

TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
NOVEMBER 7, 2013, 7:00 P.M.

MEMBERS PRESENT: Chairman, Donald Russell  
Vice Chair, David Douglass  
Ronald Riendeau  
William Thompson

MEMBERS ABSENT: Marie Brilliant

STAFF PRESENT: Planning Director, Rich Roedner

A meeting of the Topsham Board of Selectmen was held on Thursday, November 7, 2013 at the Municipal Building at 100 Main Street, Topsham, Maine.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE/ROLL CALL**

Chairman Russell called the regular meeting to order at 7:00 p.m. All present were invited to stand and recite the Pledge of Allegiance to the Flag. Tonya Jenusaitis, recording secretary took the roll call and noted that Selectmen, William Thompson, Ronald Riendeau, Chairman Donald Russell and Vice Chair David Douglass were present. Marie Brilliant was absent.

**TOWN MANAGER'S REPORT**

The Town Manager's Report included:

- 19% or 1,376 voters voted in the elections on November 5, 2013.
- Dog license are available until the end of January and can be picked up at the Clerk's Office.
- Joy of the Pen writing and reception at the Topsham Public Library on Saturday, November 9<sup>th</sup> at 1:00PM. Refreshments will be served.
- Topsham Boards that have opening include:
  - Finance Committee
  - Conservation Commission
  - Planning Board
  - Board of Appeals

**BOARD AND COMMITTEE REPORTS AND UPDATES**

**Update from the Conservation Commission** – Victor Langelo, of the Conservation Commission stated that the Commission has been working with Brunswick Topsham Land Trust (BTLT) on their strategic plan with concentration on overlaying joint areas of importance to the Town. Mr. Langelo stated that both sides have matched areas of importance well and will continue to work on a draft. Mr. Langelo noted that they have focused mainly on the Muddy River area.

Mr. Langelo stated that the Commission continues to work with other State agencies on the Topsham Fair Mall Watershed Study, as well as the sea-level rise study. The Commission is also working on amendments to the Open Space Ordinance to see how it is being used, what works, refining the language and to ensure that it serves the Town and the Commission purposes; this is ongoing.

Selectman David Douglass asked how the Conservation Commission and the BTLT are working together. Mr. Langelo replied that members of the BTLT are licensed and experts in dealing with easements. Mr. Langelo stated that if there is a piece of property within the Town that fits their purpose, it is better that they handle it as the Conservation Commission meets once a month and is on a volunteer basis. Mr. Langelo stated that the Commission tries to work with the BTLT because this is their “business”.

#### **PUBLIC COMMENT**

Selectman David Douglass stated that there have been a series of motor vehicle break-ins lately and urged residents to lock their vehicles and to either hide valuables or remove them from the vehicle when exiting.

**CORRESPONDENCE** – None Noted

**ADJUSTMENTS TO THE AGENDA** - None Noted

#### **CONSENT CALENDAR** -

##### **1. APPROVAL OF THE MINUTES OF THE REGULAR SELECTMEN MEETING 10-17-2013**

Motion was made by Mr. Douglass, seconded by Mr. Riendeau, and it was unanimous of those present and voting.

#### **VOTED**

To approve the consent calendar granting approval of the minutes of the regular Selectmen Meeting of October 17, 2013 as written.

**PUBLIC HEARING** – None Noted

**UNFINISHED BUSINESS --**

**92-13-CONSIDERATION AND ANY APPROPRIATE ACTION ON THE SALE OF LAND AT 26 RIVER ROAD.**

Chairman Donald Russell recused himself as he is an abutting property owner.

Selectman Douglass began the discussion by reviewing that an abutting property owner is interested in purchasing the entire lot at 26 River Road. Mr. Douglass noted that the Town Manager was working on the assumption to retain the shorefront, per the recommendation of the Conservation Commission and for public access; this item was last discussed at the June 20, 2013 Board of Selectmen's meeting.

Selectman Riendeau referred to the MEMO included in the packet from Rod Melanson dated 9/11/13 and stated that he would recommend keeping the parcel in its entirety as recommended. Selectman Douglass asked what had changed since the last discussion where there they discussed retaining the shoreland. Mr. Langelo, of the Conservation Commission, replied that what they were given was a portion of the strip that is valuable and useful for recreation and in some ways for conservation as there is a stream running out to the Androscoggin. Mr. Langelo stated that the portion that was shown is in large part high and dry most of the time and serves a buffer to protect the habitat from the development. Mr. Langelo noted that the Commission would be willing to allow a small portion of the land to be sold to meet setback requirements to bring the abutting lot into compliance if that was needed. Rich Roedner noted that when the Conservation Commission conducted its property inventory eight or nine years ago, they recommended retaining this property in its entirety and as discussions have arisen, the Commission had agreed to sell parts of the land if needed, but that they have not changed the belief that they should retain the property in entirety.

**Patrick Schamel, resident of 36 River Road,** asked if the Conservation Commission had been out to the property lately as the ledge on the property to get a boat down on is between 10 to 15 feet high. Mr. Schamel stated that access to the property would require trespassing on his property and that the stream Mr. Langelo referenced is three inches deep with no fish. Mr. Schamel pointed out that his property directly abuts this land and that he has to deal with the fleas and ticks as the property is not maintained by the Town. Mr. Schamel pointed out that the pictures that the Town Manager took were areas that he and his son have cleared and invited the Selectmen out to view the area.

Selectman Douglass reviewed the rendering with Mr. Schamel who reiterated that access to this land would need to be through his property or through the grove of trees.

Mr. Langelo replied that he was out to the property in 2010/2011 and agreed that at the moment there is no access that is available for a vehicle, but stated that there is access to the shoreline from the road without any access to private property. Mr. Langelo agreed that there is a steep bank that may not be preferable, but pointed out that this is the only piece of land that the Town maintains above the dam. Mr. Langelo stated that this land may not be perfect, but that once it is gone, it's gone.

Selectman Thompson asked if the property was surrounded by neighbors and Pat Schamel reviewed and explained the rendering to him.

Victor Langelo reminded the Board that the main purpose of this request was because the abutting property owner infringed on the Town owned property; if the Town wishes to sell the property, the Commission would like to see it go out to bid.

Selectman Riendeau reiterated that this is the only piece of land that the Town owns above the dam.

Motion was made by Mr. Riendeau and it was seconded by Mr. Douglass to retain the entire parcel at 26 River Road to maximize its future use and conservation.

Selectman Thompson asked if another look should be taken. Rich Roedner replied that Town Manager Knight walked the property and took pictures roughly two months ago. Selectman Douglass replied that this was before the Board in June with the belief that the water's edge would be retained as well as a 20 foot right-of-way which was not what the abutting owner wanted; it was at this time that they were asked to sell the entire parcel or to retain it.

**VOTED**

Unanimously, of those present, to retain the entire parcel at 26 River Road to maximize its future use and conservation.

Chairman Donald Russell returned to the regular business meeting.

**OLD BUSINESS** – None noted

## NEW BUSINESS

### 106-13      PRESENTATION OF THE SEA LEVEL RISE DATA WITHIN THE TIDAL PORTIONS OF THE ANDROSCOGGIN, CATHANCE, AND MUDDY RIVERS.

Rod Melanson introduced Peter Slovinsky, a Marine Geologist from the Maine Geologic Survey, and Director Elizabeth Hertz with the Maine Department of Agriculture, Conservation and Forestry.

Peter Slovinsky and Elizabeth Hertz presented a PowerPoint presentation on the sea level rise data within the tidal portions of the Androscoggin, Cathance and Muddy Rivers, what the rise can mean to accesways / transportation and areas of potential concern and recommendations.

Chairman Russell replied to the recommendations made that incorporation of awareness of this data into the comprehensive plan is an excellent idea.

### 107-13      CONSIDERATION AND ANY APPROPRIATE ACTION ON A PLAN TO UTILIZE A PORTION OF THE TOWN HALL LOT TO COMMEMORATE TOPSHAM'S 250 ANNIVERSARY.

Rich Roedner began by stating that the Town is approaching its 250<sup>th</sup> birthday. In conversations with the Tree Committee, they discussed planting a tree to commemorate the anniversary. As discussions ensued, the thought that something larger and different could be done arose. Locations were discussed within Town and the site that rose to the top of the list was the large yard at Town Hall. Discussions at the staff level have revolved around a commemorative grove or group of plantings along Monument Place including a small stone dust walking path, bench, and possibly an Elm hybrid to commemorate the birthday. Mr. Roedner reiterated that that goal would be to commemorate the 250<sup>th</sup> birthday. Mr. Roedner stated that they have been in touch with the group who run Project Canopy, a state grant program, who have relayed that there is a grant round coming up in December. Mr. Roedner stated that the green infrastructure, shrubs, trees, and running water are acceptable expenses and can be in kind. Mr. Roedner stated that what he is bringing to the Board is the idea of using part of the Town Hall yard for a commemorative area for the 250<sup>th</sup> anniversary; if this is something that the Board would like to see, a grant proposal can be drafted and brought forth at the next meeting. Mr. Roedner noted that the grant match is one to one and pointed out that if the park is located along Monument Hall, it will be a nice amenity to the bike path.

Selectman Douglass stated that he liked the location, but is concerned that the trees will end up being chopped up as they grow around the power lines. Mr. Roedner replied that they would hire a designer. Chairman Russell replied that the important factor is that the park / grove, fits the area it is going into. Selectman Riendeau pointed out that this is a project to commemorate the anniversary, but that it would also add to the area. Selectmen Thompson agreed with the idea especially since there are matching grants.

Agreement among Board members that Rich Roedner work with staff to generate a draft grant proposal for the next scheduled Selectmen's meeting.

**108-13**      **CONSIDERATION AND ANY APPROPRIATE ACTION TO HOLD A JOINT WORKSHOP WITH THE LOWER VILLAGE DEVELOPMENT COMMITTEE.**

Agreement among Board members to meet for a joint workshop with the Lower Village Development Committee on November 14, 2013 at 7:00PM.

**109-13**      **ELECTION OF CHAIR FOR THE BOARD OF SELECTMEN.**

Motion by Mr. Riendeau, seconded by Mr. Douglass and it was

**VOTED**

To re-appoint Donald Russell to Chairman of the Board of Selectmen by those present and voting, 3 yea with Mr. Russell abstaining.

**110-13**      **ELECTION OF VICE-CHAIR FOR THE BOARD OF SELECTMEN.**

Motion by Mr. Riendeau, seconded by Mr. Russell and it was

**VOTED**

To re-appoint David Douglass to Vice Chair of the Board of Selectmen by those present and voting, 3 yea with Mr. Douglass abstaining.

**ADJOURN**

Motion was made, seconded, and it was unanimous among those present

VOTED to adjourn the meeting at 8:25 P.M.

Respectfully submitted,



Tonya Jenusaitis  
Recording Secretary