

MINUTES
TOWN OF TOPSHAM
PLANNING BOARD MEETING
JULY 17, 2012, 7:00 P.M.

MEMBERS PRESENT: Donald Spann
Ronald Bisson
Scott Libby
Jay Prindall

MEMBERS ABSENT: Michael Colleran

STAFF PRESENT: Assistant Planning Director Rod Melanson

A meeting of the Topsham, Maine Planning Board was held on Tuesday July 17, 2012 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.. The recording secretary conducted the roll call and noted that all members were present, except for Michael Colleran, who had been excused.

2. APPROVAL OF THE MINUTES OF THE JUNE 19, 2012 MEETING

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

VOTED

To approve the minutes of the June 19, 2012 meeting as corrected.

(Corrections included: Pg. 2, 1st par., add sentence: "Applicant did not submit a completed application." Next to the last sentence in par. 1. Change last sentence to read: "Therefore, a public hearing will need to be held after a later date." Pg. 2, add at the end of the 5th par.: "The applicant asked the Board to conduct a preliminary which the Board declined due to an incomplete application.")

7/17/12 MEMORANDUM

Chairman Spann noted a Memorandum from the Codes Enforcement Officer, Tom Lister, dated July 17, 2012 in which Mr. Lister asked a question regarding the Sign Ordinance. Chairman Spann asked the Board if they wanted to add this item as an additional item to the agenda or address same at a future workshop which Mr. Lister would be invited to attend. The Board unanimously agreed to address the Memorandum at a future workshop and to invite Mr. Lister.

3. **PUBLIC HEARING - BRADLEY HOSKINS OF 144 MURDER ROAD HAS APPLIED FOR A SHORELAND PERMIT TO BUILD A BARN, TAX MAP R11, LOT 009**

Bradley Hoskins and Andrea Labbe came to the podium and reviewed the project before the Board. Mr. Hoskins said his property consists of approximately 19 acres and he would like to build a 30-foot by 30-foot barn for agricultural use within the resource protection district.

Chairman Spann read into the record an e-mail dated July 3, 2012 from the Codes Enforcement Officer, Tom Lister, to the Assistant Planner, Rod Melanson. The memo reads as follows: "*Rod, On May 7, 2012 I had a discussion with the DEP Shoreland Unit regarding the construction of a barn in a Resource Protection Zone as an accessory use to Agriculture. In accordance with 225-19, Table 1, we concluded that with the approval of an agriculture use as defined in 225-6, structures accessory to this allowed use would also be permitted, in this case the proposed barn. Per 225-19, B (1), the barn is regulated in RP as 'other regulated object' and must be located not less than 75-feet horizontal distance from the protected resource.*"

It was noted that the applicants appear to be minimizing the impact of the location of the structure by placing it toward the road. Given structure setbacks within the R3 District, it seems impossible to locate a barn outside of the RP Zone. According to the noted correspondence from DEP, accessory use (agriculture) structures within the RP Zone are not limited to a certain footprint size.

Following questions from the Board, the Public Hearing was declared open. With no comments to be heard from the applicant or members of the public, the Public Hearing was declared closed and the Board established the following...

... **FINDING OF FACTS**

Regarding property at 144 Murder Road, identified by Tax Map R-11, Lot 009, looking at Ordinance Section 225-19.16.D:

1. Will maintain healthful conditions. *No occupancy is being sought for the structure, location will minimize resource impacts.*
2. Will not result in water pollution, erosion, or sedimentation to surface waters. *Erosion controls will be in place during construction and overseen by the Code Officer.*
3. Will adequately provide for the disposal of all wastewater. *No wastewater disposal is being proposed.*
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. *No significant resource/habitat impacts are occurring through the placement of this structure.*
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters. *N/A*