

MINUTES
TOWN OF TOPSHAM
PLANNING BOARD MEETING
MARCH 6, 2012, 7:00 P.M.

MEMBERS PRESENT: Donald Spann
Ronald Bisson
Michael Colleran
Scott Libby
Stephen Mathieu
Jay Prindall

MEMBERS ABSENT: Bruce Van Note

STAFF PRESENT: Planning Director Richard Roedner

A meeting of the Topsham, Maine Planning Board was held on Tuesday, March 6, 2012 at the Municipal Building at 100 Main Street, Topsham, Maine.

1. CALL TO ORDER AND ROLL CALL

Chairman Spann called the regular Planning Board Meeting to order at 7:00 p.m.. The recording secretary conducted the roll call and noted that all members were present, except Bruce Van Note who had been excused.

2. APPROVAL OF THE MINUTES OF THE FEBRUARY 21, 2012 MEETING

It was noted that whereas the meeting held on February 21, 2012 was a Workshop and not a regular meeting, minutes of same would not be necessary.

3. PUBLIC HEARING - K&K1 (KELLEY & KELLEY DEVELOPMENT) HAS SUBMITTED AN AMENDED SITE PLAN FOR LOT-1B AT 111 TOPSHAM FAIR MALL ROAD, TAX MAP R05B, LOT 021 D008

Because of a possible conflict of interest, Chairman Spann recused himself from participation on this agenda item and handed the gavel over to Vice Chairman Michael Colleran.

Acting Chairman Colleran noted that K&K1 (Kelley & Kelley Development) has submitted an Amended Site Plan for Lot-1B at 111 Topsham Fair Mall Road, Tax Map R05B, Lot 021 DOO8.

Kurt Neufeld from Sitelines represented the applicant who was also present at the meeting. Mr. Neufeld introduced Joe Madden, a new associate at Sitelines.

Mr. Neufeld said his client was asking for an amendment to a plan which was approved in May of 2006 "Best Buy" Plaza. Part of the project included a pad site with a generic 2,900 s.f. building with a drive-through window. This was incorporated into the traffic and parking designs. The condition was that before this building could be built, the owner would have to come back to the Planning Board for an amended site plan showing the proposed architectural designs.

Mr. Neufeld said the applicant is now before the Board seeking an amendment to the original plan with the building size increased to 4,000 s.f.. The building has been re-oriented to a more parallel position with respect to the Topsham Fair Mall Road. This move resulted in changes to the traffic and parking patterns and modifications to the lighting and landscaping plans. The loading dock is now located on the south side of the building which Mr. Neufeld pointed out to the Board. Mr. Neufeld said the store is expected to employ 14 people and expected hours of operation will be Monday through Sunday from 10:00 a.m. to 10:00 p.m. Work on the project is expected to begin this spring and be completed by this summer.

Gas line was moved to the side of the building facing the entrance and electrical was moved to the loading dock side. Landscaping is planned to go around the loading dock. There is a dumpster on site which will be encased with a cedar fencing. Cut sheets on lighting will be brought to the Planning Office for review and signage will comply with ordinance requirements.

During discussion, Mr. Mathieu inquired if there was shared parking involved. Response was yes and Mr. Mathieu asked that a Shared Parking Agreement be submitted before approval. Mr. Prindall asked for an explanation of how delivery vehicles approached the loading dock. Mr. Neufeld responded to Mr. Prindall's satisfaction.

With no further questions, the Public Hearing was declared open. Members from the public responding included:

John Larson - On behalf of the Topsham Fair Mall, Mr. Larson expressed his support for the project. He said this project is a testament that the Town of Topsham continues to thrive even in tough times. Mr. Larson said he considered the business an appropriate use and that he considers it a nice addition to the area.

Bill Fitzsimmons - Mr. Fitzsimmons questioned how the Planning Board could approve the change from a restaurant use to a retail use. The Town Planner explained how the conditions of the ordinance were met. Mr. Fitzsimmons then told the board he was concerned with how the interior of the building would be used and said he heard it was for the sale of fireworks. He told the Board and members of the public that the fireworks option in Topsham has not been settled, that there was a good chance it would not be passed at Town Meeting and asked if the State laws on fireworks buildings had been reviewed. Response was that at this time the Board was only looking at a retail building use.

With no further comments to be heard, the Public Hearing was declared closed.

Motion was made by Mr. Mathieu, seconded by Mr. Bisson, and it was unanimously

VOTED

To grant Site Plan Amendment Approval to K&K1, LLC for Map R5, Lot 21-D-8-B for a retail building with the site plan amendment being a change from restaurant to retail use as proposed, with the stated 1 through 7 conditions on staff memo dated March 6, 2012 (typed below) and with the addition of numbers 8 and 9. Condition 8 is that the applicant shall provide details of any wall-mounted lighting for staff review, including any impacts on the lighting plan. Number 9 is that the shared parking arrangement for that planned commercial development be submitted to the Planning Staff before sign-off by the Planning Board.

Conditions

1. This approval is not final until such time as final plans showing all conditions and waivers have been signed by the Planning Board.
2. This approval is based on the approved plans listed below, Sheets C3-C7, drawn by Sitelines, PA, dated 2/14/12, with latest revision dates noted below, Architectural Plans, 1-2.0 and A-1.1, drawn by ALPHAarchitects, dated 3/6/12 and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.

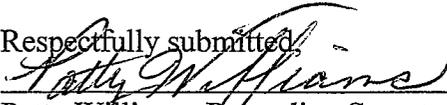
Sheet C3	Amended Site Plan, lot 1-B	Latest Rev. 2/28/12
Sheet C4	Amended Grading Plan, Lot 1-B	Latest Rev. 2/28/12
Sheet C5	Amended Utility Plan, Lot 1-B	Latest Rev. 2/28/12
Sheet C6	Amended Lighting Plan, Lot 1-B	Latest Rev. 2/28/12
Sheet C7	Amended Landscape Plan, Lot 1-B	Latest Rev. 2/27/12
Sheet A-2.0	Proposed Retail Store	
Sheet A-1.1	Proposed Retail Store	
3. No occupancy of new construction shall be permitted until all infrastructure serving the new construction has been completed according to the approved plans, or until a performance guarantee, acceptable to the Planning Director, has been established for any remaining work.
4. No deviations from the approved plans are permitted without prior approval from the Planning Board or Planning Office.
5. CADD files of all plans shall be provided to the Planning Office.
6. All landscaping shall be guaranteed for a minimum of three years following installation.
7. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sediment Control.
8. The applicant shall provide details of any wall-mounted lighting for staff review, including any impacts on the lighting plan, before obtaining permits.
9. The shared parking arrangement for the planned commercial development be submitted to the Planning Staff before sign-off by the Planning Board.

At this point, Chairman Spann returned to the Board table and was handed back the gavel.

4. ADJOURN

With no further business to address, motion was made, seconded and it was unanimously VOTED

To adjourn the meeting at 7:25 p.m. and to enter into a Workshop to discuss the Sign Ordinance.

Respectfully submitted,

 Patty Williams, Recording Secretary