

MEMORANDUM

To: Planning Board
From: Rod Melanson, Director of Planning
Andrew Deci, Assistant Planner
Date: May 27, 2020
Re: Crooker Zoning Amendment Request – Background and Process

A Zoning Amendment request for the potential relocation of the Crooker Construction, LLC (CCLC) plant is before the Planning Board as a workshop discussion item. The submitted memo-report from CCLLC steps through their review and findings from the 2019 Comprehensive Plan, re-orientes the board to their proposal, and proposes a zoning amendment process moving forward with the Board.

Background

Crooker Construction originally initiated this request in the summer of 2018. Previously, Crooker had hired Seavey & Maher Engineering to assist in their zoning amendment request. Seavey & Maher submitted a request to meet with the Board for a workshop in September of 2019.

Upon the request of the Planning Board, the item was pulled from the workshop agenda to request additional information from the applicant. As a follow-up, Planning Staff drafted a letter to Crooker Construction (dated Sept. 30, 2019--attached). The letter was an attempt to articulate what the Planning Board needed to conduct a review of a zoning request. Of note, the Board requested that the applicant focus first on the merits of the proposal--as it related to being consistent with the newly adopted comprehensive plan--as well as provide guidance for what a zoning request and review process entails.

Recently, Crooker has engaged two professional planners—Frank O’Hara and Raegan LaRochelle—to facilitate their application.

There has been no action taken by the Planning Board in regards to this zoning request. As of our last meeting (a joint workshop held with the Topsham Selectboard), it was made clear that the Planning Board holds the authority of reviewing this request (see ordinance provision below), and may seek any additional information it deems necessary to come to a decision on this request.

Attached herein are documents in regards to that joint workshop:

1. June 28, 2018 – Letter from Selectboard Chair
2. September 14, 2018 – Letter from Town Manager RE: Planning Board authority on re-zoning
3. February 2019 – Frequently asked Questions document for the public

Also attached to this memo are signatures from community members that are opposed to this zoning amendment request; this petition was submitted by Daniel Flaig in February 2019.

Process

This workshop is anticipated to be a discussion between the Planning Board and the applicant, focused on the willingness of the Board to work with the applicant on developing a potential new zoning district and if this project is consistent with the Comprehensive Plan. The Board cannot make decisions, findings, or take any action on an application during a workshop; a positive outcome of this discussion would be a clear understanding of the willingness of the Board to place the request as a regular workshop item on upcoming workshop and meeting agendas (as we have done with other zoning amendment requests).

Staff has discussed what this may look like, if the Board is inclined to place this as a regular agenda item moving forward:

1. To ensure a transparent process moving forward, the item would be treated much like past planning committee processes that undertook zoning amendments.
 - a. Dedicate public input sessions to gather citizen comments
 - b. Record public comments as part of meeting minutes, and require a response to comments
2. Provide public notice and information via our website that is continually maintained and updated
3. Request information from the applicant to address prior to placing on an agenda for discussion

Ultimately, the process of a zoning amendment review moving forward does not guarantee any outcomes for the applicant, and the requirements needed in order to render a decision will likely fall into one of the following outcomes according to Land Use Zoning Article XII Chapter 225-79 as the planning Board would decide if they were to do one of the following:

1. Make a recommendation to the Selectboard to place a zoning amendment to the Topsham Land Use Code and Map on to a future town meeting warrant
2. Notify the applicant that the Board is not inclined to make a recommendation to the Selectboard to place this as a Topsham Land Use Code and Map amendment on a future town meeting warrant

As pointed out by the applicant, taking action on a consistency finding with the comprehensive plan will be difficult to do until the actual details of the proposal are in place.

Although a vote shall not occur at this time, the Board may alert the applicant as to whether they will engage in conducting a zoning amendment planning process with he applicant.

Town of Topsham

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