

MINUTES
TOWN OF TOPSHAM
PLANNING BOARD MEETING
DECEMBER 7, 2010, 7:00 P.M.

MEMBERS PRESENT: Donald Spann, Chairman
Ronald Bisson
Michael Colleran
Scott Libby
Stephen Mathieu

MEMBERS ABSENT: Jay Prindall and Bruce Van Note

STAFF PRESENT: Planning Director, Richard Roedner was present representing the Planning Staff.

A meeting of the Topsham, Maine Planning Board was held on Tuesday, December 7, 2010 at the Municipal Building at 100 Main Street, Topsham, Maine.

1. **CALL TO ORDER AND ROLL CALL**

Chairman Spann called the meeting to order at 7:00 p.m. and asked the recording secretary to conduct the roll call. Roll call was conducted and it was noted that all members were present except for Jay Prindall and Bruce Van Note; both had been excused.

A schedule of Planning Board meetings for 2011 was included in the Board Package and is attached as the last page (page 5) of these minutes.

2. **MINUTES FROM THE NOVEMBER 16, 2010 MEETING**

Motion was made by Mr. Libby, seconded by Mr. Bisson, and it was

VOTED

To approve the minutes of the November 16, 2010 meeting as written.
(Vote was 4 in favor with 1 abstention - Chairman Spann).

3. **SKETCH PLAN - LEE TOYOTA AUTOMOBILE DEALERSHIP HAS SUBMITTED A SITE PLAN APPLICATION FOR A PROPOSED 30,000 S.F. AUTOMOBILE SALES AND SERVICE BUILDING AT 113-115 MAIN STREET, TAX MAP R04, LOT 21 AND 25A.**

Before addressing Item 3, Chairman Spann made it known to the Board that he represented Adam Lee on both of the parcels prior to rezoning, the sale has since closed.

Mr. Spann said he would leave it up to the Board whether he should recuse himself. Board members were in unanimous agreement that it would not be necessary for Chairman Spann to step down and he continued to chair the meeting.

Chairman Spann said this is before the Board for a Sketch Plan Review of a proposed 30,000 s.f. automobile dealership to be located at 113-115 Main Street, zoned Village Center. The applicant is WITT, LLC of Topsham (Lee Toyota).

Adam Lee asked to be recognized. He introduced Don Lee, President of Lee Auto Malls, their engineer, Kevin Clark from Sitelines and Van Daigle, Fixed Operations Director. Mr. Lee told the Board that Lee Toyota has outgrown the space it currently occupies in Topsham. He said the firm likes doing business in Topsham and has sponsored many civic activities. Mr. Lee said WITT, LLC is anxious to work with the Town. The operation currently employes 45 employees. Adam Lee presented a brief history of the application. Approximately a year ago, a sketch was submitted based on expanding the existing structure. The plan was to increase the existing 12,500 s.f. building by an additional 15,000 s.f. The thought was that the new 15,000 was allowed under the new codes, and that because of utilizing the existing structure, the setbacks couldn't be met. But since there was a decrease in setback, this would be considered a step in a positive direction.

Another version was brought to the Planning Office date stamped November 16, 2010. This version has a 30,000 s.f. building located in the front corner of the lot. However, as a new structure, the 30,000 s.f. was too large. In addition, the building didn't meet the setback restrictions and it had parking/display in front and to the sides of the proposed building, which would be problematic under Site Plan Review.

Because of the setback issues and the building size issue, a revised site plan (date stamped November 30, 2010) was submitted with the building located where the existing building now exists. This site plan has the same issue of building size, but the applicant was seeking to essentially expand the existing building (even though it was being demolished) and therefore not needing to meet setbacks.

The applicant's engineer, Kevin Clark, from Sitelines, presented two new alternatives, one which conforms to code and a second which will require an interpretation of code in order to be viewed as conforming.

Alternate #1 - This alternate shows a dealership facility located on the northerly edge of the property (same location as the November 30, 2010 version), in place of the existing structures that are presently there. While the new structure does not meet the zoning setbacks for this area, the applicant suggested that in effect this enlarged facility is an expansion of an existing non-conforming structure (although the structure is being demolished). With the proposed design, the new structure will actually be less non-conforming than the existing structure by being closer to the road.

Currently the applicant owns two parcels which will be merged and then re-divided. The new property line will come in from Main Street, then turn to the north, essentially splitting the building. The result will be two lots, with 15,000 s.f. of building on each

side of a lot line. This will be possible if the Board votes to approve a zero setback option.

There are a couple of site plan issues with this layout, including the standards for no parking between the building and the front property line, and for corner lots, no parking between the building and any road frontage. This last issue may be mitigated by the new lot line.

Alternate #2 - Alternate #2 relocates the building to a more central place at the front of the parcel, built at the 25-foot maximum setback line. This alternative also utilizes a newly divided lot and the zero lot line operation to construct a 30,000 s.f. building. The new lot line will run straight in from Main Street. The building design includes a front canopy that sticks out from the main building by approximately 25-feet, giving the building a stepped back appearance to minimize its visual impact to the road way. This layout limits parking in front of the building to perhaps one display space on each side of the front entrance and provides for direct pedestrian access to the front of the building in line with the Main Street Plan and code amendments. The site plan also includes parking to the sides of the building and will require a waiver vote by the Board to allow parking between the building and the Route 196 road frontage.

Zero Lot Line - A lengthy discussion followed Mr. Clark's review of the application on whether or not a zero lot line would be acceptable. It was noted that it is supported in this zone and has been used in the past but not to be able to place two buildings together to achieve the desired size. Hallmark Homes and Target were referenced. Board member Libby said he has a problem with using the zero setback in order to put two 15,000 sq.ft. buildings together as this doesn't seem with the rule was originally intended to do. He wondered if having two separate buildings were considered, one for service and one for sales. Adam Lee responded that they had looked at the scenario of two buildings but it seem cumbersome and most costly rather than have the sale/service flow smoothly from one building.

A straw poll was taken and the Board agreed (4 to 1) that zero lot line would be a permissible development style in this district and that the applicant would be allowed to build the 30,000 sq. ft. building.

Foundation - A discussion followed regarding the foundation. Question was raised if the applicant could build on the same pad. It was agreed that the basement is considered part of the building and building on the pad actually would make the building more conforming. Examples were provided by the Planner on shoreland property but being in a different zone, the examples really didn't apply to this application. A straw poll was taken and it was unanimously agreed that it would be acceptable for the applicant to build on the current foundation.

There was a discussion that the Toyota Corporate rendition of the building might not be in a New England style acceptable to the peer reviewer, but the applicant thought the corporation would be willing to work with the peer reviewer to adjust the building to fit ordinance requirements and still keep the flavor of the Toyota branding. It was noted that the front of the building will be on Route 201 with the side facing Main Street. Kevin Clark told the Board that the side of the building will be designed to look like a front.

The wording of "Drive through" on the plan was discussed and it was the consensus that the wording "drive through" did not apply such as a drive-thru restaurant, but simply a drop off place for customers to leave their vehicles on the site.

Although a Landscaping Plan has now yet been developed, the Board was assured that a plan will be presented that will meet and/or exceed ordinance requirements. A Lighting Plan will also be submitted in accordance with ordinance requirements.

Mr. Clark thanked the Board for their input and said the applicant will return before a Public Hearing for Conditional Use and Site Plan presentation.

There were no questions or comments from members of the public following the sketch plan review.

4. **ADJOURN**

Motion was made by Mr. Colleran, seconded by Mr. Libby, and it was unanimously

VOTED

To adjourn the meeting at 8:15 p.m. and to move into a Workshop Session to discuss Methadone Clinics and Fairground Regulations.

Respectfully submitted,



Patty Williams, Recording Secretary

PLANNING BOARD MEETINGS	DEADLINES FOR APPLICATION SUBMITTAL
<i>REGULAR MEETINGS</i>	<i>SKETCH/PRELIMINARY/FINAL APPLICATIONS</i>
January 4	December 14
January 18	December 28
February 1	January 11
February 15	January 25
March 1	February 8
March 15	February 22
April 5	March 15
April 19	March 29
May 3	April 12
May 17	April 26
June 7	May 17
June 21	May 31
July 5	June 14
July 19	June 28
August 2	July 12
August 16	July 26
September 6	August 16
September 20	August 30
October 4	September 13
October 18	September 27
November 1	October 11
November 15	October 25
December 6	November 15
December 20	November 29