Number:

Project Name:

Application Number:

Project Name:

Waiver Request Form Conditional Use Application

If anticipated, the applicant should indicate any requests for waivers of review standards or application submission requirements, to submit with the Conditional Use Application form.

Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of the Chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of the chapter are met.

Further, where the planning board makes written findings of fact that there are special circumstances of a particular application, it may waive portions of the application information requirements, unless otherwise indicated in this chapter, provided that the applicant has demonstrated that the standards of this chapter have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan of this chapter.

Applicants should take note that the planning board CANNOT waive or give variances on the following: a land use not allowed under the Lisbon Zoning Ordinance (see Section 70-531, Table of Land Uses), and dimensional requirements such as lot size/density, setbacks, frontage, etc. (see Section 70-536, Dimensional Requirements). Variances for dimensional requirements may be requested only through the Lisbon Board of Appeals.

1. Standard/requirement to be waived:

Need/reason for waiver:

2. Standard/requirement to be waived:

Need/reason for waiver:

3. Standard/requirement to be waived:

Need/reason for waiver:

4. Standard/requirement to be waived:

Need/reason for waiver:

Attach additional page(s) if necessary.

<i>OFFICE USE ONLY – Conditional Use Application</i>	
<i>Application Number:</i>	<i>Project Name:</i>

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Date Received:
Project Name:	Fee Paid (amount):
Applicant:	

Conditional Use Application

ATTACHMENTS CHECKLIST

REFERENCE Chapter 70-193(b), Lisbon Code of Ordinances

✓ or N/A		OFFICE USE ONLY
	Basic Required Attachments:	
	1. A complete set of plans in accordance with the submission requirements under section 66-52 (3) of the Town of Lisbon Subdivision Ordinance: <u>Preliminary Plan</u> . The preliminary plan and all application material shall be submitted in ten (10) copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The plan shall be drawn to a scale of not more than 100 feet to the inch.	
	2. If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner, 10 copies .	
	3. A statement addressing all of the applicable factors listed in section 70-194 of this Zoning Ordinance (10 copies): Factors applicable to conditional uses	
	A. <i>Primary factors.</i> In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon: <ul style="list-style-type: none"> i. <i>Health.</i> The maintenance of safe and healthful conditions. ii. <i>Pollution.</i> The prevention and control of water pollution and sedimentation. iii. <i>Building sites.</i> The control of building sites, placement of structures and land uses. iv. <i>Wildlife habitat.</i> The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. v. <i>Shore cover.</i> The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. 	
	B. <i>Additional factors.</i> The planning board shall also consider the following factors: <ul style="list-style-type: none"> i. <i>Compatibility with area.</i> The compatibility of the proposed use with adjacent land uses. ii. <i>Need.</i> The need of a particular location for the proposed use. iii. <i>Access.</i> Access to the site from existing or proposed roads. iv. <i>Flooding.</i> The location of the site with respect to floodplains and floodways of rivers or streams. 	

OFFICE USE ONLY – Conditional Use Application

Application Number:

Project Name:

	<p>v. <i>Waste disposal.</i> The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems.</p> <p>vi. <i>Impact on land and water.</i> The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.</p> <p>vii. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site.</p> <p>viii. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.</p> <p>ix. <i>Transportation.</i> The impact of the proposed use on transportation facilities.</p> <p>x. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities.</p> <p>xi. <i>Water supply.</i> The impact of the proposed use on local water supplies.</p>	
	Possible Additional Attachments:	
	<i>In order to secure information upon which to base its determination, the planning board may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:</i>	
	1. <i>Contours; groundwater; bedrock; slope; vegetation.</i> A plan of the area showing contours at intervals to be determined by the planning board and referred to mean sea level, normal high water elevation, groundwater conditions, bedrock, slope and vegetative cover.	
	2. <i>Soils.</i> A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification.	
	3. <i>Buildings; access; open space.</i> Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.	
	4. <i>Sewage; water.</i> Plans of buildings, sewage disposal facilities, and water supply systems.	
	5. <i>Technical assistance.</i> Other pertinent information necessary to determine if the proposed use meets the provisions of this chapter. In evaluating each application, the planning board may request the assistance of the regional planning commission, county soil and water conservation district, and any other state or federal agency which can provide technical assistance.	
	6. <i>Access management.</i> If the project includes new or existing driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road, it shall be subject to the requirements of Chpt. 46-134 Access Management. The applicant is required to apply for review and permit for driveway access according to this ordinance.	

<i>OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)</i>	
<i>Application Number:</i>	<i>Date Received:</i>
<i>Project Name:</i>	<i>Fee Paid (amount):</i>
<i>Applicant:</i>	

Conditional Use Review Planning Board Procedure Checklist

<i>Date Completed</i>	
	1. Initial application received (10 copies), payment of fee(s)
	2. (a) Code Enforcement Officer determines submission complete, go to #6 (b) OR may be referred to Planning Board to review for completeness
	3. Schedule initial review meeting with Planning Board (to review application and determine completeness)
	4. Refer application submission to appropriate staff for review or additional information, as appropriate
	5. At review meeting, PB determine if additional submission materials needed, determine if complete, provide written notice
	6. Schedule public hearing at least 14 days after notice of completeness or receipt of complete submission; abutters must be provided with a notice of receipt of an application and date of public hearing (and site visit if applicable) by mail at least 7 days before the hearing
	7. Notice of filing of an application and notice of scheduled public hearing, published by newspaper at least 7 days before the hearing; include notice of scheduled site visit if applicable
	8. Planning Board site visit (optional)
	9. Public hearing held: (a) applicant presentation, (b) staff comments/ presentation, (c) public comment
	10. Planning Board review of application and decision (approve, approve with conditions, deny) – <i>does not have to be same meeting as hearing</i>
	11. Provide applicant and abutters with written notice of decision, including reasons for decision, within 20 days of the public hearing.

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

Conditional Use Permit Review Applicant Procedure Checklist

Date completed	Please refer any questions regarding the procedure to appropriate town staff.
	1. Submit Application to Town Office (Code Enforcement Officer), by the 2nd Thursday of the month: <ol style="list-style-type: none"> Complete application form and prepare all required submission materials (see checklist), provide 10 copies of all forms and materials; Applicant must pay any required fee(s) at time of submission; Schedule an initial submission review meeting with Planning Board (regular meetings are 4th Thursdays of the month).
	2. Attend first Planning Board meeting, initial application review: <ol style="list-style-type: none"> Planning board will review the submitted materials, including any requests for waivers, and make a determination if the submission is complete or if additional materials must be provided; If Board determines submission is complete, applicant will be provided with a written notice; if submission is not complete, Board will specify additional materials needed, applicant must provide additional materials to the Code Enforcement Officer and will then be issued a written notice of completeness; A public hearing with the Planning Board will be scheduled within 14 days of issuance of written notice of completeness; the Town will send notices to all abutters and publish a public notice of scheduled hearing; Board may request a site visit prior to the public hearing; Application will be referred to appropriate town departments/staff as appropriate, prior to public hearing.
	3. Optional site visit: If a site visit is scheduled, the Town shall publish notice of the site visit; the applicant shall be present at the Board site visit.
	4. Attend public hearing: <ol style="list-style-type: none"> Applicant (or representative) will be allowed a brief presentation; Town staff will present any comments; Public hearing will be opened, Board will make a note of all public and abutter comments; Upon close of public hearing, no further comment or discussion from the public or applicant shall be entertained; the Board will decide whether to conduct their review and decision immediately after the hearing, or may table the application review to a second meeting (held within two weeks of the public hearing);

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

	<p>5. Planning Board Review (may be a separate meeting from the hearing):</p> <p>a. Planning Board shall conduct a review of the proposed conditional use based on the standards and requirements of town ordinance(s) (see Conditional Use Permit Standards Checklist);</p> <p>b. The Board shall make a decision to (a) approve, (b) approve with conditions, or(c) deny the proposed conditional use, and will indicate any specific conditions and requirements of approval in its written notice of decision.</p>
	<p>6. Written notice of decision:</p> <p>The Town shall provide the applicant and abutters with a written notice of the decision, including reasons for decision and any conditions (must be provided within 20 days of the public hearing).</p>
	<p>7. Issuance of permits and compliance with conditions:</p> <p>Upon issuance of a written decision to approve, the applicant may obtain appropriate permit(s) from the Code Enforcement Officer; the applicant will be required to comply with all conditions specified in the written decision.</p>

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Date Received:
Project Name:	Fee Paid (amount):
Applicant:	

Conditional Use Permit Standards Checklist

Waivers. Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of this chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of this chapter are met.

Sec. 70-194. - Factors applicable to conditional uses

(a) **Primary factors.** In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	1. <i>Health.</i> The maintenance of safe and healthful conditions. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	2. <i>Pollution.</i> The prevention and control of water pollution and sedimentation. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	3. <i>Building sites.</i> The control of building sites, placement of structures and land uses. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	4. <i>Wildlife habitat.</i> The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	5. <i>Shore cover.</i> The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. Conditions:

Application Number:

Project Name:

(b) **Additional factors.** The planning board shall also consider the following factors:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p>1. <i>Compatibility with area.</i> The compatibility of the proposed use with adjacent land uses.</p> <p>Conditions:</p>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p>2. <i>Need.</i> The need of a particular location for the proposed use.</p> <p>Conditions:</p>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p>3. <i>Access.</i> Access to the site from existing or proposed roads.</p> <p>Conditions:</p>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p>4. <i>Flooding.</i> The location of the site with respect to floodplains and floodways of rivers or streams.</p> <p>Conditions:</p>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p>5. <i>Waste disposal.</i> The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems.</p> <p>Conditions:</p>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p>6. <i>Impact on land and water.</i> The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.</p> <p>Conditions:</p>

Application Number:

Project Name:

Met	Not	Waived	7. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions:
Met	Not	Waived	8. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions:
Met	Not	Waived	9. <i>Transportation.</i> The impact of the proposed use on transportation facilities.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions:
Met	Not	Waived	10. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions:
Met	Not	Waived	11. <i>Water supply.</i> The impact of the proposed use on local water supplies.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions:

Additional conditions list, next page.

Application Number:

Project Name:

Sec. 70-195. - Conditions attached to conditional uses

Additional conditions. Upon consideration of the factors listed in section 70-194, the planning board may attach such conditions, in addition to those required elsewhere in this chapter, that it finds necessary to further the purposes of this chapter. Such conditions may include, but are not limited to specifications for:

Additional Factors	Conditions
Type of vegetation:	
Increased setbacks and yards:	
Specified sewage disposal and water supply facilities:	
Landscaping and planting screens:	
Period of operation:	
Operational controls:	
Professional inspection and maintenance:	
Sureties:	
Deed restrictions:	
Restrictive covenants:	
Locations of piers, docks, parking and signs, type of construction:	
Any other conditions necessary to fulfill the purpose of the conditional use chapter:	

Site Plan Review

Local Ordinances Checklist:

This checklist is provided to ensure that all municipal ordinances have been considered for applicability and that appropriate standards are met.

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Table of Land Uses, Table of Dimensional Requirements. Chapter 70, Article IV, Division 13 and Division 14 <i>These tables list all permitted and non-permitted land uses by zone/district, and indicate dimensional requirements (lot size, density, frontage, setbacks) by zone.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Manufactured Housing, Mobile Homes and Trailers, [Parks]. Chapter 22, Article II <i>No manufactured housing, house trailer or mobile home park shall be established in the town except upon application to the planning board and the town council.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Entrances onto Public Ways. Chapter 46, Article V <i>Any new entrance onto a public way requires a permit and must meet specified standards. Access Management (Sec. 46-134): This chapter includes specific standards and permitting for driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Building Code. Chapter 54, Article II <i>In accordance with 25 M.R.S. §2373, the Town of Lisbon has adopted the mandatory standards and regulations of the Maine Uniform Building and Energy Code (MUBEC), ASHRAE 62.1-2013, ASHRAE 62.2-2013, ASHRAE 90.1-2013, ASTM E-1465-08.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Floodplain Management. Chapter 58, Article II <i>Land uses within any special flood hazard areas (Zones A and A1-30 identified by FEMA) are subject to evaluation and to land use and control measures to reduce future flood impacts, in accordance with the National Flood Insurance Program.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Shoreland Zoning. <i>The standards and provisions of shoreland zoning apply to any development, structure, or land use activities in land areas within 250 feet horizontal distance of (1) the normal high-water line or any great pond or river, (2) the upland edge of a coastal wetland, (3) the upland edge of a freshwater wetland, (4) all land areas within 75 feet horizontal distance of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a</i>

OFFICE USE ONLY – Conditional Use Application

Application Number:

Project Name:

			dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Site Plan Review. Chapter 62, Article I Commercial, industrial and institutional development, including and multifamily that is not considered to be a subdivision under 30-A M.R.S.A. § 4401, must meet the standards of this chapter to ensure that the development occurs in a manner which minimizes adverse effects on public facilities, the environment and neighboring uses.
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Subdivisions. Chapter 66, Article I All subdivisions are subject to review and must meet the standards and provisions of this chapter according to state statute 30-A M.R.S.A. § 4401. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period beginning on or after September 23, 1971, including the creation of or division of structure(s) to have 3 or more dwelling units within a 5-year period, or conversion from a non-residential use to residential creating 3 or more dwelling units. Subdivisions in ROS Districts: All subdivisions in ROS zones greater than 10 acres must meet the Open Space Subdivision standards. Open Space Subdivisions: This chapter includes specific provisions to allow for open space preservation through increased flexibility in subdivision standards and requirements.
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Groundwater & Wellhead Protection. Chapter 70, Article V, Division 2 Includes special regulations to protect the town's sensitive sand and gravel aquifers and public drinking water supplies (wellheads) from development impacts, based on the mapped overlay zones.
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Supplementary Zoning Regulations. Chapter 70, Article VI, Division I Includes additional regulations for the following: <ul style="list-style-type: none"> • Accessory buildings • Agriculture • Campgrounds • Filling, grading, dredging, earth moving • High-intensity farming • Home occupations • Sanitation • Drainage • Conversion of existing building to multi-unit housing • Water quality • Archeological sites • Roads and driveways • Essential services

OFFICE USE ONLY – Conditional Use Application

Application Number:

Project Name:

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Rear Lots. Chapter 70, Article VI, Division 2, Sec. 70-641 <i>The creation of a rear lot may be permitted through conditional use review, and must meet the requirements within this section.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Off-Street Parking and Loading. Chapter 70, Article VI, Division 3 <i>Includes standards for the provision of off-street parking and loading areas, excluding single-family and duplex units.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Marine Structures. Chapter 70, Article VI, Division 4 <i>Includes standards for piers, docks or other shoreline construction. (See also Shoreland Zoning.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Signs. Chapter 70, Article VI, Division 5 <i>Includes standards for all public and private signage. (See also Table of Land Uses, Chapter 70, Article IV, Division 13, for permitted zones.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Timber Harvesting and Clearing Vegetation. Chapter 70, Article VI, Division 6 <i>Includes standards for all timber harvesting within 250 feet horizontal distance of the normal high-water line of a river or the upland edge of a freshwater wetland, or within 75 feet of the normal high-water line of a stream.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Planned Unit or Cluster Development. Chapter 70, Article VI, Division 7 <i>Specific provisions applying to a planned development under unified management, planned and developed as a whole according to comprehensive and detailed plans.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Expansion of Sand and Gravel Mining within Aquifer Protection Overlay District. Chapter 70, Article VI, Division 9 <i>Standards applying to overlay district zones 2 or 3, zone 1 expansions not permitted.</i>

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

Conditional Use Permit Standards Checklist

Waivers. Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of this chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of this chapter are met.

Sec. 70-194. - Factors applicable to conditional uses

(c) **Primary factors.** In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	6. <i>Health.</i> The maintenance of safe and healthful conditions. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	7. <i>Pollution.</i> The prevention and control of water pollution and sedimentation. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	8. <i>Building sites.</i> The control of building sites, placement of structures and land uses. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	9. <i>Wildlife habitat.</i> The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	10. <i>Shore cover.</i> The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. Conditions:

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

(d) Additional factors. The planning board shall also consider the following factors:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	12. <i>Compatibility with area.</i> The compatibility of the proposed use with adjacent land uses. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	13. <i>Need.</i> The need of a particular location for the proposed use. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	14. <i>Access.</i> Access to the site from existing or proposed roads. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	15. <i>Flooding.</i> The location of the site with respect to floodplains and floodways of rivers or streams. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	16. <i>Waste disposal.</i> The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	17. <i>Impact on land and water.</i> The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	18. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site. Conditions:

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	19. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	20. <i>Transportation.</i> The impact of the proposed use on transportation facilities. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	21. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	22. <i>Water supply.</i> The impact of the proposed use on local water supplies. Conditions:

Additional conditions list, next page.

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

Sec. 70-195. - Conditions attached to conditional uses

Additional conditions. Upon consideration of the factors listed in section 70-194, the planning board may attach such conditions, in addition to those required elsewhere in this chapter, that it finds necessary to further the purposes of this chapter. Such conditions may include, but are not limited to specifications for:

Additional Factors	Conditions
Type of vegetation:	
Increased setbacks and yards:	
Specified sewage disposal and water supply facilities:	
Landscaping and planting screens:	
Period of operation:	
Operational controls:	
Professional inspection and maintenance:	
Sureties:	
Deed restrictions:	
Restrictive covenants:	
Locations of piers, docks, parking and signs, type of construction:	
Any other conditions necessary to fulfill the purpose of the conditional use chapter:	

For informational purposes, applicant not required to submit this form.

Site Plan Review

Local Ordinances Checklist:

This checklist is provided to ensure that all municipal ordinances have been considered for applicability and that appropriate standards are met. Full ordinance text available on the Town website or at the town office. Applicants are encouraged to contact Code Enforcement to review applicability of any special standards or provisions under the Lisbon Code of Ordinances to their project.

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Table of Land Uses, Table of Dimensional Requirements. Chapter 70, Article IV, Division 13 and Division 14 <i>These tables list all permitted and non-permitted land uses by zone/district, and indicate dimensional requirements (lot size, density, frontage, setbacks) by zone.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Manufactured Housing, Mobile Homes and Trailers, [Parks]. Chapter 22, Article II <i>No manufactured housing, house trailer or mobile home park shall be established in the town except upon application to the planning board and the town council.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Entrances onto Public Ways. Chapter 46, Article V <i>Any new entrance onto a public way requires a permit and must meet specified standards. Access Management (Sec. 46-134): This chapter includes specific standards and permitting for driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Building Code. Chapter 54, Article II <i>In accordance with 25 M.R.S. §2373, the Town of Lisbon has adopted the mandatory standards and regulations of the Maine Uniform Building and Energy Code (MUBEC), ASHRAE 62.1-2013, ASHRAE 62.2-2013, ASHRAE 90.1-2013, ASTM E-1465-08.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Floodplain Management. Chapter 58, Article II <i>Land uses within any special flood hazard areas (Zones A and A1-30 identified by FEMA) are subject to evaluation and to land use and control measures to reduce future flood impacts, in accordance with the National Flood Insurance Program.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Shoreland Zoning. <i>The standards and provisions of shoreland zoning apply to any development, structure, or land use activities in land areas within 250 feet horizontal distance of (1) the normal high-water line or any great pond or river, (2) the upland edge of a coastal wetland, (3) the upland edge of a freshwater wetland, (4) all land areas within 75 feet horizontal distance of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.</i>

For informational purposes, applicant not required to submit this form.

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Site Plan Review. Chapter 62, Article I <i>Commercial, industrial and institutional development, including and multifamily that is not considered to be a subdivision under 30-A M.R.S.A. § 4401, must meet the standards of this chapter to ensure that the development occurs in a manner which minimizes adverse effects on public facilities, the environment and neighboring uses.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Subdivisions. Chapter 66, Article I <i>All subdivisions are subject to review and must meet the standards and provisions of this chapter according to state statute 30-A M.R.S.A. § 4401. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period beginning on or after September 23, 1971, including the creation of or division of structure(s) to have 3 or more dwelling units within a 5-year period, or conversion from a non-residential use to residential creating 3 or more dwelling units. Subdivisions in ROS Districts: All subdivisions in ROS zones greater than 10 acres must meet the Open Space Subdivision standards. Open Space Subdivisions: This chapter includes specific provisions to allow for open space preservation through increased flexibility in subdivision standards and requirements.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Groundwater & Wellhead Protection. Chapter 70, Article V, Division 2 <i>Includes special regulations to protect the town's sensitive sand and gravel aquifers and public drinking water supplies (wellheads) from development impacts, based on the mapped overlay zones.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Supplementary Zoning Regulations. Chapter 70, Article VI, Division I <i>Includes additional regulations for the following:</i> <ul style="list-style-type: none"> • Accessory buildings • Agriculture • Campgrounds • Filling, grading, dredging, earth moving • High-intensity farming • Home occupations • Sanitation • Drainage • Conversion of existing building to multi-unit housing • Water quality • Archeological sites • Roads and driveways • Essential services
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Rear Lots. Chapter 70, Article VI, Division 2, Sec. 70-641 <i>The creation of a rear lot may be permitted through conditional use review, and must meet the requirements within this section.</i>

For informational purposes, applicant not required to submit this form.

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Off-Street Parking and Loading. Chapter 70, Article VI, Division 3 <i>Includes standards for the provision of off-street parking and loading areas, excluding single-family and duplex units.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Marine Structures. Chapter 70, Article VI, Division 4 <i>Includes standards for piers, docks or other shoreline construction. (See also Shoreland Zoning.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Signs. Chapter 70, Article VI, Division 5 <i>Includes standards for all public and private signage. (See also Table of Land Uses, Chapter 70, Article IV, Division 13, for permitted zones.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Timber Harvesting and Clearing Vegetation. Chapter 70, Article VI, Division 6 <i>Includes standards for all timber harvesting within 250 feet horizontal distance of the normal high-water line of a river or the upland edge of a freshwater wetland, or within 75 feet of the normal high-water line of a stream.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Planned Unit or Cluster Development. Chapter 70, Article VI, Division 7 <i>Specific provisions applying to a planned development under unified management, planned and developed as a whole according to comprehensive and detailed plans.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Expansion of Sand and Gravel Mining within Aquifer Protection Overlay District. Chapter 70, Article VI, Division 9 <i>Standards applying to overlay district zones 2 or 3, zone 1 expansions not permitted.</i>

<i>OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)</i>	
<i>Application Number:</i>	<i>Date Received:</i>
<i>Project Name:</i>	<i>Fee Paid (amount):</i>
<i>Applicant:</i>	

OFFICE USE ONLY:

Conditional Use Final Planning Board Decision

Page 1 of 2

- ☐ Application approved
☐ Application approved with conditions
☐ Application denied

See written decision and conditions, next page.

Planning Board Signatures:

Signature of Planning Board Member

Date

Signature of Planning Board Member

Date

Signature of Planning Board Member

Date

Signature of Planning Board Member

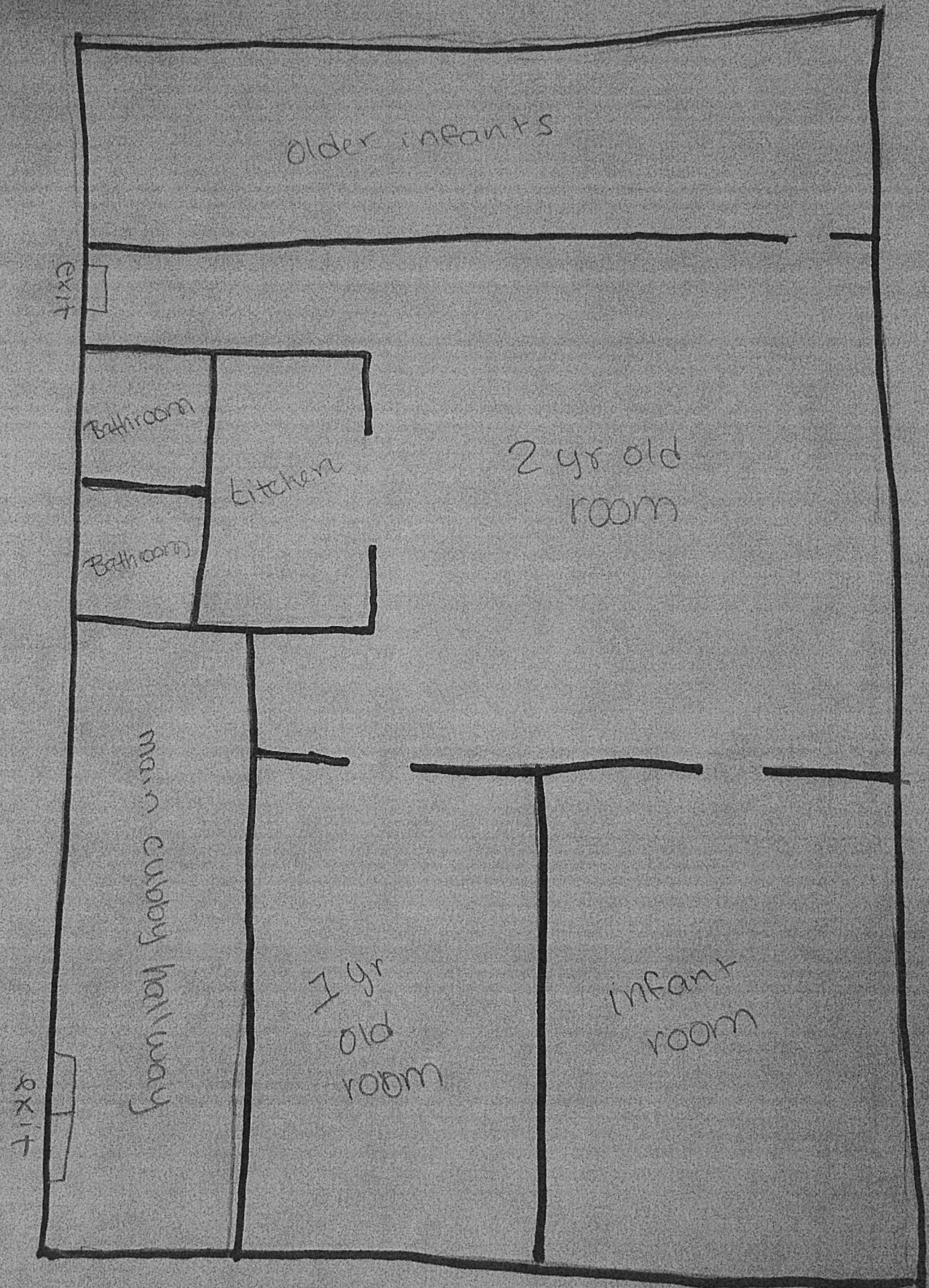
Date

Signature of Planning Board Member

Date

A conditional use permit secured under the provisions of this article by vote of the planning board shall expire if the work or change involved is not commenced within one year of the date on which the conditional use is authorized, and if the work or change is not substantially completed within two years

<i>OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)</i>	
<i>Application Number:</i>	<i>Date Received:</i>
<i>Project Name:</i>	<i>Fee Paid (amount):</i>
<i>Applicant:</i>	



PAID CHECK # 670
6/8/23

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number: 23-12	Date Received: 6/8/23
Project Name:	Fee Paid (amount): \$150.00
Applicant:	



Town of Lisbon, Maine CONDITIONAL USE APPLICATION

Project Name/Title: Park Street Friends

This application must be received at the Town Office by close of business on the 2nd Thursday of the month to be considered at the regular Planning Board meeting on the 4th Thursday of the month. The applicant shall provide **10 copies** of the application form and all submission materials.

Applicant Information

2. Name of Applicant:

Address

Telephone

Heidi Stuart + Meghan Stuart
7 Park St Lisbon ME 04250
(207) 376-6402

1. Name of Property Owner (if different):

Address

Telephone

Heidi Stuart

()

3. Name of authorized agent (if different):

Address

Telephone

N/A

()

4. If applicant is a corporation, check if
licensed in Maine:

☒ No ☐ Yes

(if yes, attach a copy of State registration)

5. Person and address to which all correspondence regarding this application should be sent (if different):

Name

Address

Telephone

N/A

()

I have reviewed all submission requirements and completed the remaining pages of this application form.

☒ Attachments Checklist

☒ Waiver Request Form

To the best of my knowledge, all the information submitted in this application is complete and correct.

Heidi Stuart
Signature of Applicant Meghan Stuart

6/8/23
Date

Property Information

6. Location of Property (Street or Road) 7 Park St Lisbon ME 04250

☒ Register of Deeds

Book 9797 Page 130

Lisbon Tax Maps

Map 019 Lot 75

7. What legal interest does the applicant/owner have in the property to be developed (fee ownership, option, purchase and sale contract, etc.)? Attach evidence of interest.

N/A

8. What interest does the applicant/owner have in any property abutting the parcel to be developed?

N/A

9. Are there any easements or restrictive covenants on the property to be developed?
____ Yes ☒ No If yes, please specify: _____

10. Current zoning of property:

General Residential

☒ Current use(s) of property:

SFH

☒ 11. Is any part of the project or property(s) in question part of an overlay zone?

☒ Aquifer Protection Overlay

____ Wellhead Protection Overlay

11. Indicate if this property has previously been reviewed and/or permitted as part of a town-approved subdivision, site plan review, conditional use, floodplain development, or other planning board or appeals board review:

N/A

Project Information

If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner.

12. Nature of the Project. Provide a brief description of the proposed project, including proposed use(s), proposed buildings and structures, proposed site work and other improvements to the property, or other information to familiarize the Planning Board with your application.

In home childcare serving ages 6w-12 years

DP TO 12

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Project Name:

Waiver Request Form

Conditional Use Application

If anticipated, the applicant should indicate any requests for waivers of review standards or application submission requirements, to submit with the Conditional Use Application form.

Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of the Chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of the chapter are met.

Further, where the planning board makes written findings of fact that there are special circumstances of a particular application, it may waive portions of the application information requirements, unless otherwise indicated in this chapter, provided that the applicant has demonstrated that the standards of this chapter have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan of this chapter.

Applicants should take note that the planning board CANNOT waive or give variances on the following: a land use not allowed under the Lisbon Zoning Ordinance (see Section 70-531, Table of Land Uses), and dimensional requirements such as lot size/density, setbacks, frontage, etc. (see Section 70-536, Dimensional Requirements). Variances for dimensional requirements may be requested only through the Lisbon Board of Appeals.

1. Standard/requirement to be waived: _____
 Need/reason for waiver: _____

2. Standard/requirement to be waived: _____
 Need/reason for waiver: _____

3. Standard/requirement to be waived: _____
 Need/reason for waiver: _____

4. Standard/requirement to be waived: _____
 Need/reason for waiver: _____

Attach additional page(s) if necessary.

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Date Received:
Project Name:	Fee Paid (amount):
Applicant:	

Conditional Use Application ATTACHMENTS CHECKLIST

REFERENCE Chapter 70-193(b), Lisbon Code of Ordinances

✓ or N/A		OFFICE USE ONLY
	Basic Required Attachments:	
	1. A complete set of plans in accordance with the submission requirements under section 66-52 (3) of the Town of Lisbon Subdivision Ordinance: <u>Preliminary Plan</u> . The preliminary plan and all application material shall be submitted in ten (10) copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The plan shall be drawn to a scale of not more than 100 feet to the inch.	
N/A	2. If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner, 10 copies .	
	3. A statement addressing all of the applicable factors listed in section 70-194 of this Zoning Ordinance (10 copies):	
	Factors applicable to conditional uses	
	A. Primary factors. In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon: <ul style="list-style-type: none"> i. Health. The maintenance of safe and healthful conditions. ii. Pollution. The prevention and control of water pollution and sedimentation. iii. Building sites. The control of building sites, placement of structures and land uses. iv. Wildlife habitat. The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. v. Shore cover. The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. 	
	B. Additional factors. The planning board shall also consider the following factors: <ul style="list-style-type: none"> i. Compatibility with area. The compatibility of the proposed use with adjacent land uses. ii. Need. The need of a particular location for the proposed use. iii. Access. Access to the site from existing or proposed roads. iv. Flooding. The location of the site with respect to floodplains and floodways of rivers or streams. v. Waste disposal. The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems. 	

OFFICE USE ONLY – Conditional Use Application

Application Number:

Project Name:

	<p>vi. <i>Impact on land and water.</i> The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.</p> <p>vii. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site.</p> <p>viii. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.</p> <p>ix. <i>Transportation.</i> The impact of the proposed use on transportation facilities.</p> <p>x. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities.</p> <p>xi. <i>Water supply.</i> The impact of the proposed use on local water supplies.</p>	
	Possible Additional Attachments:	
	<i>In order to secure information upon which to base its determination, the planning board may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:</i>	
	1. <i>Contours; groundwater; bedrock; slope; vegetation.</i> A plan of the area showing contours at intervals to be determined by the planning board and referred to mean sea level, normal high water elevation, groundwater conditions, bedrock, slope and vegetative cover.	
	2. <i>Soils.</i> A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification.	
	3. <i>Buildings; access; open space.</i> Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.	
	4. <i>Sewage; water.</i> Plans of buildings, sewage disposal facilities, and water supply systems.	
	5. <i>Technical assistance.</i> Other pertinent information necessary to determine if the proposed use meets the provisions of this chapter. In evaluating each application, the planning board may request the assistance of the regional planning commission, county soil and water conservation district, and any other state or federal agency which can provide technical assistance.	
	6. <i>Access management.</i> If the project includes new or existing driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road, it shall be subject to the requirements of Chpt. 46-134 Access Management. The applicant is required to apply for review and permit for driveway access according to this ordinance.	

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

Conditional Use Permit Review Applicant Procedure Checklist

<i>Date completed</i>	<i>Please refer any questions regarding the procedure to appropriate town staff.</i>
	<p>1. Submit Application to Town Office (Code Enforcement Officer), by the 2nd Thursday of the month:</p> <ul style="list-style-type: none"> a. Complete application form and prepare all required submission materials (see checklist), provide 10 copies of all forms and materials; b. Applicant must pay any required fee(s) at time of submission; c. Schedule an initial submission review meeting with Planning Board (regular meetings are 4th Thursdays of the month).
	<p>2. Attend first Planning Board meeting, initial application review:</p> <ul style="list-style-type: none"> a. Planning board will review the submitted materials, including any requests for waivers, and make a determination if the submission is complete or if additional materials must be provided; b. If Board determines submission is complete, applicant will be provided with a written notice; if submission is not complete, Board will specify additional materials needed, applicant must provide additional materials to the Code Enforcement Officer and will then be issued a written notice of completeness; c. A public hearing with the Planning Board will be scheduled within 14 days of issuance of written notice of completeness; the Town will send notices to all abutters and publish a public notice of scheduled hearing; d. Board may request a site visit prior to the public hearing; e. Application will be referred to appropriate town departments/staff as appropriate, prior to public hearing.
	<p>3. Optional site visit:</p> <p>If a site visit is scheduled, the Town shall publish notice of the site visit; the applicant shall be present at the Board site visit.</p>
	<p>4. Attend public hearing:</p> <ul style="list-style-type: none"> a. Applicant (or representative) will be allowed a brief presentation; b. Town staff will present any comments; c. Public hearing will be opened, Board will make a note of all public and abutter comments; d. Upon close of public hearing, no further comment or discussion from the public or applicant shall be entertained; the Board will decide whether to conduct their review and decision immediately after the hearing, or may table the application review to a second meeting (held within two weeks of the public hearing);

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

	<p>5. Planning Board Review (may be a separate meeting from the hearing):</p> <p>a. Planning Board shall conduct a review of the proposed conditional use based on the standards and requirements of town ordinance(s) (see Conditional Use Permit Standards Checklist);</p> <p>b. The Board shall make a decision to (a) approve, (b) approve with conditions, or (c) deny the proposed conditional use, and will indicate any specific conditions and requirements of approval in its written notice of decision.</p>
	<p>6. Written notice of decision:</p> <p>The Town shall provide the applicant and abutters with a written notice of the decision, including reasons for decision and any conditions (must be provided within 20 days of the public hearing).</p>
	<p>7. Issuance of permits and compliance with conditions:</p> <p>Upon issuance of a written decision to approve, the applicant may obtain appropriate permit(s) from the Code Enforcement Officer; the applicant will be required to comply with all conditions specified in the written decision.</p>

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

Conditional Use Permit Standards Checklist

Waivers. Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of this chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of this chapter are met.

Sec. 70-194. - Factors applicable to conditional uses

(c) **Primary factors.** In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	6. <i>Health.</i> The maintenance of safe and healthful conditions. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	7. <i>Pollution.</i> The prevention and control of water pollution and sedimentation. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	8. <i>Building sites.</i> The control of building sites, placement of structures and land uses. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	9. <i>Wildlife habitat.</i> The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	10. <i>Shore cover.</i> The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. Conditions:

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	19. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	20. <i>Transportation.</i> The impact of the proposed use on transportation facilities. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	21. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	22. <i>Water supply.</i> The impact of the proposed use on local water supplies. Conditions:

Additional conditions list, next page.

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

Sec. 70-195. - Conditions attached to conditional uses

Additional conditions. Upon consideration of the factors listed in section 70-194, the planning board may attach such conditions, in addition to those required elsewhere in this chapter, that it finds necessary to further the purposes of this chapter. Such conditions may include, but are not limited to specifications for:

Additional Factors	Conditions
Type of vegetation:	
Increased setbacks and yards:	
Specified sewage disposal and water supply facilities:	
Landscaping and planting screens:	
Period of operation:	
Operational controls:	
Professional inspection and maintenance:	
Sureties:	
Deed restrictions:	
Restrictive covenants:	
Locations of piers, docks, parking and signs, type of construction:	
Any other conditions necessary to fulfill the purpose of the conditional use chapter:	

For informational purposes, applicant not required to submit this form.

Site Plan Review

Local Ordinances Checklist:

This checklist is provided to ensure that all municipal ordinances have been considered for applicability and that appropriate standards are met. Full ordinance text available on the Town website or at the town office. **Applicants are encouraged to contact Code Enforcement to review applicability of any special standards or provisions under the Lisbon Code of Ordinances to their project.**

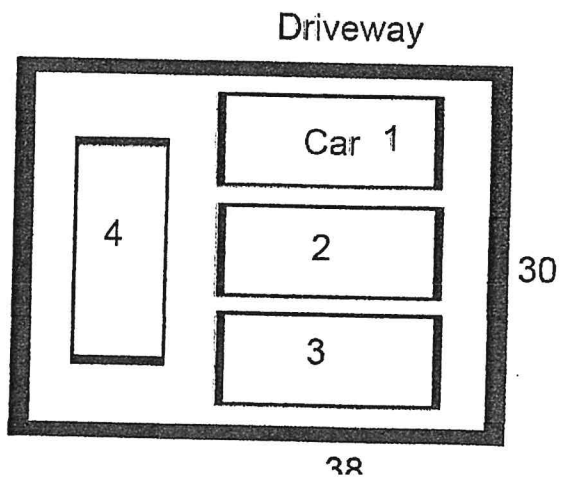
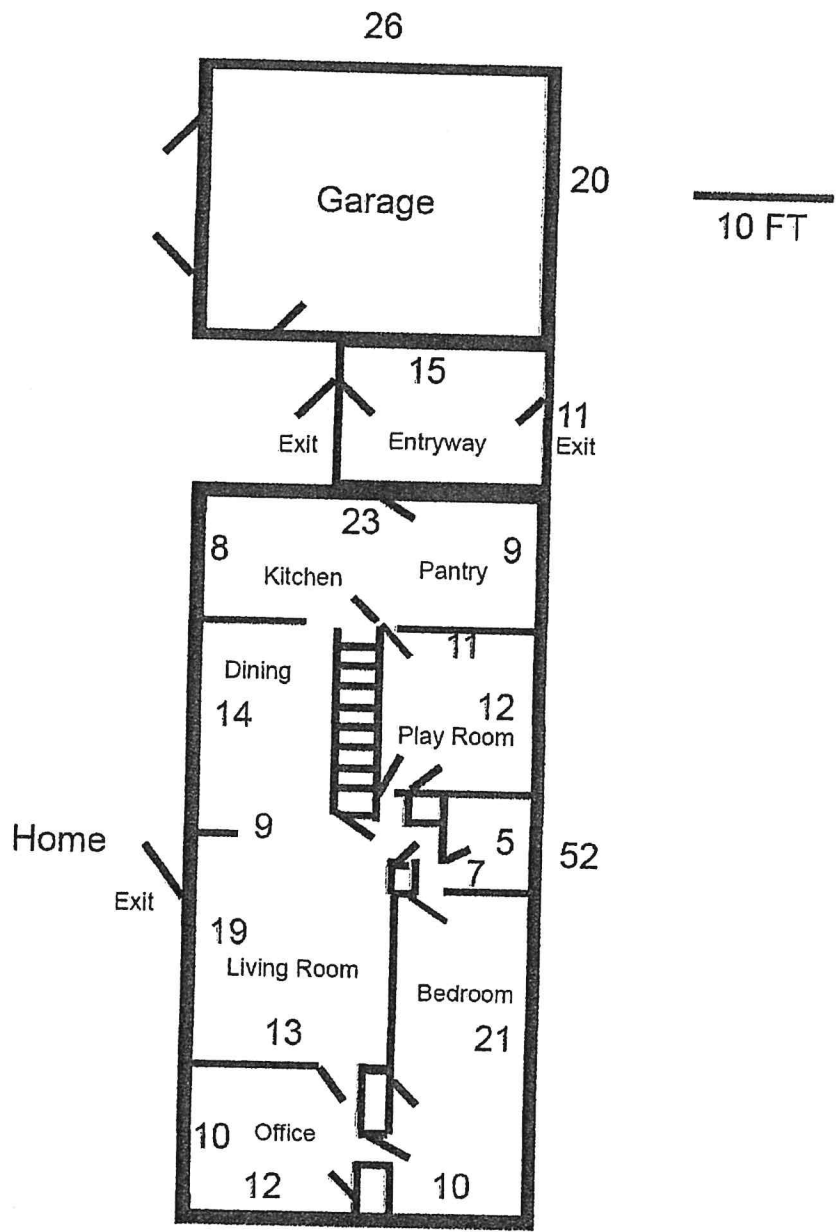
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Table of Land Uses, Table of Dimensional Requirements. Chapter 70, Article IV, Division 13 and Division 14 <i>These tables list all permitted and non-permitted land uses by zone/district, and indicate dimensional requirements (lot size, density, frontage, setbacks) by zone.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Manufactured Housing, Mobile Homes and Trailers, [Parks]. Chapter 22, Article II <i>No manufactured housing, house trailer or mobile home park shall be established in the town except upon application to the planning board and the town council.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Entrances onto Public Ways. Chapter 46, Article V <i>Any new entrance onto a public way requires a permit and must meet specified standards. Access Management (Sec. 46-134): This chapter includes specific standards and permitting for driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Building Code. Chapter 54, Article II <i>In accordance with 30-A M.R.S.A. § 3003, the Town of Lisbon has adopted the mandatory standards and regulations of the International Building Code 2003 and the International Residential Code 2003, both published by the International Code Council, Inc.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Floodplain Management. Chapter 58, Article II <i>Land uses within any special flood hazard areas (Zones A and A1-30 identified by FEMA) are subject to evaluation and to land use and control measures to reduce future flood impacts, in accordance with the National Flood Insurance Program.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Shoreland Zoning. <i>The standards and provisions of shoreland zoning apply to any development, structure, or land use activities in land areas within 250 feet horizontal distance of (1) the normal high-water line or any great pond or river, (2) the upland edge of a coastal wetland, (3) the upland edge of a freshwater wetland, (4) all land areas within 75 feet horizontal distance of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.</i>

For informational purposes, applicant not required to submit this form.

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Site Plan Review. Chapter 62, Article I <i>Commercial, industrial and institutional development, including and multifamily that is not considered to be a subdivision under 30-A M.R.S.A. § 4401, must meet the standards of this chapter to ensure that the development occurs in a manner which minimizes adverse effects on public facilities, the environment and neighboring uses.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Subdivisions. Chapter 66, Article I <i>All subdivisions are subject to review and must meet the standards and provisions of this chapter according to state statute 30-A M.R.S.A. § 4401. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period beginning on or after September 23, 1971, including the creation of or division of structure(s) to have 3 or more dwelling units within a 5-year period, or conversion from a non-residential use to residential creating 3 or more dwelling units. Subdivisions in ROS Districts: All subdivisions in ROS zones greater than 10 acres must meet the Open Space Subdivision standards. Open Space Subdivisions: This chapter includes specific provisions to allow for open space preservation through increased flexibility in subdivision standards and requirements.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Groundwater & Wellhead Protection. Chapter 70, Article V, Division 2 <i>Includes special regulations to protect the town's sensitive sand and gravel aquifers and public drinking water supplies (wellheads) from development impacts, based on the mapped overlay zones.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Supplementary Zoning Regulations. Chapter 70, Article VI, Division I <i>Includes additional regulations for the following:</i> <ul style="list-style-type: none"> • Accessory buildings • Agriculture • Campgrounds • Filling, grading, dredging, earth moving • High-intensity farming • Home occupations • Sanitation • Drainage • Conversion of existing building to multi-unit housing • Water quality • Archeological sites • Roads and driveways • Essential services
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Rear Lots. Chapter 70, Article VI, Division 2, Sec. 70-641 <i>The creation of a rear lot may be permitted through conditional use review, and must meet the requirements within this section.</i>

For informational purposes, applicant not required to submit this form.

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	<u>Off-Street Parking and Loading.</u> Chapter 70, Article VI, Division 3 <i>Includes standards for the provision of off-street parking and loading areas, excluding single-family and duplex units.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	<u>Marine Structures.</u> Chapter 70, Article VI, Division 4 <i>Includes standards for piers, docks or other shoreline construction. (See also Shoreland Zoning.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	<u>Signs.</u> Chapter 70, Article VI, Division 5 <i>Includes standards for all public and private signage. (See also Table of Land Uses, Chapter 70, Article IV, Division 13, for permitted zones.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	<u>Timber Harvesting and Clearing Vegetation.</u> Chapter 70, Article VI, Division 6 <i>Includes standards for all timber harvesting within 250 feet horizontal distance of the normal high-water line of a river or the upland edge of a freshwater wetland, or within 75 feet of the normal high-water line of a stream.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	<u>Planned Unit or Cluster Development.</u> Chapter 70, Article VI, Division 7 <i>Specific provisions applying to a planned development under unified management, planned and developed as a whole according to comprehensive and detailed plans.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	<u>Expansion of Sand and Gravel Mining within Aquifer Protection Overlay District.</u> Chapter 70, Article VI, Division 9 <i>Standards applying to overlay district zones 2 or 3, zone 1 expansions not permitted.</i>



OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number: <u>23-13</u>	Date Received: <u>6/12/23</u>
Project Name:	Fee Paid (amount): <u>150.00</u>
Applicant:	



Town of Lisbon, Maine CONDITIONAL USE APPLICATION

Project Name/Title: change of garage into IN-Law Apt

This application must be received at the Town Office by close of business on the **2nd Thursday of the month** to be considered at the regular Planning Board meeting on the **4th Thursday of the month**. The applicant shall provide **10 copies** of the application form and all submission materials.

Applicant Information

2. Name of Applicant:

Address

Telephone

Michael Caporini
8 Center St Lisbon Falls 04252
(207) 289 4226

1. Name of Property Owner (if different):

Address

Telephone

Caporini Michael @fmail.com

()

3. Name of authorized agent (if different):

Address

Telephone

()

4. If applicant is a corporation, check if
licensed in Maine:

☐ No ☐ Yes

(if yes, attach a copy of State registration)

5. Person and address to which all correspondence regarding this application should be sent (if different):

Name

Address

Telephone

()

I have reviewed all submission requirements and completed the remaining pages of this application form.

☐ Attachments Checklist

☐ Waiver Request Form

To the best of my knowledge, all the information submitted in this application is complete and correct.

Michael Caporini
Signature of Applicant

6/12/23
Date

Application Number:

Project Name:

Property Information6. Location of Property (Street or Road) 8 Center St

Register of Deeds

Book _____ Page _____

Lisbon Tax Maps

Map 407 Lot 149A

7. What legal interest does the applicant/owner have in the property to be developed (fee ownership, option, purchase and sale contract, etc.)? Attach evidence of interest.

Owned8. What interest does the applicant/owner have in any property abutting the parcel to be developed?None

9. Are there any easements or restrictive covenants on the property to be developed?

Yes ☒ No If yes, please specify: _____

10. Current zoning of property: _____

Current use(s) of property: Garage

11. Is any part of the project or property(s) in question part of an overlay zone?

 Aquifer Protection Overlay Wellhead Protection Overlay

11. Indicate if this property has previously been reviewed and/or permitted as part of a town-approved subdivision, site plan review, conditional use, floodplain development, or other planning board or appeals board review:

No**Project Information***If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner.*12. Nature of the Project. Provide a brief description of the proposed project, including proposed use(s), proposed buildings and structures, proposed site work and other improvements to the property, or other information to familiarize the Planning Board with your application.Turning the garage into in-law Apartment. Adding
water, sewer. Turn it into addition - dwelling.

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Project Name:

Waiver Request Form

Conditional Use Application

If anticipated, the applicant should indicate any requests for waivers of review standards or application submission requirements, to submit with the Conditional Use Application form.

Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of the Chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of the chapter are met.

Further, where the planning board makes written findings of fact that there are special circumstances of a particular application, it may waive portions of the application information requirements, unless otherwise indicated in this chapter, provided that the applicant has demonstrated that the standards of this chapter have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan of this chapter.

Applicants should take note that the planning board CANNOT waive or give variances on the following: a land use not allowed under the Lisbon Zoning Ordinance (see Section 70-531, Table of Land Uses), and dimensional requirements such as lot size/density, setbacks, frontage, etc. (see Section 70-536, Dimensional Requirements). Variances for dimensional requirements may be requested only through the Lisbon Board of Appeals.

1. Standard/requirement to be waived: _____
 Need/reason for waiver: _____

2. Standard/requirement to be waived: _____
 Need/reason for waiver: _____

3. Standard/requirement to be waived: _____
 Need/reason for waiver: _____

4. Standard/requirement to be waived: _____
 Need/reason for waiver: _____

Attach additional page(s) if necessary.

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Date Received:
Project Name:	Fee Paid (amount):
Applicant:	

Conditional Use Application

ATTACHMENTS CHECKLIST

REFERENCE Chapter 70-193(b), Lisbon Code of Ordinances

✓ or N/A		OFFICE USE ONLY
	Basic Required Attachments:	
	1. A complete set of plans in accordance with the submission requirements under section 66-52 (3) of the Town of Lisbon Subdivision Ordinance: <u>Preliminary Plan</u> . The preliminary plan and all application material shall be submitted in ten (10) copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The plan shall be drawn to a scale of not more than 100 feet to the inch.	
N/A	2. If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner, 10 copies .	
	3. A statement addressing all of the applicable factors listed in section 70-194 of this Zoning Ordinance (10 copies):	
	Factors applicable to conditional uses	
	A. Primary factors. In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon: <ul style="list-style-type: none"> i. Health. The maintenance of safe and healthful conditions. ii. Pollution. The prevention and control of water pollution and sedimentation. iii. Building sites. The control of building sites, placement of structures and land uses. iv. Wildlife habitat. The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. v. Shore cover. The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. 	
	B. Additional factors. The planning board shall also consider the following factors: <ul style="list-style-type: none"> i. Compatibility with area. The compatibility of the proposed use with adjacent land uses. ii. Need. The need of a particular location for the proposed use. iii. Access. Access to the site from existing or proposed roads. iv. Flooding. The location of the site with respect to floodplains and floodways of rivers or streams. v. Waste disposal. The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems. 	

OFFICE USE ONLY – Conditional Use Application	
Application Number:	Project Name:

	<p>vi. <i>Impact on land and water.</i> The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.</p> <p>vii. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site.</p> <p>viii. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.</p> <p>ix. <i>Transportation.</i> The impact of the proposed use on transportation facilities.</p> <p>x. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities.</p> <p>xi. <i>Water supply.</i> The impact of the proposed use on local water supplies.</p>	
	Possible Additional Attachments:	
	<i>In order to secure information upon which to base its determination, the planning board may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:</i>	
	1. <i>Contours; groundwater; bedrock; slope; vegetation.</i> A plan of the area showing contours at intervals to be determined by the planning board and referred to mean sea level, normal high water elevation, groundwater conditions, bedrock, slope and vegetative cover.	
	2. <i>Soils.</i> A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification.	
	3. <i>Buildings; access; open space.</i> Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.	
	4. <i>Sewage; water.</i> Plans of buildings, sewage disposal facilities, and water supply systems.	
	5. <i>Technical assistance.</i> Other pertinent information necessary to determine if the proposed use meets the provisions of this chapter. In evaluating each application, the planning board may request the assistance of the regional planning commission, county soil and water conservation district, and any other state or federal agency which can provide technical assistance.	
	6. <i>Access management.</i> If the project includes new or existing driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road, it shall be subject to the requirements of Chpt. 46-134 Access Management. The applicant is required to apply for review and permit for driveway access according to this ordinance.	

Conditional Use Permit Review Applicant Procedure Checklist

<i>Date completed</i>	<i>Please refer any questions regarding the procedure to appropriate town staff.</i>
	1. Submit Application to Town Office (Code Enforcement Officer), by the 2nd Thursday of the month: <ol style="list-style-type: none"> Complete application form and prepare all required submission materials (see checklist), provide 10 copies of all forms and materials; Applicant must pay any required fee(s) at time of submission; Schedule an initial submission review meeting with Planning Board (regular meetings are 4th Thursdays of the month).
	2. Attend first Planning Board meeting, initial application review: <ol style="list-style-type: none"> Planning board will review the submitted materials, including any requests for waivers, and make a determination if the submission is complete or if additional materials must be provided; If Board determines submission is complete, applicant will be provided with a written notice; if submission is not complete, Board will specify additional materials needed, applicant must provide additional materials to the Code Enforcement Officer and will then be issued a written notice of completeness; A public hearing with the Planning Board will be scheduled within 14 days of issuance of written notice of completeness; the Town will send notices to all abutters and publish a public notice of scheduled hearing; Board may request a site visit prior to the public hearing; Application will be referred to appropriate town departments/staff as appropriate, prior to public hearing.
	3. Optional site visit: If a site visit is scheduled, the Town shall publish notice of the site visit; the applicant shall be present at the Board site visit.
	4. Attend public hearing: <ol style="list-style-type: none"> Applicant (or representative) will be allowed a brief presentation; Town staff will present any comments; Public hearing will be opened, Board will make a note of all public and abutter comments; Upon close of public hearing, no further comment or discussion from the public or applicant shall be entertained; the Board will decide whether to conduct their review and decision immediately after the hearing, or may table the application review to a second meeting (held within two weeks of the public hearing);

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

	<p>5. Planning Board Review (may be a separate meeting from the hearing):</p> <ul style="list-style-type: none">a. Planning Board shall conduct a review of the proposed conditional use based on the standards and requirements of town ordinance(s) (see Conditional Use Permit Standards Checklist);b. The Board shall make a decision to (a) approve, (b) approve with conditions, or (c) deny the proposed conditional use, and will indicate any specific conditions and requirements of approval in its written notice of decision.
	<p>6. Written notice of decision:</p> <p>The Town shall provide the applicant and abutters with a written notice of the decision, including reasons for decision and any conditions (must be provided within 20 days of the public hearing).</p>
	<p>7. Issuance of permits and compliance with conditions:</p> <p>Upon issuance of a written decision to approve, the applicant may obtain appropriate permit(s) from the Code Enforcement Officer; the applicant will be required to comply with all conditions specified in the written decision.</p>

Conditional Use Permit Standards Checklist

Waivers. Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of this chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of this chapter are met.

Sec. 70-194. - Factors applicable to conditional uses

(c) **Primary factors.** In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	6. <i>Health.</i> The maintenance of safe and healthful conditions.
		Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	7. <i>Pollution.</i> The prevention and control of water pollution and sedimentation.
		Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	8. <i>Building sites.</i> The control of building sites, placement of structures and land uses.
		Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	9. <i>Wildlife habitat.</i> The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat.
		Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	10. <i>Shore cover.</i> The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.
		Conditions:

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

(d) **Additional factors.** The planning board shall also consider the following factors:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	12. <i>Compatibility with area.</i> The compatibility of the proposed use with adjacent land uses. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	13. <i>Need.</i> The need of a particular location for the proposed use. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	14. <i>Access.</i> Access to the site from existing or proposed roads. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	15. <i>Flooding.</i> The location of the site with respect to floodplains and floodways of rivers or streams. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	16. <i>Waste disposal.</i> The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	17. <i>Impact on land and water.</i> The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	18. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site. Conditions:

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	19. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	20. <i>Transportation.</i> The impact of the proposed use on transportation facilities. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	21. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	22. <i>Water supply.</i> The impact of the proposed use on local water supplies. Conditions:

Additional conditions list, next page.

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

Sec. 70-195. - Conditions attached to conditional uses

Additional conditions. Upon consideration of the factors listed in section 70-194, the planning board may attach such conditions, in addition to those required elsewhere in this chapter, that it finds necessary to further the purposes of this chapter. Such conditions may include, but are not limited to specifications for:

<i>Additional Factors</i>	<i>Conditions</i>
Type of vegetation:	
Increased setbacks and yards:	
Specified sewage disposal and water supply facilities:	
Landscaping and planting screens:	
Period of operation:	
Operational controls:	
Professional inspection and maintenance:	
Sureties:	
Deed restrictions:	
Restrictive covenants:	
Locations of piers, docks, parking and signs, type of construction:	
Any other conditions necessary to fulfill the purpose of the conditional use chapter:	

For informational purposes, applicant not required to submit this form.

Site Plan Review

Local Ordinances Checklist:

This checklist is provided to ensure that all municipal ordinances have been considered for applicability and that appropriate standards are met. Full ordinance text available on the Town website or at the town office. Applicants are encouraged to contact Code Enforcement to review applicability of any special standards or provisions under the Lisbon Code of Ordinances to their project.

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Table of Land Uses, Table of Dimensional Requirements. Chapter 70, Article IV, Division 13 and Division 14 <i>These tables list all permitted and non-permitted land uses by zone/district, and indicate dimensional requirements (lot size, density, frontage, setbacks) by zone.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Manufactured Housing, Mobile Homes and Trailers, [Parks]. Chapter 22, Article II <i>No manufactured housing, house trailer or mobile home park shall be established in the town except upon application to the planning board and the town council.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Entrances onto Public Ways. Chapter 46, Article V <i>Any new entrance onto a public way requires a permit and must meet specified standards. Access Management (Sec. 46-134): This chapter includes specific standards and permitting for driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Building Code. Chapter 54, Article II <i>In accordance with 30-A M.R.S.A. § 3003, the Town of Lisbon has adopted the mandatory standards and regulations of the International Building Code 2003 and the International Residential Code 2003, both published by the International Code Council, Inc.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Floodplain Management. Chapter 58, Article II <i>Land uses within any special flood hazard areas (Zones A and A1-30 identified by FEMA) are subject to evaluation and to land use and control measures to reduce future flood impacts, in accordance with the National Flood Insurance Program.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Shoreland Zoning. <i>The standards and provisions of shoreland zoning apply to any development, structure, or land use activities in land areas within 250 feet horizontal distance of (1) the normal high-water line or any great pond or river, (2) the upland edge of a coastal wetland, (3) the upland edge of a freshwater wetland, (4) all land areas within 75 feet horizontal distance of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.</i>

For informational purposes, applicant not required to submit this form.

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Site Plan Review. Chapter 62, Article I <i>Commercial, industrial and institutional development, including and multifamily that is not considered to be a subdivision under 30-A M.R.S.A. § 4401, must meet the standards of this chapter to ensure that the development occurs in a manner which minimizes adverse effects on public facilities, the environment and neighboring uses.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Subdivisions. Chapter 66, Article I <i>All subdivisions are subject to review and must meet the standards and provisions of this chapter according to state statute 30-A M.R.S.A. § 4401. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period beginning on or after September 23, 1971, including the creation of or division of structure(s) to have 3 or more dwelling units within a 5-year period, or conversion from a non-residential use to residential creating 3 or more dwelling units. Subdivisions in ROS Districts: All subdivisions in ROS zones greater than 10 acres must meet the Open Space Subdivision standards. Open Space Subdivisions: This chapter includes specific provisions to allow for open space preservation through increased flexibility in subdivision standards and requirements.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Groundwater & Wellhead Protection. Chapter 70, Article V, Division 2 <i>Includes special regulations to protect the town's sensitive sand and gravel aquifers and public drinking water supplies (wellheads) from development impacts, based on the mapped overlay zones.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Supplementary Zoning Regulations. Chapter 70, Article VI, Division I <i>Includes additional regulations for the following:</i> <ul style="list-style-type: none"> • Accessory buildings • Agriculture • Campgrounds • Filling, grading, dredging, earth moving • High-intensity farming • Home occupations • Sanitation • Drainage • Conversion of existing building to multi-unit housing • Water quality • Archeological sites • Roads and driveways • Essential services
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Rear Lots. Chapter 70, Article VI, Division 2, Sec. 70-641 <i>The creation of a rear lot may be permitted through conditional use review, and must meet the requirements within this section.</i>

For informational purposes, applicant not required to submit this form.

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	<u>Off-Street Parking and Loading.</u> Chapter 70, Article VI, Division 3 <i>Includes standards for the provision of off-street parking and loading areas, excluding single-family and duplex units.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	<u>Marine Structures.</u> Chapter 70, Article VI, Division 4 <i>Includes standards for piers, docks or other shoreline construction. (See also Shoreland Zoning.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	<u>Signs.</u> Chapter 70, Article VI, Division 5 <i>Includes standards for all public and private signage. (See also Table of Land Uses, Chapter 70, Article IV, Division 13, for permitted zones.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	<u>Timber Harvesting and Clearing Vegetation.</u> Chapter 70, Article VI, Division 6 <i>Includes standards for all timber harvesting within 250 feet horizontal distance of the normal high-water line of a river or the upland edge of a freshwater wetland, or within 75 feet of the normal high-water line of a stream.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	<u>Planned Unit or Cluster Development.</u> Chapter 70, Article VI, Division 7 <i>Specific provisions applying to a planned development under unified management, planned and developed as a whole according to comprehensive and detailed plans.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	<u>Expansion of Sand and Gravel Mining within Aquifer Protection Overlay District.</u> Chapter 70, Article VI, Division 9 <i>Standards applying to overlay district zones 2 or 3, zone 1 expansions not permitted.</i>

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number: <u>23-14</u>	Date Received: <u>6/13/23</u>
Project Name: <u>BUSSES BUSSES</u>	Fee Paid (amount): <u>\$150.00</u> <u>6/13/23</u>
Applicant:	



Town of Lisbon, Maine CONDITIONAL USE APPLICATION

Project Name/Title: COMPOST

This application must be received at the Town Office by close of business on the 2nd Thursday of the month to be considered at the regular Planning Board meeting on the 4th Thursday of the month. The applicant shall provide 10 copies of the application form and all submission materials.

Applicant Information

2. Name of Applicant: EDWARD BUSH
 Address: 159 RIDGE RD. LISBON FALLS, ME. 04252
 Telephone: (207) 318-6475

1. Name of Property Owner (if different):
 Address:
 Telephone: ()

3. Name of authorized agent (if different):
 Address:
 Telephone: ()

4. If applicant is a corporation, check if licensed in Maine: ☒ No ☐ Yes
 (if yes, attach a copy of State registration)

5. Person and address to which all correspondence regarding this application should be sent (if different):

Name: EDWARD BUSH
 Address: 159 RIDGE RD. LISBON FALLS, ME. 04252
 Telephone: (207) 318-6475

I have reviewed all submission requirements and completed the remaining pages of this application form.

☒ Attachments Checklist

☒ Waiver Request Form

To the best of my knowledge, all the information submitted in this application is complete and correct.

Edward Bush

Signature of Applicant

6-4-23

Date

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Project Name:

Property Information

6. Location of Property (Street or Road) 159 RIDGE RD. LISBON FALLS, ME. 04252

Register of Deeds

Book B4325 Page P79

Lisbon Tax Maps

Map R05 Lot 007

7. What legal interest does the applicant/owner have in the property to be developed (fee ownership, option, purchase and sale contract, etc.)? Attach evidence of interest.

I AM THE OWNER - PROPERTY IS NOT BEING DEVELOPED, BUT RATHER IT IS BEING USED TO STORE LEAVES & GRASS.

8. What interest does the applicant/owner have in any property abutting the parcel to be developed?

NO INTEREST

9. Are there any easements or restrictive covenants on the property to be developed?

Yes X No If yes, please specify: _____

10. Current zoning of property: RURAL OPEN

Current use(s) of property: AGRICULTURE

11. Is any part of the project or property(s) in question part of an overlay zone? NO

 Aquifer Protection Overlay

 Wellhead Protection Overlay

11. Indicate if this property has previously been reviewed and/or permitted as part of a town-approved subdivision, site plan review, conditional use, floodplain development, or other planning board or appeals board review:

N/A

Project Information

If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner.

12. Nature of the Project. Provide a brief description of the proposed project, including proposed use(s), proposed buildings and structures, proposed site work and other improvements to the property, or other information to familiarize the Planning Board with your application.

PROPOSED USE OF APPROX. 1/2 ACRE IS TO COMPOST LEAVES AND GRASS, AND HORSE MANURE.

For informational purposes, applicant not required to submit this form.

Site Plan Review

Local Ordinances Checklist:

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N/A <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	Table of Land Uses, Table of Dimensional Requirements. Chapter 70, Article IV, Division 13 and Division 14 <i>These tables list all permitted and non-permitted land uses by zone/district, and indicate dimensional requirements (lot size, density, frontage, setbacks) by zone.</i>
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N/A <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	Shoreland Zoning. <i>The standards and provisions of shoreland zoning apply to any development, structure, or land use activities in land areas within 250 feet horizontal distance of (1) the normal high-water line or any great pond or river, (2) the upland edge of a coastal wetland, (3) the upland edge of a freshwater wetland, (4) all land areas within 75 feet horizontal distance of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.</i>

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N/A <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	Site Plan Review. Chapter 62, Article I <i>Commercial, industrial and institutional development, including and multifamily that is not considered to be a subdivision under 30-A M.R.S.A. § 4401, must meet the standards of this chapter to ensure that the development occurs in a manner which minimizes adverse effects on public facilities, the environment and neighboring uses.</i>
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N/A <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	Supplementary Zoning Regulations. Chapter 70, Article VI, Division I <i>Includes additional regulations for the following:</i> <ul style="list-style-type: none"> • Accessory buildings • Agriculture • Campgrounds • Filling, grading, dredging, earth moving • High-intensity farming • Home occupations • Sanitation • Drainage • Conversion of existing building to multi-unit housing • Water quality • Archeological sites • Roads and driveways • Essential services
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For informational purposes, applicant not required to submit this form.

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N/A <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	Signs. Chapter 70, Article VI, Division 5 <i>Includes standards for all public and private signage. (See also Table of Land Uses, Chapter 70, Article IV, Division 13, for permitted zones.)</i>
N/A <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	Timber Harvesting and Clearing Vegetation. Chapter 70, Article VI, Division 6 <i>Includes standards for all timber harvesting within 250 feet horizontal distance of the normal high-water line of a river or the upland edge of a freshwater wetland, or within 75 feet of the normal high-water line of a stream.</i>
N/A <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	Planned Unit or Cluster Development. Chapter 70, Article VI, Division 7 <i>Specific provisions applying to a planned development under unified management, planned and developed as a whole according to comprehensive and detailed plans.</i>
N/A <input checked="" type="checkbox"/>	Met <input type="checkbox"/>	Expansion of Sand and Gravel Mining within Aquifer Protection Overlay District. Chapter 70, Article VI, Division 9 <i>Standards applying to overlay district zones 2 or 3, zone 1 expansions not permitted.</i>

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Project Name:

Waiver Request Form

Conditional Use Application

If anticipated, the applicant should indicate any requests for waivers of review standards or application submission requirements, to submit with the Conditional Use Application form.

Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of the Chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of the chapter are met.

Further, where the planning board makes written findings of fact that there are special circumstances of a particular application, it may waive portions of the application information requirements, unless otherwise indicated in this chapter, provided that the applicant has demonstrated that the standards of this chapter have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan of this chapter.

Applicants should take note that the planning board CANNOT waive or give variances on the following: a land use not allowed under the Lisbon Zoning Ordinance (see Section 70-531, Table of Land Uses), and dimensional requirements such as lot size/density, setbacks, frontage, etc. (see Section 70-536, Dimensional Requirements). Variances for dimensional requirements may be requested only through the Lisbon Board of Appeals.

1. Standard/requirement to be waived: CONDITIONAL USE PERMIT
 Need/reason for waiver: WE ARE DESIGNATED A FARM BY THE DEPT. OF AGRICULTURE WHO DEVELOPED AND APPROVED A COMPOST MANAGEMENT PLAN FOR U.S. THE DEPARTMENT OF ENVIRONMENT ENVIRONMENTAL PROTECTION HAS ALSO ACKNOWLEDGED THIS PLAN. I FEEL A THIRD LAYER OF APPROVAL IS REDUNDANT. ~~AND~~
2. Standard/requirement to be waived: _____
 Need/reason for waiver: _____
3. Standard/requirement to be waived: _____
 Need/reason for waiver: _____
4. Standard/requirement to be waived: _____
 Need/reason for waiver: _____

Attach additional page(s) if necessary.

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Date Received:
Project Name:	Fee Paid (amount):
Applicant:	

Conditional Use Application ATTACHMENTS CHECKLIST

REFERENCE Chapter 70-193(b), Lisbon Code of Ordinances

✓ or N/A		OFFICE USE ONLY
	Basic Required Attachments:	
✓	1. A complete set of plans in accordance with the submission requirements under section 66-52 (3) of the Town of Lisbon Subdivision Ordinance: <u>Preliminary Plan</u> . The preliminary plan and all application material shall be submitted in ten (10) copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The plan shall be drawn to a scale of not more than 100 feet to the inch.	
N/A	2. If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner, 10 copies .	
✓	3. A statement addressing all of the applicable factors listed in section 70-194 of this Zoning Ordinance (10 copies): Factors applicable to conditional uses	
N/A	A. <i>Primary factors</i> . In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon: <ul style="list-style-type: none"> i. <i>Health</i>. The maintenance of safe and healthful conditions. ii. <i>Pollution</i>. The prevention and control of water pollution and sedimentation. iii. <i>Building sites</i>. The control of building sites, placement of structures and land uses. iv. <i>Wildlife habitat</i>. The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. v. <i>Shore cover</i>. The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. 	
N/A	B. <i>Additional factors</i> . The planning board shall also consider the following factors: <ul style="list-style-type: none"> i. <i>Compatibility with area</i>. The compatibility of the proposed use with adjacent land uses. ii. <i>Need</i>. The need of a particular location for the proposed use. iii. <i>Access</i>. Access to the site from existing or proposed roads. iv. <i>Flooding</i>. The location of the site with respect to floodplains and floodways of rivers or streams. v. <i>Waste disposal</i>. The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems. 	

OFFICE USE ONLY – Conditional Use Application

Application Number:

Project Name:

N/A	<p>vi. <i>Impact on land and water.</i> The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.</p> <p>vii. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site.</p> <p>viii. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.</p> <p>ix. <i>Transportation.</i> The impact of the proposed use on transportation facilities.</p> <p>x. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities.</p> <p>xi. <i>Water supply.</i> The impact of the proposed use on local water supplies.</p>	
	Possible Additional Attachments:	
	<i>In order to secure information upon which to base its determination, the planning board may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:</i>	
N/A	1. <i>Contours; groundwater; bedrock; slope; vegetation.</i> A plan of the area showing contours at intervals to be determined by the planning board and referred to mean sea level, normal high water elevation, groundwater conditions, bedrock, slope and vegetative cover.	
N/A	2. <i>Soils.</i> A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification.	
N/A	3. <i>Buildings; access; open space.</i> Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.	
N/A	4. <i>Sewage; water.</i> Plans of buildings, sewage disposal facilities, and water supply systems.	
N/A	5. <i>Technical assistance.</i> Other pertinent information necessary to determine if the proposed use meets the provisions of this chapter. In evaluating each application, the planning board may request the assistance of the regional planning commission, county soil and water conservation district, and any other state or federal agency which can provide technical assistance.	
N/A	6. <i>Access management.</i> If the project includes new or existing driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road, it shall be subject to the requirements of Chpt. 46-134 Access Management. The applicant is required to apply for review and permit for driveway access according to this ordinance.	

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

Conditional Use Permit Review Applicant Procedure Checklist

<i>Date completed</i>	<i>Please refer any questions regarding the procedure to appropriate town staff.</i>
	1. Submit Application to Town Office (Code Enforcement Officer), by the 2nd Thursday of the month: <ol style="list-style-type: none"> Complete application form and prepare all required submission materials (see checklist), provide 10 copies of all forms and materials; Applicant must pay any required fee(s) at time of submission; Schedule an initial submission review meeting with Planning Board (regular meetings are 4th Thursdays of the month).
	2. Attend first Planning Board meeting, initial application review: <ol style="list-style-type: none"> Planning board will review the submitted materials, including any requests for waivers, and make a determination if the submission is complete or if additional materials must be provided; If Board determines submission is complete, applicant will be provided with a written notice; if submission is not complete, Board will specify additional materials needed, applicant must provide additional materials to the Code Enforcement Officer and will then be issued a written notice of completeness; A public hearing with the Planning Board will be scheduled within 14 days of issuance of written notice of completeness; the Town will send notices to all abutters and publish a public notice of scheduled hearing; Board may request a site visit prior to the public hearing; Application will be referred to appropriate town departments/staff as appropriate, prior to public hearing.
	3. Optional site visit: If a site visit is scheduled, the Town shall publish notice of the site visit; the applicant shall be present at the Board site visit.
	4. Attend public hearing: <ol style="list-style-type: none"> Applicant (or representative) will be allowed a brief presentation; Town staff will present any comments; Public hearing will be opened, Board will make a note of all public and abutter comments; Upon close of public hearing, no further comment or discussion from the public or applicant shall be entertained; the Board will decide whether to conduct their review and decision immediately after the hearing, or may table the application review to a second meeting (held within two weeks of the public hearing);

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

	<p>5. Planning Board Review (may be a separate meeting from the hearing):</p> <ul style="list-style-type: none">a. Planning Board shall conduct a review of the proposed conditional use based on the standards and requirements of town ordinance(s) (see Conditional Use Permit Standards Checklist);b. The Board shall make a decision to (a) approve, (b) approve with conditions, or (c) deny the proposed conditional use, and will indicate any specific conditions and requirements of approval in its written notice of decision.
	<p>6. Written notice of decision:</p> <p>The Town shall provide the applicant and abutters with a written notice of the decision, including reasons for decision and any conditions (must be provided within 20 days of the public hearing).</p>
	<p>7. Issuance of permits and compliance with conditions:</p> <p>Upon issuance of a written decision to approve, the applicant may obtain appropriate permit(s) from the Code Enforcement Officer; the applicant will be required to comply with all conditions specified in the written decision.</p>

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

Conditional Use Permit Standards Checklist

Waivers. Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of this chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of this chapter are met.

Sec. 70-194. - Factors applicable to conditional uses

(c) **Primary factors.** In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon:

Met <input checked="checked" type="checkbox"/>	Not <input type="checkbox"/>	6. <i>Health.</i> The maintenance of safe and healthful conditions. <i>Conditions:</i>
Met <input checked="checked" type="checkbox"/>	Not <input type="checkbox"/>	7. <i>Pollution.</i> The prevention and control of water pollution and sedimentation. <i>Conditions:</i>
Met <input checked="checked" type="checkbox"/>	Not <input type="checkbox"/>	8. <i>Building sites.</i> The control of building sites, placement of structures and land uses. <i>Conditions:</i>
Met <input checked="checked" type="checkbox"/>	Not <input type="checkbox"/>	9. <i>Wildlife habitat.</i> The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. <i>Conditions:</i>
Met <input checked="checked" type="checkbox"/>	Not <input type="checkbox"/>	10. <i>Shore cover.</i> The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. <i>Conditions:</i>

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

(d) **Additional factors.** The planning board shall also consider the following factors:

Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	12. <i>Compatibility with area.</i> The compatibility of the proposed use with adjacent land uses. <i>Conditions:</i>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	13. <i>Need.</i> The need of a particular location for the proposed use. <i>Conditions:</i>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	14. <i>Access.</i> Access to the site from existing or proposed roads. <i>Conditions:</i>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	15. <i>Flooding.</i> The location of the site with respect to floodplains and floodways of rivers or streams. <i>Conditions:</i>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	16. <i>Waste disposal.</i> The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems. <i>Conditions:</i>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	17. <i>Impact on land and water.</i> The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation. <i>Conditions:</i>
Met <input checked="" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	18. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site. <i>Conditions:</i>

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

Met <input checked="checked" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	19. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover. <i>Conditions:</i>
Met <input checked="checked" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	20. <i>Transportation.</i> The impact of the proposed use on transportation facilities. <i>Conditions:</i>
Met <input checked="checked" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	21. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities. <i>Conditions:</i>
Met <input checked="checked" type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	22. <i>Water supply.</i> The impact of the proposed use on local water supplies. <i>Conditions:</i>

Additional conditions list, next page.

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

Sec. 70-195. - Conditions attached to conditional uses

Additional conditions. Upon consideration of the factors listed in section 70-194, the planning board may attach such conditions, in addition to those required elsewhere in this chapter, that it finds necessary to further the purposes of this chapter. Such conditions may include, but are not limited to specifications for:

Additional Factors	Conditions
Type of vegetation:	
Increased setbacks and yards:	
Specified sewage disposal and water supply facilities:	
Landscaping and planting screens:	
Period of operation:	
Operational controls:	
Professional inspection and maintenance:	
Sureties:	
Deed restrictions:	
Restrictive covenants:	
Locations of piers, docks, parking and signs, type of construction:	
Any other conditions necessary to fulfill the purpose of the conditional use chapter:	

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number: <u>23-15</u>	Date Received: <u>6/15/23</u>
Project Name: <u>BREWER GARAGE</u>	Fee Paid (amount): <u>\$150.00</u>
Applicant: <u>BRENT & SYBIL BREWER</u>	



Town of Lisbon, Maine

CONDITIONAL USE APPLICATION

Reconstruction of a
☒ NON CONFORMING
 LOCATION Structure

Project Name/Title: BREWER GARAGE RECONSTRUCTION

This application must be received at the Town Office by close of business on the **2nd Thursday of the month** to be considered at the regular Planning Board meeting on the 4th Thursday of the month. The applicant shall provide **10 copies** of the application form and all submission materials.

Applicant Information

- Name of Applicant: Brent & Sybil Brewer
 Address: 19 North Street Lisbon Falls
 Telephone: (207) 751-2398
- Name of Property Owner (if different): SAME
 Address: _____
 Telephone: ()
- Name of authorized agent (if different): SAME
 Address: _____
 Telephone: ()
- If applicant is a corporation, check if licensed in Maine: ☒ No ☐ Yes
 (if yes, attach a copy of State registration)
- Person and address to which all correspondence regarding this application should be sent (if different):
 Name: _____
 Address: _____
 Telephone: ()

I have reviewed all submission requirements and completed the remaining pages of this application form.
☐ Attachments Checklist ☐ Waiver Request Form

To the best of my knowledge, all the information submitted in this application is complete and correct.

[Signature]
 Signature of Applicant

Date: 6/15/23

Property Information6. Location of Property (Street or Road) 19 North Street Lisbon Falls

Register of Deeds

Book

Page

Lisbon Tax Maps

Map 424Lot 103

7. What legal interest does the applicant/owner have in the property to be developed (fee ownership, option, purchase and sale contract, etc.)? Attach evidence of interest.

owner8. What interest does the applicant/owner have in any property abutting the parcel to be developed?none

9. Are there any easements or restrictive covenants on the property to be developed?

Yes ☒ No If yes, please specify: _____

10. Current zoning of property: _____

Current use(s) of property: _____

11. Is any part of the project or property(s) in question part of an overlay zone?

 Aquifer Protection Overlay Wellhead Protection Overlay

11. Indicate if this property has previously been reviewed and/or permitted as part of a town-approved subdivision, site plan review, conditional use, floodplain development, or other planning board or appeals board review:

no**Project Information***If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner.*12. Nature of the Project. Provide a brief description of the proposed project, including proposed use(s), proposed buildings and structures, proposed site work and other improvements to the property, or other information to familiarize the Planning Board with your application.Rebuild garage currently existing on existing foot print - expand towards existing home structure and add entry way (2 car garage with 6x12 entry way to home)

OFFICE USE ONLY – Conditional Use Application	
Application Number:	Project Name:

Waiver Request Form

Conditional Use Application

If anticipated, the applicant should indicate any requests for waivers of review standards or application submission requirements, to submit with the Conditional Use Application form.

Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of the Chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of the chapter are met.

Further, where the planning board makes written findings of fact that there are special circumstances of a particular application, it may waive portions of the application information requirements, unless otherwise indicated in this chapter, provided that the applicant has demonstrated that the standards of this chapter have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan of this chapter.

Applicants should take note that the planning board CANNOT waive or give variances on the following: a land use not allowed under the Lisbon Zoning Ordinance (see Section 70-531, Table of Land Uses), and dimensional requirements such as lot size/density, setbacks, frontage, etc. (see Section 70-536, Dimensional Requirements). Variances for dimensional requirements may be requested only through the Lisbon Board of Appeals.

1. Standard/requirement to be waived: _____
 Need/reason for waiver: _____

2. Standard/requirement to be waived: _____
 Need/reason for waiver: _____

3. Standard/requirement to be waived: _____
 Need/reason for waiver: _____

4. Standard/requirement to be waived: _____
 Need/reason for waiver: _____

Attach additional page(s) if necessary.

Conditional Use Application

ATTACHMENTS CHECKLIST

REFERENCE Chapter 70-193(b), Lisbon Code of Ordinances

✓ or N/A		OFFICE USE ONLY
	Basic Required Attachments:	
	1. A complete set of plans in accordance with the submission requirements under section 66-52 (3) of the Town of Lisbon Subdivision Ordinance: <u>Preliminary Plan</u> . The preliminary plan and all application material shall be submitted in ten (10) copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The plan shall be drawn to a scale of not more than 100 feet to the inch.	
	2. If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner, 10 copies .	
	3. A statement addressing all of the applicable factors listed in section 70-194 of this Zoning Ordinance (10 copies):	
	Factors applicable to conditional uses	
	A. Primary factors. In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon: <ul style="list-style-type: none"> i. Health. The maintenance of safe and healthful conditions. ii. Pollution. The prevention and control of water pollution and sedimentation. iii. Building sites. The control of building sites, placement of structures and land uses. iv. Wildlife habitat. The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. v. Shore cover. The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. 	
	B. Additional factors. The planning board shall also consider the following factors: <ul style="list-style-type: none"> i. Compatibility with area. The compatibility of the proposed use with adjacent land uses. ii. Need. The need of a particular location for the proposed use. iii. Access. Access to the site from existing or proposed roads. iv. Flooding. The location of the site with respect to floodplains and floodways of rivers or streams. v. Waste disposal. The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems. vi. Impact on land and water. The impact of the proposed use on 	

OFFICE USE ONLY – Conditional Use Application

Application Number:

Project Name:

	<p>the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.</p> <p>vii. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site.</p> <p>viii. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.</p> <p>ix. <i>Transportation.</i> The impact of the proposed use on transportation facilities.</p> <p>x. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities.</p> <p>xi. <i>Water supply.</i> The impact of the proposed use on local water supplies.</p>	
	Possible Additional Attachments:	
	<i>In order to secure information upon which to base its determination, the planning board may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:</i>	
	1. <i>Contours; groundwater; bedrock; slope; vegetation.</i> A plan of the area showing contours at intervals to be determined by the planning board and referred to mean sea level, normal high water elevation, groundwater conditions, bedrock, slope and vegetative cover.	
	2. <i>Soils.</i> A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification.	
	3. <i>Buildings; access; open space.</i> Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.	
	4. <i>Sewage; water.</i> Plans of buildings, sewage disposal facilities, and water supply systems.	
	5. <i>Technical assistance.</i> Other pertinent information necessary to determine if the proposed use meets the provisions of this chapter. In evaluating each application, the planning board may request the assistance of the regional planning commission, county soil and water conservation district, and any other state or federal agency which can provide technical assistance.	
	6. <i>Access management.</i> If the project includes new or existing driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road, it shall be subject to the requirements of Chpt. 46-134 Access Management. The applicant is required to apply for review and permit for driveway access according to this ordinance.	

OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)	
Application Number:	Date Received:
Project Name:	Fee Paid (amount):
Applicant:	

Conditional Use Review Planning Board Procedure Checklist

Date Completed	
	1. Initial application received (10 copies), payment of fee(s)
	2. (a) Code Enforcement Officer determines submission complete, go to #6 (b) OR may be referred to Planning Board to review for completeness
	3. Schedule initial review meeting with Planning Board (to review application and determine completeness)
	4. Refer application submission to appropriate staff for review or additional information, as appropriate
	5. At review meeting, PB determine if additional submission materials needed, determine if complete, provide written notice
	6. Schedule public hearing at least 14 days after notice of completeness or receipt of complete submission; abutters must be provided with a notice of receipt of an application and date of public hearing (and site visit if applicable) by mail at least 7 days before the hearing
	7. Notice of filing of an application and notice of scheduled public hearing, published by newspaper at least 7 days before the hearing; include notice of scheduled site visit if applicable
	8. Planning Board site visit (optional)
	9. Public hearing held: (a) applicant presentation, (b) staff comments/ presentation, (c) public comment
	10. Planning Board review of application and decision (approve, approve with conditions, deny) – does not have to be same meeting as hearing
	11. Provide applicant and abutters with written notice of decision, including reasons for decision, within 20 days of the public hearing.

Conditional Use Permit Review Applicant Procedure Checklist

<i>Date completed</i>	<i>Please refer any questions regarding the procedure to appropriate town staff.</i>
	1. Submit Application to Town Office (Code Enforcement Officer), by the 2nd Thursday of the month: <ol style="list-style-type: none"> Complete application form and prepare all required submission materials (see checklist), provide 10 copies of all forms and materials; Applicant must pay any required fee(s) at time of submission; Schedule an initial submission review meeting with Planning Board (regular meetings are 4th Thursdays of the month).
	2. Attend first Planning Board meeting, initial application review: <ol style="list-style-type: none"> Planning board will review the submitted materials, including any requests for waivers, and make a determination if the submission is complete or if additional materials must be provided; If Board determines submission is complete, applicant will be provided with a written notice; if submission is not complete, Board will specify additional materials needed, applicant must provide additional materials to the Code Enforcement Officer and will then be issued a written notice of completeness; A public hearing with the Planning Board will be scheduled within 14 days of issuance of written notice of completeness; the Town will send notices to all abutters and publish a public notice of scheduled hearing; Board may request a site visit prior to the public hearing; Application will be referred to appropriate town departments/staff as appropriate, prior to public hearing.
	3. Optional site visit: If a site visit is scheduled, the Town shall publish notice of the site visit; the applicant shall be present at the Board site visit.
	4. Attend public hearing: <ol style="list-style-type: none"> Applicant (or representative) will be allowed a brief presentation; Town staff will present any comments; Public hearing will be opened, Board will make a note of all public and abutter comments; Upon close of public hearing, no further comment or discussion from the public or applicant shall be entertained; the Board will decide whether to conduct their review and decision immediately after the hearing, or may table the application review to a second meeting (held within two weeks of the public hearing);
	5. Planning Board Review (may be a separate meeting from the hearing):

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

	<ul style="list-style-type: none">a. Planning Board shall conduct a review of the proposed conditional use based on the standards and requirements of town ordinance(s) (see Conditional Use Permit Standards Checklist);b. The Board shall make a decision to (a) approve, (b) approve with conditions, or(c) deny the proposed conditional use, and will indicate any specific conditions and requirements of approval in its written notice of decision.
	<p>6. Written notice of decision:</p> <p>The Town shall provide the applicant and abutters with a written notice of the decision, including reasons for decision and any conditions (must be provided within 20 days of the public hearing).</p>
	<p>7. Issuance of permits and compliance with conditions:</p> <p>Upon issuance of a written decision to approve, the applicant may obtain appropriate permit(s) from the Code Enforcement Officer; the applicant will be required to comply with all conditions specified in the written decision.</p>

Application Number:

Project Name:

Conditional Use Permit Standards Checklist

Waivers. Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of this chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of this chapter are met.

Sec. 70-194. - Factors applicable to conditional uses

(a) **Primary factors.** In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	1. <i>Health.</i> The maintenance of safe and healthful conditions. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	2. <i>Pollution.</i> The prevention and control of water pollution and sedimentation. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	3. <i>Building sites.</i> The control of building sites, placement of structures and land uses. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	4. <i>Wildlife habitat.</i> The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	5. <i>Shore cover.</i> The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. Conditions:

Application Number:

Project Name:

(b) **Additional factors.** The planning board shall also consider the following factors:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p>1. <i>Compatibility with area.</i> The compatibility of the proposed use with adjacent land uses.</p> <p>Conditions:</p>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p>2. <i>Need.</i> The need of a particular location for the proposed use.</p> <p>Conditions:</p>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p>3. <i>Access.</i> Access to the site from existing or proposed roads.</p> <p>Conditions:</p>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p>4. <i>Flooding.</i> The location of the site with respect to floodplains and floodways of rivers or streams.</p> <p>Conditions:</p>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p>5. <i>Waste disposal.</i> The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems.</p> <p>Conditions:</p>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	<p>6. <i>Impact on land and water.</i> The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.</p> <p>Conditions:</p>

Application Number:

Project Name:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	7. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site.
			<i>Conditions:</i>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	8. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
			<i>Conditions:</i>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	9. <i>Transportation.</i> The impact of the proposed use on transportation facilities.
			<i>Conditions:</i>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	10. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities.
			<i>Conditions:</i>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	11. <i>Water supply.</i> The impact of the proposed use on local water supplies.
			<i>Conditions:</i>

Additional conditions list, next page.

Application Number:

Project Name:

Sec. 70-195. - Conditions attached to conditional uses

Additional conditions. Upon consideration of the factors listed in section 70-194, the planning board may attach such conditions, in addition to those required elsewhere in this chapter, that it finds necessary to further the purposes of this chapter. Such conditions may include, but are not limited to specifications for:

Additional Factors	Conditions
Type of vegetation:	
Increased setbacks and yards:	
Specified sewage disposal and water supply facilities:	
Landscaping and planting screens:	
Period of operation:	
Operational controls:	
Professional inspection and maintenance:	
Sureties:	
Deed restrictions:	
Restrictive covenants:	
Locations of piers, docks, parking and signs, type of construction:	
Any other conditions necessary to fulfill the purpose of the conditional use chapter:	

Site Plan Review

Local Ordinances Checklist:

This checklist is provided to ensure that all municipal ordinances have been considered for applicability and that appropriate standards are met.

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Table of Land Uses, Table of Dimensional Requirements. Chapter 70, Article IV, Division 13 and Division 14 <i>These tables list all permitted and non-permitted land uses by zone/district, and indicate dimensional requirements (lot size, density, frontage, setbacks) by zone.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Manufactured Housing, Mobile Homes and Trailers, [Parks]. Chapter 22, Article II <i>No manufactured housing, house trailer or mobile home park shall be established in the town except upon application to the planning board and the town council.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Entrances onto Public Ways. Chapter 46, Article V <i>Any new entrance onto a public way requires a permit and must meet specified standards. Access Management (Sec. 46-134): This chapter includes specific standards and permitting for driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Building Code. Chapter 54, Article II <i>In accordance with 25 M.R.S. §2373, the Town of Lisbon has adopted the mandatory standards and regulations of the Maine Uniform Building and Energy Code (MUBEC), ASHRAE 62.1-2013, ASHRAE 62.2-2013, ASHRAE 90.1-2013, ASTM E-1465-08.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Floodplain Management. Chapter 58, Article II <i>Land uses within any special flood hazard areas (Zones A and A1-30 identified by FEMA) are subject to evaluation and to land use and control measures to reduce future flood impacts, in accordance with the National Flood Insurance Program.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Shoreland Zoning. <i>The standards and provisions of shoreland zoning apply to any development, structure, or land use activities in land areas within 250 feet horizontal distance of (1) the normal high-water line or any great pond or river, (2) the upland edge of a coastal wetland, (3) the upland edge of a freshwater wetland, (4) all land areas within 75 feet horizontal distance of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a</i>

OFFICE USE ONLY – Conditional Use Application

Application Number:

Project Name:

			dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Site Plan Review. Chapter 62, Article I Commercial, industrial and institutional development, including and multifamily that is not considered to be a subdivision under 30-A M.R.S.A. § 4401, must meet the standards of this chapter to ensure that the development occurs in a manner which minimizes adverse effects on public facilities, the environment and neighboring uses.
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Subdivisions. Chapter 66, Article I All subdivisions are subject to review and must meet the standards and provisions of this chapter according to state statute 30-A M.R.S.A. § 4401. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period beginning on or after September 23, 1971, including the creation of or division of structure(s) to have 3 or more dwelling units within a 5-year period, or conversion from a non-residential use to residential creating 3 or more dwelling units. Subdivisions in ROS Districts: All subdivisions in ROS zones greater than 10 acres must meet the Open Space Subdivision standards. Open Space Subdivisions: This chapter includes specific provisions to allow for open space preservation through increased flexibility in subdivision standards and requirements.
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Groundwater & Wellhead Protection. Chapter 70, Article V, Division 2 Includes special regulations to protect the town's sensitive sand and gravel aquifers and public drinking water supplies (wellheads) from development impacts, based on the mapped overlay zones.
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	Supplementary Zoning Regulations. Chapter 70, Article VI, Division I Includes additional regulations for the following: <ul style="list-style-type: none"> • Accessory buildings • Agriculture • Campgrounds • Filling, grading, dredging, earth moving • High-intensity farming • Home occupations • Sanitation • Drainage • Conversion of existing building to multi-unit housing • Water quality • Archeological sites • Roads and driveways • Essential services
N/A	Met	Not	Rear Lots. Chapter 70, Article VI, Division 2, Sec. 70-641

OFFICE USE ONLY – Conditional Use Application

Application Number:

Project Name:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>The creation of a rear lot may be permitted through conditional use review, and must meet the requirements within this section.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	<u>Off-Street Parking and Loading.</u> Chapter 70, Article VI, Division 3 <i>Includes standards for the provision of off-street parking and loading areas, excluding single-family and duplex units.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	<u>Marine Structures.</u> Chapter 70, Article VI, Division 4 <i>Includes standards for piers, docks or other shoreline construction. (See also Shoreland Zoning.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	<u>Signs.</u> Chapter 70, Article VI, Division 5 <i>Includes standards for all public and private signage. (See also Table of Land Uses, Chapter 70, Article IV, Division 13, for permitted zones.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	<u>Timber Harvesting and Clearing Vegetation.</u> Chapter 70, Article VI, Division 6 <i>Includes standards for all timber harvesting within 250 feet horizontal distance of the normal high-water line of a river or the upland edge of a freshwater wetland, or within 75 feet of the normal high-water line of a stream.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	<u>Planned Unit or Cluster Development.</u> Chapter 70, Article VI, Division 7 <i>Specific provisions applying to a planned development under unified management, planned and developed as a whole according to comprehensive and detailed plans.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Not <input type="checkbox"/>	<u>Expansion of Sand and Gravel Mining within Aquifer Protection Overlay District.</u> Chapter 70, Article VI, Division 9 <i>Standards applying to overlay district zones 2 or 3, zone 1 expansions not permitted.</i>

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

Conditional Use Permit Standards Checklist

Waivers. Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of this chapter, Code or comprehensive plan. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of this chapter are met.

Sec. 70-194. - Factors applicable to conditional uses

(c) **Primary factors.** In considering a conditional use permit, the planning board shall evaluate the immediate and long-range effects of the proposed use upon:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	6. <i>Health.</i> The maintenance of safe and healthful conditions. <i>Conditions:</i>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	7. <i>Pollution.</i> The prevention and control of water pollution and sedimentation. <i>Conditions:</i>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	8. <i>Building sites.</i> The control of building sites, placement of structures and land uses. <i>Conditions:</i>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	9. <i>Wildlife habitat.</i> The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat. <i>Conditions:</i>
Met <input type="checkbox"/>	Not <input type="checkbox"/>	10. <i>Shore cover.</i> The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty. <i>Conditions:</i>

For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

(d) Additional factors. The planning board shall also consider the following factors:

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	12. <i>Compatibility with area.</i> The compatibility of the proposed use with adjacent land uses. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	13. <i>Need.</i> The need of a particular location for the proposed use. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	14. <i>Access.</i> Access to the site from existing or proposed roads. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	15. <i>Flooding.</i> The location of the site with respect to floodplains and floodways of rivers or streams. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	16. <i>Waste disposal.</i> The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	17. <i>Impact on land and water.</i> The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation. Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	18. <i>Topography.</i> Existing topographic and drainage features and vegetative cover on the site. Conditions:

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	19. <i>Erosion.</i> The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
			Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	20. <i>Transportation.</i> The impact of the proposed use on transportation facilities.
			Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	21. <i>Community facilities.</i> The impact of the proposed use on local population and community facilities.
			Conditions:
Met <input type="checkbox"/>	Not <input type="checkbox"/>	Waived <input type="checkbox"/>	22. <i>Water supply.</i> The impact of the proposed use on local water supplies.
			Conditions:

Additional conditions list, next page.

*For informational purposes, applicant not required to submit this form.
(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)*

Sec. 70-195. - Conditions attached to conditional uses

Additional conditions. Upon consideration of the factors listed in section 70-194, the planning board may attach such conditions, in addition to those required elsewhere in this chapter, that it finds necessary to further the purposes of this chapter. Such conditions may include, but are not limited to specifications for:

<i>Additional Factors</i>	<i>Conditions</i>
Type of vegetation:	
Increased setbacks and yards:	
Specified sewage disposal and water supply facilities:	
Landscaping and planting screens:	
Period of operation:	
Operational controls:	
Professional inspection and maintenance:	
Sureties:	
Deed restrictions:	
Restrictive covenants:	
Locations of piers, docks, parking and signs, type of construction:	
Any other conditions necessary to fulfill the purpose of the conditional use chapter:	

For informational purposes, applicant not required to submit this form.

Site Plan Review

Local Ordinances Checklist:

This checklist is provided to ensure that all municipal ordinances have been considered for applicability and that appropriate standards are met. Full ordinance text available on the Town website or at the town office. Applicants are encouraged to contact Code Enforcement to review applicability of any special standards or provisions under the Lisbon Code of Ordinances to their project.

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Table of Land Uses, Table of Dimensional Requirements. Chapter 70, Article IV, Division 13 and Division 14 <i>These tables list all permitted and non-permitted land uses by zone/district, and indicate dimensional requirements (lot size, density, frontage, setbacks) by zone.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Manufactured Housing, Mobile Homes and Trailers, [Parks]. Chapter 22, Article II <i>No manufactured housing, house trailer or mobile home park shall be established in the town except upon application to the planning board and the town council.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Entrances onto Public Ways. Chapter 46, Article V <i>Any new entrance onto a public way requires a permit and must meet specified standards. Access Management (Sec. 46-134): This chapter includes specific standards and permitting for driveway access onto Lisbon Street (Route 196), Main Street north of Huston Street (Route 125), Mill Street, Ridge Road (Route 9), or Upland Road.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Building Code. Chapter 54, Article II <i>In accordance with 25 M.R.S. §2373, the Town of Lisbon has adopted the mandatory standards and regulations of the Maine Uniform Building and Energy Code (MUBEC), ASHRAE 62.1-2013, ASHRAE 62.2-2013, ASHRAE 90.1-2013, ASTM E-1465-08.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Floodplain Management. Chapter 58, Article II <i>Land uses within any special flood hazard areas (Zones A and A1-30 identified by FEMA) are subject to evaluation and to land use and control measures to reduce future flood impacts, in accordance with the National Flood Insurance Program.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Shoreland Zoning. <i>The standards and provisions of shoreland zoning apply to any development, structure, or land use activities in land areas within 250 feet horizontal distance of (1) the normal high-water line or any great pond or river, (2) the upland edge of a coastal wetland, (3) the upland edge of a freshwater wetland, (4) all land areas within 75 feet horizontal distance of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.</i>

For informational purposes, applicant not required to submit this form.

N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Site Plan Review. Chapter 62, Article I <i>Commercial, industrial and institutional development, including and multifamily that is not considered to be a subdivision under 30-A M.R.S.A. § 4401, must meet the standards of this chapter to ensure that the development occurs in a manner which minimizes adverse effects on public facilities, the environment and neighboring uses.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Subdivisions. Chapter 66, Article I <i>All subdivisions are subject to review and must meet the standards and provisions of this chapter according to state statute 30-A M.R.S.A. § 4401. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period beginning on or after September 23, 1971, including the creation of or division of structure(s) to have 3 or more dwelling units within a 5-year period, or conversion from a non-residential use to residential creating 3 or more dwelling units. Subdivisions in ROS Districts: All subdivisions in ROS zones greater than 10 acres must meet the Open Space Subdivision standards. Open Space Subdivisions: This chapter includes specific provisions to allow for open space preservation through increased flexibility in subdivision standards and requirements.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Groundwater & Wellhead Protection. Chapter 70, Article V, Division 2 <i>Includes special regulations to protect the town's sensitive sand and gravel aquifers and public drinking water supplies (wellheads) from development impacts, based on the mapped overlay zones.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Supplementary Zoning Regulations. Chapter 70, Article VI, Division I <i>Includes additional regulations for the following:</i> <ul style="list-style-type: none"> • Accessory buildings • Agriculture • Campgrounds • Filling, grading, dredging, earth moving • High-intensity farming • Home occupations • Sanitation • Drainage • Conversion of existing building to multi-unit housing • Water quality • Archeological sites • Roads and driveways • Essential services
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Rear Lots. Chapter 70, Article VI, Division 2, Sec. 70-641 <i>The creation of a rear lot may be permitted through conditional use review, and must meet the requirements within this section.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Off-Street Parking and Loading. Chapter 70, Article VI, Division 3 <i>Includes standards for the provision of off-street parking and loading areas,</i>

For informational purposes, applicant not required to submit this form.

<input type="checkbox"/>	<input type="checkbox"/>	<i>excluding single-family and duplex units.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Marine Structures. Chapter 70, Article VI, Division 4 <i>Includes standards for piers, docks or other shoreline construction. (See also Shoreland Zoning.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Signs. Chapter 70, Article VI, Division 5 <i>Includes standards for all public and private signage. (See also Table of Land Uses, Chapter 70, Article IV, Division 13, for permitted zones.)</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Timber Harvesting and Clearing Vegetation. Chapter 70, Article VI, Division 6 <i>Includes standards for all timber harvesting within 250 feet horizontal distance of the normal high-water line of a river or the upland edge of a freshwater wetland, or within 75 feet of the normal high-water line of a stream.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Planned Unit or Cluster Development. Chapter 70, Article VI, Division 7 <i>Specific provisions applying to a planned development under unified management, planned and developed as a whole according to comprehensive and detailed plans.</i>
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Expansion of Sand and Gravel Mining within Aquifer Protection Overlay District. Chapter 70, Article VI, Division 9 <i>Standards applying to overlay district zones 2 or 3, zone 1 expansions not permitted.</i>

<i>OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)</i>	
<i>Application Number:</i>	<i>Date Received:</i>
<i>Project Name:</i>	<i>Fee Paid (amount):</i>
<i>Applicant:</i>	

OFFICE USE ONLY:

Conditional Use Final Planning Board Decision

Page 1 of 2

- ☐ Application approved
☐ Application approved with conditions
☐ Application denied

See written decision and conditions, next page.

Planning Board Signatures:

Signature of Planning Board Member

Date

Signature of Planning Board Member

Date

Signature of Planning Board Member

Date

Signature of Planning Board Member

Date

Signature of Planning Board Member

Date

A conditional use permit secured under the provisions of this article by vote of the planning board shall expire if the work or change involved is not commenced within one year of the date on which the conditional use is authorized, and if the work or change is not substantially completed within two years

<i>OFFICE USE ONLY – Conditional Use Application (REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)</i>	
<i>Application Number:</i>	<i>Date Received:</i>
<i>Project Name:</i>	<i>Fee Paid (amount):</i>
<i>Applicant:</i>	



Sybill Brewer <brewnsyb@gmail.com>

nonconforming structures.

Mark Stambach <MStambach@lisbonme.org>

Mon, Feb 13, 2023 at 3:04 PM

To: Sybill Brewer <brewnsyb@gmail.com>

Hi Sybill

The application to be used is the conditional use permit application (attached). You only need to complete the first 2 pages and provide a to scale sketch of the current location of the building, with distances shown to the property lines. I have attached a Google Earth view of the property for your convenience. The associated with this would be \$150.

The process is an initial presentation of the application, and if deemed complete, the board will accept as such and set a public hearing

The second meeting includes the public hearing, and if there are no issues, the project would be approved at that meeting. The approval is good for 1 year.

Upon approval of the planning board, a building permit can be issued. The additional info needed for this would be a drawing or detailed description of how the garage is to be constructed to ensure that the structure will meet code. If attached, the fee is .30 per s.f., if detached, .15 per s.f. There is a minimum permit fee of \$25 if the calculated fee is less than that.

Please let me know if you have further questions

Thanks

Mark

[Quoted text hidden]

2 attachments**Conditional Use Application - Current 2018.docx**

131K

**19 North Street.pdf**

4436K



Sybill Brewer <brewnsyb@gmail.com>

nonconforming structures.

Mark Stambach <MStambach@lisbonme.org>
To: Sybill Brewer <brewnsyb@gmail.com>

Thu, Mar 2, 2023 at 10:02 AM

Hi

This may help. Please note this is not designed as a survey, but is a graphic representation. A plan as close to scale with the information of the layout of your property as close as possible will be beneficial

Thanks

Mark

Mark C Stambach CFPE/CFII

[Quoted text hidden]

 **Brewer.pdf**
132K



Town of Lisbon

Public Works Viewer

Q 330 Lisbon Street Lisbon ME



Untitled Map

Write a description for your map.

Legend

Feature 1

Google Earth

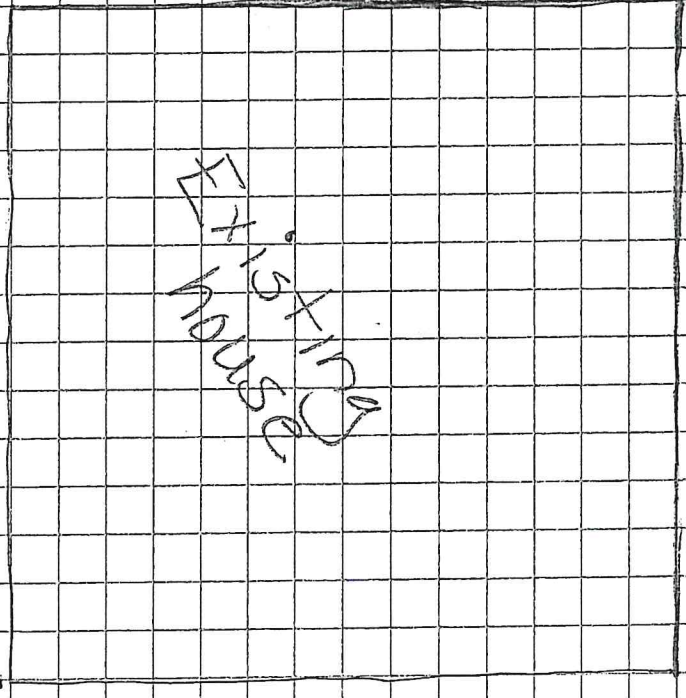
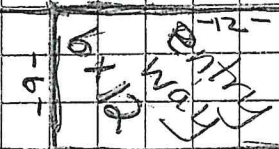
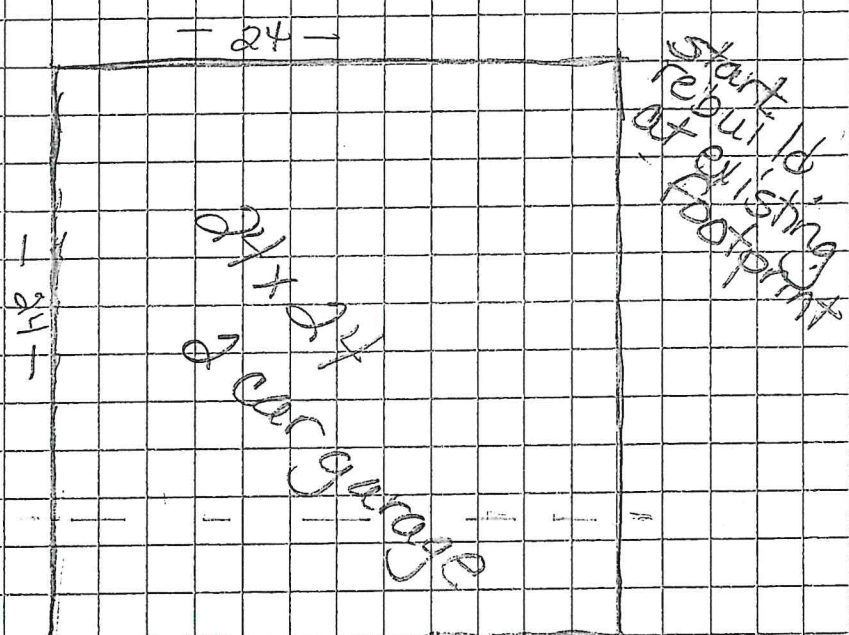
80 ft

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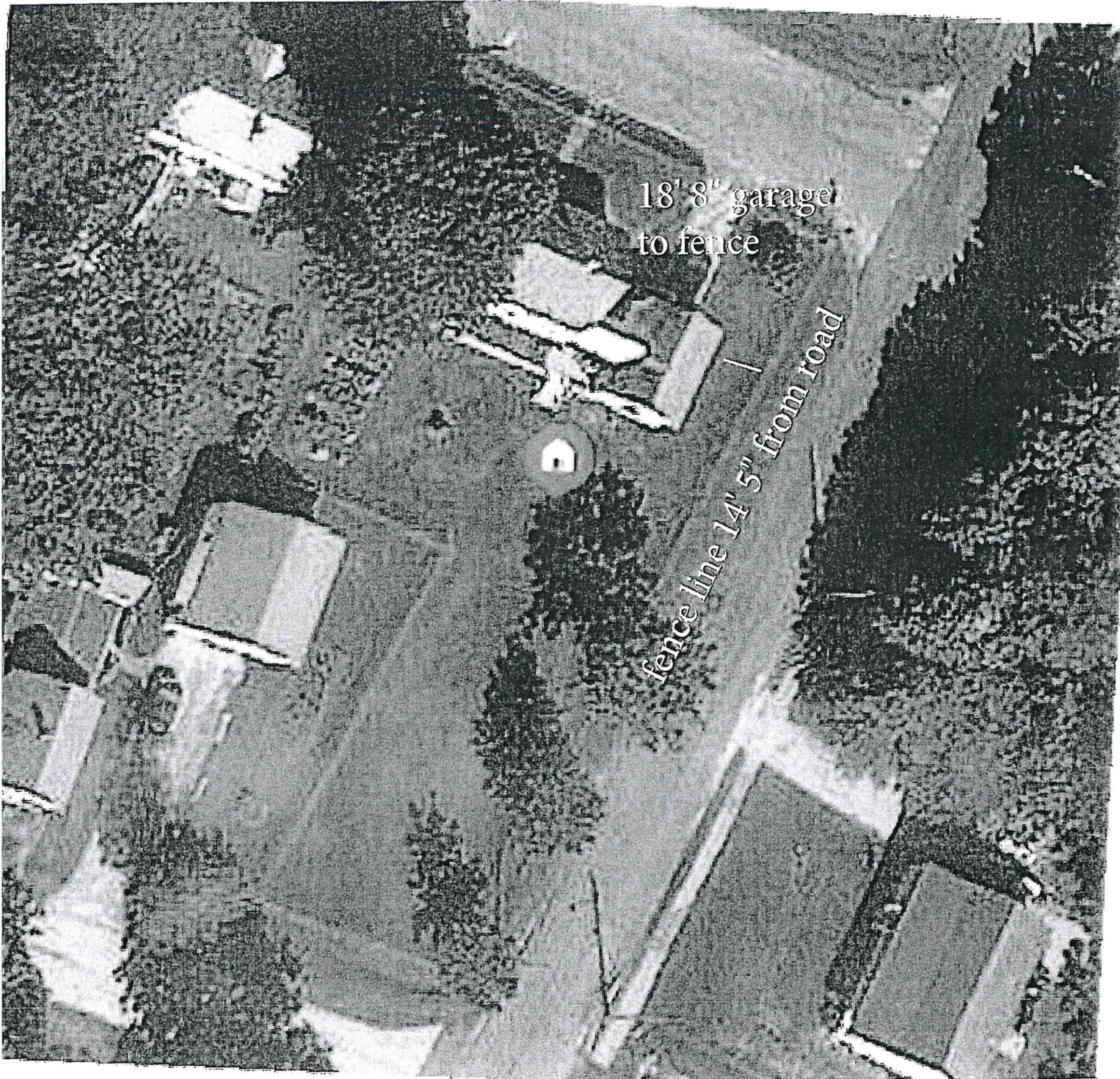
fence line
 approx 18ft 8"
 from existing structure

□ = 2 feet



EXISTING 19x24

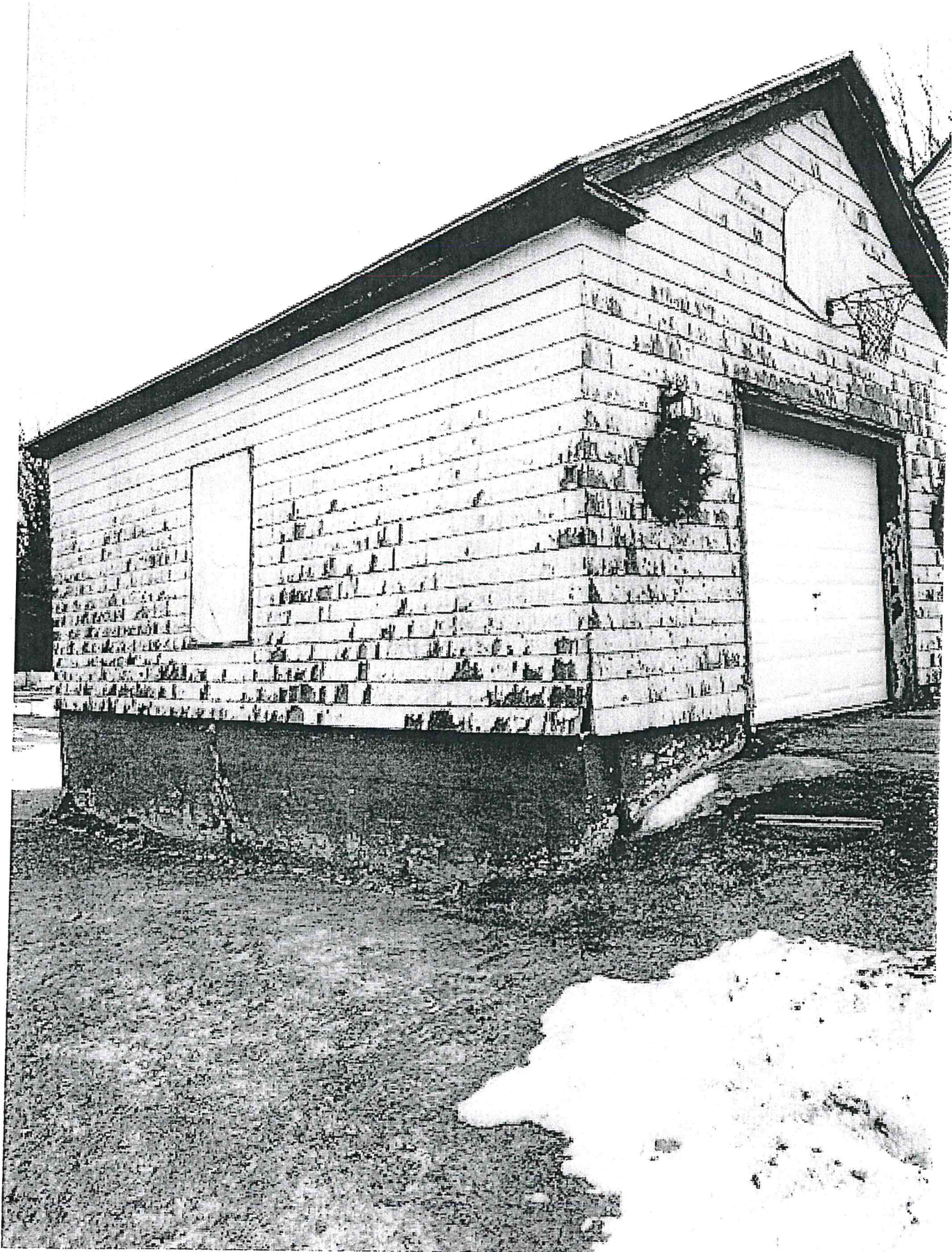
19 North Street Lisbon Falls
 proposed rebuild
 see plans for more
 description.



18' 8" garage
to fence

fence line 14' 5" from road







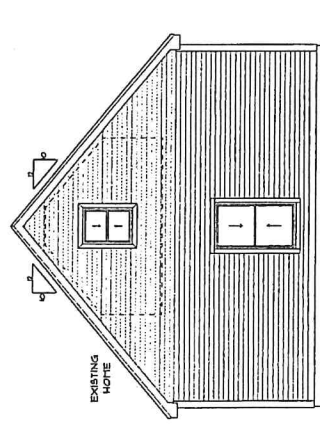


[illegible]

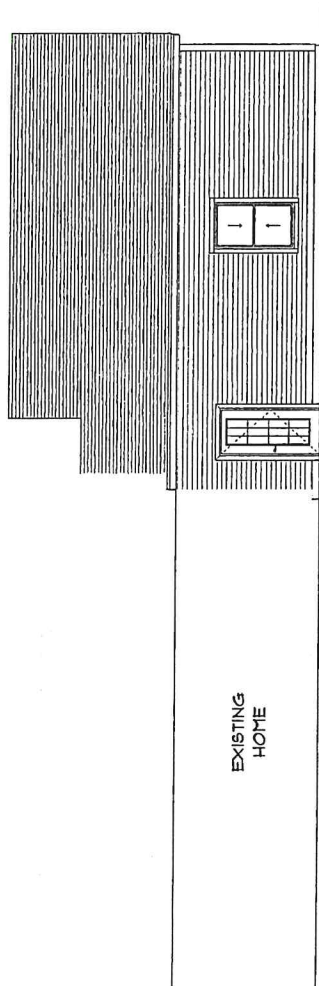
AD30486 2 OF 4

AD230486.1	00H	B/W	B/R	4/5/2023	4/5/2023
24X24 GARAGE ADDITION	Tuesday, May 19, 2023				
L15BON FALLS	SCALE • AS NOTED				

REAR ELEVATION
SCALE: 1/4" = 1'-0"



EXISTING
HOME

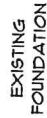


[illegible]

AD230486
4 ON 4

AD230486.1	OOM	BAW	BRU	7/1/2023	7/15/2023
24X24 GARAGE ADDITION				Issued: May 23, 2023	
LIBBON FALLS				SCALE - AS NOTED	

— a Division of Alameda & Sanborn Company —



		10/12
10/12		10/12

ROOF
SCALE: 1/4" = 1'-0"

EXISTING ROOF

Sec. 70-5. - Nonconforming uses, lots and structures.

(a) *General.*

- (1) *Transfer of ownership.* Ownership of land and structures which remain lawful but become nonconforming by the adoption or amendment of this chapter may be transferred, and the new owner may continue the nonconforming uses or continue to use the nonconforming structure or lot subject to the provisions of this chapter.
- (2) *Maintenance, expansion.* A nonconforming building or structure may be repaired, maintained or improved; but the area in nonconforming use may not be extended or expanded except in conformity with the provisions of this chapter.
- (3) *Restoration of unsafe property.* Nothing in this chapter shall prevent the strengthening or restoring to safe condition any part of any building or structure declared unsafe by the code enforcement officer.
- (4) *Pending application for building permits.* Nothing in this chapter shall require any change in the plans, construction, size or designated use for any building, structure, or part of a building or structure for which application for a building permit has been made or a building permit has been issued or upon which construction commenced prior to the adoption or amendment of this chapter, provided construction shall start within 60 days after the issuance of such permit.

(b) *Nonconforming uses.*

(1) *Continuation of nonconforming uses.*

- a. *Continuation.* The use of land, building or structure, lawful at the time of adoption or subsequent amendment of this chapter, may continue although such use does not conform to the provisions of this chapter. Sand and gravel pits in existence in the groundwater protection overlay zone prior to May 20, 1988, shall continue as nonconforming uses subject to performance standards contained in section 70-610.
- b. *Expansion.* A nonconforming use may not be expanded with the exception of sand and gravel pits in existence in the groundwater protection overlay zone prior to May 20, 1988.

- (2) *Discontinuance of nonconforming uses.* A nonconforming use which is discontinued for a period of one year may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this chapter. A nonconforming use which has been discontinued may be resumed by the same owner or another owner within the allowed time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five-year period.

(3)

Rule of precedence. Whenever a nonconforming use is superseded by a permitted use of a structure, or structure and land in combination, such structure or combination of land and structure shall thereafter conform to the provision of this chapter.

(4) *Change of use.* An existing nonconforming use may be changed to another nonconforming use provided that (a) the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use; as determined by the planning board and (b) applicable performance standards contained in Article VI of this chapter and Chapter 62, Site Plans. The determination of no greater adverse impact shall be made according to criteria listed below.

- a. That the proposed use is of the same character or less noxious than the current nonconforming use;
- b. That the proposed use will not create a traffic hazard nor increase an existing traffic hazard;
- c. That the amount of parking required to meet the minimum requirements for the proposed use exists on the site or will be otherwise provided in accordance with this chapter;
- d. That the amount of noise, odors, vibrations, smoke, dust and air discharges of the proposed use shall be equal to or less than the present use;
- e. That the hours of operation of the proposed use will be compatible with the existing, surrounding land uses;
- f. That the proposed use will not increase the adverse impact on surrounding properties; and
- g. Additionally, in the shoreland zone, the planning board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

(c) *Nonconforming lots of record.*

- (1) *Subdivision lots.* Lots in subdivisions approved during the period June 29, 1971, through March 10, 1975 (under the previous ordinance), shall remain valid if sanitation and shoreland conditions can be met.
- (2) *Rear lots.* A rear lot may be used for a single-family dwelling provided that it conforms with the requirements of section 70-641. A rear lot is defined as a lot without road frontage or a lot that has as part of its fee interest a limited amount of road frontage, less than the frontage requirement that provides access to the lot.

- (3) *Single lot.* A single lot of record which, at the effective date of adoption or amendment of this chapter does not meet the area, frontage or width requirements of the district in which it is located may be built upon provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, and that all other provisions of this chapter shall be met. Variance of yard or other requirements not involving area or width shall be obtained only by action of the board of appeals.
- (4) *Contiguous lots.* If two or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption or amendment of this chapter, and if any of these lots do not individually meet the dimensional requirements of this chapter or subsequent amendments, and if one or more of the lots are vacant or contain only an accessory structure, the lots shall be combined to the extent necessary to meet all dimensional requirements; and no portion of the parcel shall be built upon which does not meet dimensional requirements of this chapter; nor shall any division of the parcel be made which creates any dimension or area below the requirements of this chapter.

(d) *Nonconforming structures.*

- (1) *Expansions.* A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with subsections a and b below.
- a. After January 1, 1989, if any portion of a structure is less than the required setback, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of subsection (d)(2) of this section, and is less than the required setback the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30 percent in floor area and volume since that date.
- b. Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the planning board or its designee, basing its decision on the criteria specified in subsection (d)(2) of this section. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with subsection (d)(1)(a) of this section, and the foundation does not cause the structure to be elevated by more than three additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

Reconstruction or replacement. Any nonconforming structure which is located less than a required setback and which is removed, or damaged or destroyed, regardless of the cause, by more than 50 percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within 18 months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with setback requirements to the greatest practical extent as determined by the planning board or its designee in accordance with the purposes of this chapter. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to subsection (d)(1), as determined by the nonconforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure.

Any nonconforming structure which is located less than a required setback and which is removed by 50 percent or less of the market value, or damaged or destroyed by 50 percent or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the code enforcement officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the planning board or its designee shall consider, in addition to the criteria in subsection (d)(2) of this section, the physical condition and type of foundation present, if any.

(Code 1983, § 15-104; T.M. of 5-14-1988, arts. 90, 94, § 15-104; T.M. of 5-13-1989, art. 87; T.M. of 5-16-1992, art. 86, § 15-104; T.M. of 5-13-1995, art. 58, § 1; T.M. of 5-13-2000, art. 55; T.M. of 10-2-2000, art. 4; T.M. of 7-21-2009, § 2009-110; T.M. of 11-17-2009, § 2009-174)

MEMORANDUM

TO: Lisbon Planning Board

CC: Mark Stambach, Code Enforcement Officer

From: Kate Burch, Planner, North Star Planning

RE: ROS-I/ROS-II Proposed Zoning Changes

Date: June 16, 2023

Overview

The purpose of this workshop is to review proposed zoning changes to implement maximum lot size regulations in ROS-I and ROS-II.

The ROS-I zone allows limited residential development, requiring an Open Space Subdivision if the parcel is greater than 10 acres. The ROS-II zone is intended to “to maintain the agriculture land base of Lisbon” while allowing limited residential development. New residential subdivisions are not allowed, back lots are not allowed, and all new residential lots must have driveways on existing public streets.

At the May 11, 2023 Workshop, the Planning Board discussed potential zoning updates to allow more residential development in these rural zones while still protecting the rural character and working lands of the area, and agreed to pursue maximum lot size regulations.

At the June 8, 2023 Workshop, the Planning Board agreed on dimensional standards for new maximum lot size regulations. Two additional concerns were discussed: contiguous lots and setbacks for development on new roads.

Contiguous lots

The Board prefers new residential development in these zones to be clustered in contiguous lots. The cost of road construction typically encourages builders to keep roads as short as possible with house lots on either side, which results in contiguous lots. Including an ordinance requirement for contiguous lots may result in standards that are difficult to meet. Existing conditions like streams or wetlands, or required

sight distance requirements, could make it difficult for some lots to be contiguous in a subdivision. Additionally, in the case of non-subdivision lot splits, a property owner may prefer to split a lot off either end of the parcel, and these separated lots would still be in keeping with the rural development pattern.

The best way to regulate this concern may be to update Lisbon's private road standards to discourage long dead-end roads.

Setbacks for development on new roads

The Board discussed a desire to require developments on new roads to be set back a certain distance from the existing street to reduce the visual impact of new residential development on the rural landscape. A change has been proposed to Sec. 66-154 (see below) to require a setback and buffer from existing roads for subdivisions.

Proposed Ordinance Changes

New additions are underlined; suggested eliminations are ~~struck through~~.

Definitions

Agriculture means the production, keeping or maintenance for sale or lease of plants and/or animals, including but not limited to forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

Commercial farm means any parcel used for agriculture that meets at least one of the following conditions:

1. Eligible for or enrolled the current use taxation Farm and Open Space Tax Law (36 M.R.S. § § 1101 - 1121)
2. At least the minimum required farm income for the filing of an IRS Form-F of the landowner is derived from farm uses

Farm employee means any person who gains income from employment on a commercial farm.

Farm labor housing is a new or existing single or multi-family dwelling and/or other permanent structure converted into apartments, that is occupied by farm employees and their family members, on a commercial farm. Any housing occupied by the landowner or the landowner's family is not considered farm labor housing.

Division 5 – Rural Open Space District I

Sec. 70-352. - Permitted uses.

After the effective date of this amendment, no new residential building permits shall be issued for parcels larger 2 acres, except to replace existing residences or for *farm labor housing on a commercial farm.*

Division 5A – Rural Open Space District II

Sec. 70-358. - Permitted uses.

After the effective date of this amendment, no new residential building permits shall be issued for parcels larger than 2 acres, except to replace existing residences or for *farm labor housing on a commercial farm.*

Sec. 70-361. - Dimensional requirements.

Lots in the rural open space II district shall meet or exceed the minimum requirements as identified in section 70-536 and the following (refer also to article VI of this chapter):

- (1) Maximum coverage. Maximum coverage of lot by structures in the rural open space district II shall not exceed 20 percent; except that high intensity farming shall not exceed 25 percent.
- ~~(2) Lot standards. Lots shall comply with the following:~~
 - ~~a. Lots shall have a minimum area of 60,000 square feet and a maximum area of 100,000 square feet.~~
 - ~~b. After the effective date of this amendment, lots for residential use shall have the required frontage on an existing publically maintained road.~~
 - ~~c. The lot frontage to lot depth ratio shall be 1:1.5.~~

Sec. 70-362. - Performance or land use standards.

Permitted uses and conditional uses in this division shall conform to the performance standards delineated in article VI of this chapter and the following:

- ~~(1) After the effective date of this amendment, residential subdivisions are prohibited.~~
- (2) After the effective date of this amendment, residential backlots are prohibited.

Sec. 66-154. - Subdivisions in rural open space districts I and II.

Residential subdivisions of greater than ten acres in the rural I and rural II zoning districts shall be of open space design and meet the standards of section 66-155.

All subdivisions lots shall be set back at least 50 feet from existing roads. A buffer of natural vegetation or landscaping, at least 50 feet wide, shall be maintained to preserve the landscape and reduce visual impacts of development.

Proposed Dimensional Table

Please note *timber harvesting* has been added as a use, along with agriculture, that is exempt from maximum lot size requirements.

District	Minimum Lot Size	Maximum Lot Size	Maximum Density	Minimum Road Frontage	Minimum Shore Frontage	Minimum Front Setback	Shoreland Area	Minimum Side Setback	Minimum Rear Setback	Maximum Lot Coverage
Rural Open Space I										
Residential/Other Uses	1 acre	2 acres	1 unit per 10 acres	150'	150'	50' arterial, 35' collector, 25' minor	75'	25'	25'	20%
Agriculture/High-intensity farming*/timber harvesting	1 acre	none	1 unit per 10 acres	150'	150'		75'	25'	25'	25%
Rural Open Space II										
Residential/Other Uses	1 acre	2 acres	1 unit per 10 acres	150'	150'	50'	75'	25'	25'	20%
Agriculture/High-intensity farming*/timber harvesting	1 acre	none	1 unit per 10 acres	150'	150'	50'	75'	25'	25'	25%
*High-intensity farming requires a buffer of at least 100' (see Sec 70-605)										

Sec. 70-193. Application procedure.

- (a) *Application required.* Any person advised by the codes enforcement office that a proposed use requires a conditional use permit from the Town of Lisbon Planning Board, shall submit a written application to the codes enforcement office on a form provided by the town. All applications shall be signed by the owner of the property, or other duly authorized person applying for the permit, certifying that the information on the application together with any submissions or supporting data, is complete and correct. All applications shall be dated upon submission to the codes enforcement office, noting on each application the time and date of its receipt. Ten copies of each application, together with additional submissions and supporting data, shall be filed.
- (b) *Application requirements.* Each application shall contain, as a minimum, the following submission requirements:
 - (1) A complete set of plans in accordance with the submission requirements for preliminary plans under section 66-52(3) of the Town of Lisbon Subdivision Ordinance.
 - (2) A statement addressing all of the applicable factors listed in section 70-194 of this zoning ordinance.
 - (3) If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner.
- (c) *Codes enforcement office action.* Upon receipt of the application required under subsection (a) above, the codes enforcement officer, or his designee, shall:
 - (1) Note on each copy of the application, the date and time of receipt in the codes enforcement office.
 - (2) Review each application to determine whether the submission requirements under subsection (b) above have been met, and to determine the next scheduled meeting, no sooner than 14 days after the date of filing of the application, at which the planning board may consider the application. If additional information from town staff is required, the codes enforcement officer or his designee may refer the application to the appropriate staff member for staff review of the plan and for comments or recommendations on the application.
 - (3) If an application is deemed to meet all of the submission requirements, then the codes enforcement officer shall schedule a public hearing before the planning board on the application and notify all abutters and the general public, in accordance with the notice requirements set forth below.
 - (4) If the applicant has not met all submission requirements, then the codes enforcement officer or his designee shall notify the applicant in writing of any additional submission requirements that need to be provided in order to meet the application requirements of subsection (b) above. If the codes enforcement officer or his designee is uncertain, or needs input from the planning board regarding submission requirements, then the matter may be placed on the next planning board agenda for the sole purpose of determining what, if any, additional submissions will be required prior to processing the application. In this instance, no public hearing shall be scheduled until at least 14 days after receipt of any required additional submissions.
- (d) *Notice requirements.* The codes enforcement officer shall provide notice of the filing of an application to all abutters. Abutters shall be defined as those property owners as designated in the Town of Lisbon tax records, of all properties immediately adjacent to the property subject to the conditional use application, and any other properties directly across any street or right-of-way from that property. The codes enforcement officer or his designee shall also provide notice of any public hearing by causing a notice of that public hearing identifying the applicant, the property, nature of the conditional use, and the time, date and place of the hearing, in a newspaper of general circulation within the Town of Lisbon, with copies by regular mail to all abutters at least seven days prior to the hearing date. The notice of filing of the application and

the notice of public hearing may be combined into a single notice. Notice of planning board review of submission requirements shall be sent by regular mail to all abutters at least seven days prior to the meeting at which same shall be considered and may be combined with the abutters notice of filing.

- (e) *Planning board action.* Once referred to the planning board and included on a planning board meeting agenda, the application shall be processed as follows:
- (1) If the application has been referred to the planning board to determine whether or not application requirements have been met, then the board shall review the submissions and make that determination and also determine whether any supplemental information will be required. If the planning board determines that all submission requirements have been satisfied and no additional information required, then they shall instruct the codes enforcement officer to schedule a public hearing on the matter not less than 14 days after the board meeting date at which the determination of completeness has been made.
 - (2) If the planning board determines that all submissions requirements have not been met or that supplemental information is required to be provided under the provisions of subsection 70-195(b), then the applicant shall be notified of what information needs to be submitted in order to satisfy application requirements, and any additional information required under subsection 70-195(b). Upon submission of that information to the codes enforcement office, a public hearing will be scheduled, not less than 14 days from the date that completed submissions have been provided.
 - (3) Where the application is scheduled on the planning board agenda for a public hearing, and appropriate notices as required have been provided, the planning board shall conduct a public hearing on the application.
 - (4) Once the public hearing has been completed, the board, at that meeting or at a subsequently held meeting, shall proceed to hear the application and to determine whether the conditional use application is approved, approved with conditions, or denied.
- (f) *Owner defined.* The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the planning board.
- (g) *Representation by attorney; continuance.* At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.
- (h) *Presentation by CEO.* The code enforcement officer shall attend all hearings and may present to the planning board all plans, photographs or other material he deems appropriate for an understanding of the application.
- (i) *Applicant's presentation.* The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the chair. All persons at the hearing shall abide by the order of the chairman.
- (j) *Notice of decision.* Within 20 days of the public hearing, the planning board shall reach a decision on a conditional use and shall inform, in writing, the code enforcement officer and town officers, and shall notify by mail the applicant, abutting owners, and owners of property directly across any streets or rights-of-way from the proposed development of its decision and the reasons for the decision.
- (k) *Action by CEO.* Upon notification of the decision of the planning board the code enforcement officer, as instructed, shall immediately issue, issue with conditions prescribed by the planning board, or deny a building permit.
- (l) *Expiration of permit.* A conditional use permit secured under the provisions of this article by vote of the planning board shall expire if the work or change involved is not commenced within one year of the date on which the conditional use is authorized, and if the work or change is not substantially completed within two years.

(Code 1983, § 15-803(3); T.M. of 11-3-2005, art. 5; C.M. of 2-5-2013, V. 2013-28; C.M. of 3-5-2013, V. 2013-34)

Property Information6. Location of Property (Street or Road) 19 North Street Lisbon Falls

Register of Deeds

Book

Page

Lisbon Tax Maps

Map 424Lot 103

7. What legal interest does the applicant/owner have in the property to be developed (fee ownership, option, purchase and sale contract, etc.)? Attach evidence of interest.

owner8. What interest does the applicant/owner have in any property abutting the parcel to be developed?none

9. Are there any easements or restrictive covenants on the property to be developed?

Yes ☒ No If yes, please specify: _____

10. Current zoning of property: _____

Current use(s) of property: _____

11. Is any part of the project or property(s) in question part of an overlay zone?

 Aquifer Protection Overlay Wellhead Protection Overlay

11. Indicate if this property has previously been reviewed and/or permitted as part of a town-approved subdivision, site plan review, conditional use, floodplain development, or other planning board or appeals board review:

no**Project Information***If the applicant is not the owner of the property, then a letter of intent from the owner authorizing the application as submitted and noting that it is provided with the full authority of the owner.*12. Nature of the Project. Provide a brief description of the proposed project, including proposed use(s), proposed buildings and structures, proposed site work and other improvements to the property, or other information to familiarize the Planning Board with your application.Rebuild garage currently existing on existing foot print - expand towards existing home structure and add entry way (2 car garage with 6x12 entry way to home)