



AGENDA
PLANNING BOARD MEETING
JULY 27, 2023
LISBON TOWN OFFICE
7:00 PM

Nicholas Craig- Regular 2026
Vacant- Regular 2025
Christopher Huston- Regular 2025
Patrick Maloy- Regular 2024
Shaun Carr- Regular 2024
Dan Leeman-Associate 2025
William Kuhl-Associate 2024

1. CALL TO ORDER – Election of Officers: Chair & Vice Chair

2. ROLL CALL

____ William Kuhl (Associate)

____ Vacant

____ Shaun Carr

____ Chris Huston

____ Patrick Maloy

____ Nicholas Craig

____ Dan Leeman (Associate)

3. CHAIRMAN’S REVIEW OF MEETING RULES

4. WRITTEN COMMUNICATIONS – Minutes of June 22, 2023

5. PUBLIC HEARINGS - **Case #23-12** - Conditional Use Application – Park St. Friends Daycare

Case #23-13 - Conditional Use Application – Changing garage to In-law Apt.

Case #23-14 - Conditional Use Application – Compost – Bush’s Bushes

6. UNFINISHED BUSINESS – **Case #23-11** Little Orchid Day Care – Conditional Approval

Findings of Facts – Little Orchid Day Care – 20 Main Street, Lisbon Falls

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 04252

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

7. NEW BUSINESS – None

8. OTHER BUSINESS - None

9. CODE ENFORCEMENT OFFICER ITEMS –

10. ADJOURNMENT -

LISBON PLANNING BOARD – MEETING/HEARING RULES

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

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

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

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

- **During Regular Meetings**- is allowed at the discretion of the Chair, but only after introduction of an agenda item and appropriate motions with time for explanation and Board member questions. The public may be allowed to comment, 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 22, 2023

William Kuhl, Interim Chair- Associate 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 - Regular 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 Shaun Carr, Chris Huston (arriving at 7:06 pm), Patrick Maloy and Nicholas Craig. Associate Members Dan Leeman and William Kuhl were present as well. Also present was Mark Stambach, Code Enforcement Officer; Councilor Fellows, Town Council Liaison; Kate Burch, Lisbon's Contracted Planner, and 8 audience members. Curtis Lunt was 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 June 08, 2023

The meeting minutes of June 08, 2023 were distributed to all the members. The Chairman asked if there were corrections or additions.

VOTE: (2023-64) Mr. Maloy, seconded by Mr. Carr moved to approve the Minutes of June 08, 2023.

Vote: 3-0 Carried.

5. PUBLIC HEARINGS – Conditional Use Application – Little Orchid Daycare

Mr. Kuhl opened and closed the Public Hearing with no comments from the public.

6. UNFINISHED BUSINESS – Androscoggin –Sagadahoc Counties Extension Assoc. - Abutter to Case 23-11

Mr. Stambach stated Andro-Sagadahoc Counties Extension Assoc., an abutter to the Little Orchid Daycare, voiced their concerns about the Daycare's play area. They believe the portion of the play area may belong to the association. The Association just learned of this recently and are attempting to sort this out, stating if the land does belong to them that they are not willing to commit to having it used as a playground area. Mr. Stambach said he does not have any documentation to back this up. A survey would need to be done on the property to get a clear picture of the property lines.

Mr. Kuhl stated there has been a daycare there for years and this has never come up. Mr. Maloy asked if it is the Board's Responsibility to determine where the property lines are. Mr. Stambach said no but they can make it as part of a condition for the applicant to work this out with the abutter.

Case #23-11 – Conditional Use Application

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

Mr. Stambach went through the Conditional Use Permits and Local Ordinance Checklists.

VOTE: (2023-65) Mr. Craig, seconded by Mr. Carr moved to approve the application for Case #23-11, Little Orchid Daycare with the condition that the applicant receive their State License and that the property issue is resolved with the Abutters within 30 days.

Vote: 4-0 Carried.

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

Meghan Stuart stated she has had a Daycare in town since 2017 and is helping her mother, Heidi, to open up her own. This daycare will care for up to 12 kids ages 6 weeks to 12 years for before and after care.

VOTE: (2023-66) Mr. Carr, seconded by Mr. Huston moved to accept the application as complete and schedule a Public Hearing for July 27, 2023.

Vote: 4-0 Carried.

Case #23-13 - Conditional Use Application – Changing garage to In-law Apt.

Michael Capprini
8 Center Street
Lisbon Falls, Me 04252
Map U07 Lot 149A

VOTE: (2023-67) Mr. Carr, seconded by Mr. Craig move to accept the application as complete for Case #23-13 and schedule a Public Hearing for July 27, 2023.

Vote: 4-0 Carried.

Case #23-14 – Conditional Use Application – Compost

Bush's Bushes
Edward Bush
159 Ridge Road
Lisbon Falls, Me 04252
Map R05 Lot 007

Mr. Stambach stated the applicant has obtained a composting permit through the Department of Agriculture for production of compost on-site, which will affect about a ½ acre area of the lot. Mr. Stambach said that the application as he understands it, requires that 70% of the compost be used on-site for the first 2 years.

VOTE: (2023-68) Mr. Craig, seconded by Mr. Maloy moved to accept the application as complete for Case #23-14 Bush's Bushes Compost and schedule a Public Hearing for July 27, 2023.

Vote 4-0 Carried.

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

Mr. and Mrs. Brewer stated they would like to rebuild their garage due to structural issues, and use the existing footprint building it closer to their house. Mr. Stambach stated with a non-conforming structure, it can be removed and rebuilt within a period of one year no matter what the cause for removal is. He said it can be reconstructed as long as it meets the furthest practical extent as determined by the Planning Board or their designee.

VOTE: (2023-69) Mr. Maloy, seconded by Mr. Carr moved to accept the application as complete for Case #23-15-Reconstruction of a Non-Conforming Structure and schedule a Public Hearing for July 27, 2023.

Vote: 4-0 Carried.

Kate Burch, Lisbon's contracted planner stated Case #23-15 is not a Conditional Use. The applicant used the Conditional Use Permit Application for this particular project since it was the closest application to what they are doing so they do not need to schedule a Public Hearing.

Mr. Maloy and Mr. Carr withdrew their motions.

Motions for VOTE 2023-69 withdrawn.

VOTE: (2023-69A) Mr. Maloy, seconded by Mr. Carr moved the approve the application for Case #23-15-Reconstruction of a Non-Conforming Structure.

Vote: 4-0 Carried.

8. OTHER BUSINESS – ROSI & ROSII Discussion

Ms. Burch presented the Proposed zoning changes to ROSI & ROSII 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.

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 agricultural 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 than 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)										

Ms. Burch talked about requiring new development being contiguous lots. She said the reason most ordinances do not specify contiguous lots is because of the cost of building a road and other natural conditions that could prevent that.

Mr. Kuhl said his reasoning for requiring contiguous lots was to create a way to allow people to develop their land in rural parts of town to add housing, but not have it widely scattered and to also allow for easier accessibility for emergency vehicles in case of an emergency.

Ms. Burch said the proposed Maximum Lot Size has been made smaller, so that will help prevent lots being scattered. She said a good way to regulate the road length and encourage more compact development along roads would be to change the Road Ordinance or the Board could change the general subdivision standards to read that it shall minimize the impact on Agricultural or natural areas.

Mr. Kuhl suggested to require the contiguous lots, or make best efforts to be contiguous and minimize impact on the surroundings but allow for a waiver if there is a swamp or ravine for example and the applicant needs to change the design etc.

Mr. Stambach asked with the proposed changes to the Maximum Density of 10 acres per unit, is that for just subdivisions or for any lot creation? Ms. Burch said it would be for any new lot. Mr. Stambach said, as it is proposed now, someone would have to have a 10 acre lot to build one dwelling unit, even if someone is doing a single lot split.

The Board decided unanimously to put the Ordinance changes on hold until they get more input from the public.

Applicant Requirements Discussion

Mr. Kuhl stated his concern for applicants not attending meetings and/or sending representatives to speak on behalf of their business' and questioned if the Planning Board should consider an application if the applicant/representative does not show up.

Mr. Fellows stated this has been a topic of conversation before but he has not seen anything in the Statute that requires the applicant's attendance. Mr. Stambach said the Board can act on the application, but if there are questions to be answered they have the authority to postpone it or table it.

CODE ENFORCEMENT OFFICER – Nothing to report

ADJOURNMENT

VOTE: (2023-70) Mr. Carr, seconded by Mr. Craig moved to adjourn at 8:30pm. **Vote: 4-0 Carried.**

Respectfully Submitted: _____

Lisa B. Smith, Deputy Town Clerk

Date Approved: July 27, 2023

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



TOWN OF LISBON

300 Lisbon Street, Lisbon, ME 04250

*Lisa Ward, Town Clerk
Lisa Smith, Deputy Clerk*

PUBLIC HEARING

Conditional Use Applications

Notice is hereby given that the Lisbon Planning Board intends to hold a Public Hearing on July 27, 2023 at 7:00 PM at the Lisbon Town Office to hear comments on the following:

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

The public is invited to attend.
Lisa Ward, Town Clerk

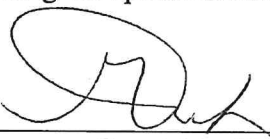
Constable's
Return of Posting
State of Maine

Lisbon,

Androscoggin, ss.

Pursuant to the within notice, I have posted said notice at the Lisbon Post Office, the Lisbon Falls Post Office, and the Town Office Building, all being conspicuous and public places within the Town of Lisbon.

7-18-23
Date



Constable, Town of Lisbon



Town of Lisbon

Planning Board

**300 Lisbon Street
Lisbon, ME 04250**

July 27, 2023

In the Matter of:

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

Findings of Fact

The applicant submitted a Conditional Use Application for a Family Child Care to be located at 20 Main St, Unit C in Lisbon Falls, Tax Map U05 Lot 226.

The Planning Board first considered the application on June 8, 2023 and accepted the application as complete. On June 22, 2023 the Board conducted a public hearing. On June 22, 2023, the Planning Board approved the Conditional Use Permit with conditions.

Conclusion of Law

General Review Standards: Lisbon Code of Ordinances. Article III – Conditional Uses.

Performance Standards.

1. Application for Site Plan Review

- Completed the Local Ordinances Checklist
- Completed the Conditional Use Permit Standards Checklist

Therefore, the Planning Board hereby approves the Conditional Use Permit Application for Little Orchid Daycare, 20 Main St. Unit C, Lisbon Falls with the following conditions:

1. Questions with the Property line issue is resolved within 30 days. Until there is resolution, the playground area to the south shall not be used.

By: _____
William Kuhl
Acting Lisbon Planning Board Chair

Date _____

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.

Signature of Applicant Heidi Stuart
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);

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(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.**

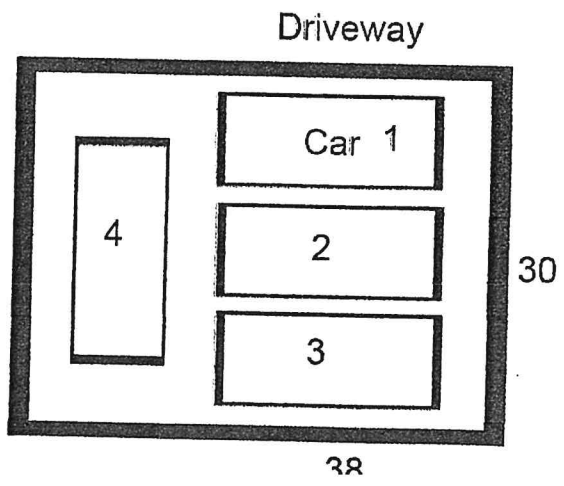
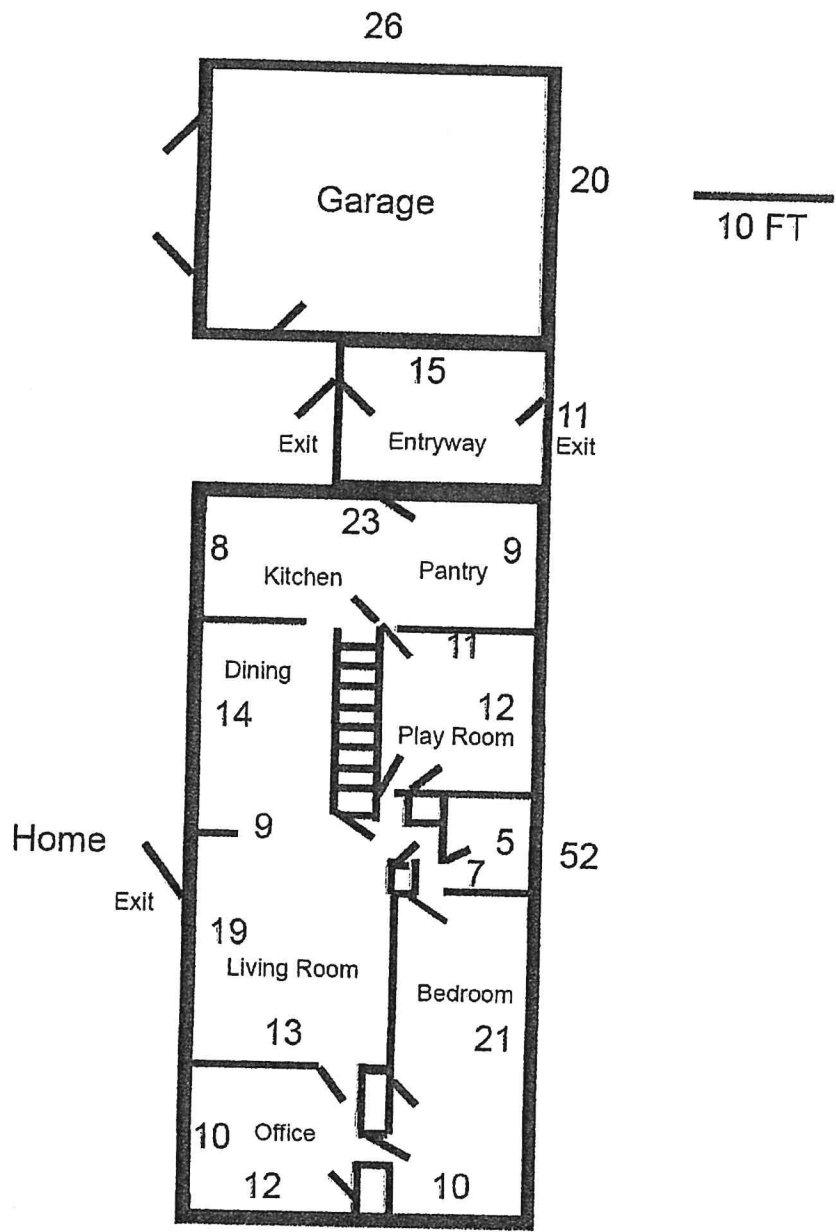
N/A <input type="checkbox"/>	Met <input type="checkbox"/>	Table of Land Uses, Table of Dimensional Requirements. Chapter 70, Article IV, Division 13 and Division 14 <i>These tables list all permitted and non-permitted land uses by zone/district, and indicate dimensional requirements (lot size, density, 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>



2023-12



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

Application Number: 23-13

Date Received: 6/12/23

Project Name:

Fee Paid (amount): 150.00

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

Caporini Michael @fmail.com

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

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. <i>Conditions:</i>
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. <i>Conditions:</i>
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. <i>Conditions:</i>
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. <i>Conditions:</i>
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. <i>Conditions:</i>
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. <i>Conditions:</i>
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. <i>Conditions:</i>

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>

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

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N/A <input checked="" 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 checked="" 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 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
N/A <input checked="" 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.

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N/A <input checked="" 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 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

Date completed	Please refer any questions regarding the procedure to appropriate town staff.
	<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> <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="" type="checkbox"/>	Not <input type="checkbox"/>	6. <i>Health.</i> The maintenance of safe and healthful conditions. <i>Conditions:</i>
Met <input 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="" 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="" 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="" 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>

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(REFERENCE Chapter 70, Article III, Lisbon Code of Ordinances)

Met <input 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="" 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="" 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="" 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:	