



TOWN OF TOPSHAM PLANNING OFFICE

100 Main Street, Second Floor
Topsham, Maine 04086

Phone: (207) 725-1724 • Fax: (207) 725-1737

CONDITIONAL USE APPLICATION

FEE FOR CONDITIONAL USE PERMIT		<input type="checkbox"/> \$150.00					Date: _____ Amount paid: _____	
PROPERTY DESCRIPTION	Parcel ID	Map(s)	R04	Lot(s)	40H	Zoning District(s)	Business Park 2	
	Physical Address	71 Canam Drive						
PROPERTY OWNER'S INFORMATION	Name	Rainbow Ledge, LLC				Mailing Address	Wicked Joe	
	Phone	207-725-1025					35 Canam Dr.	
	Fax						Topsham, ME	
	Email	carmen@wickedjoe.com						
APPLICANT'S INFORMATION IF DIFFERENT FROM OWNER	Name	Andy Munsey				Mailing Address	Barrett Made	
	Phone	207-319-6114					65 Hanover St.	
	Fax						Portland, ME 04101	
	Email	andy.munsey@barrettmade.com						
APPLICANT'S AGENT INFORMATION	Name	Andy Munsey				Mailing Address		
	Phone							
	Fax							
	Email							
PROJECT DESCRIPTION	Existing Land Use: (see Attached)							
	Provide a narrative description of the Proposed Project:							
	Provide a narrative description of construction constraints (wetlands, shoreland zone, flood plain, non-conformance, etc.)							

MINIMAL PLAN REQUIREMENTS

- 9 Paper Copies of the entire Plan Packet [nine (9) of written materials, four (4) - 24 "x 36" plan sets plus five (5) - 11" x 17" plan sets]**
- ONE Electronic copy (via thumb drive/USB; email submissions will not be accepted) 9 Paper Copies of the entire Plan Packet [nine (9) of written materials, four (4) - 24 "x 36" plan sets plus five (5) - 11" x 17" plan sets]**
- Self-addressed stamped envelope to mail thumb drive back to applicant.**

The Site Plan documents/plans:

- A) Paper size; no less than 11" X 17" or greater than 24" X 36"
- B) Title block
 - Applicant's name and address
 - Name of preparer of plans with professional information
 - Parcel's tax map identification (map and lot) in bottom right corner of map/plan
- C) Location of all existing and proposed structures, utilities, lighting, landscaping, roads, drainage, and parking.
- D) Architectural Elevations of existing and proposed buildings.
- E) Proof of right, title and interest in the property.
- F) Agent Authorization form

The following **STANDARDS Of 225-67 Conditional Use permits SHALL BE MET. Please provide answers to the statements below.**

Standards for a conditional use permit. An applicant who seeks a conditional use permit shall submit to the appropriate board adequate evidence, which will become part of the record, illustrating the proof required by this section. The board shall review the application in concert with all of the evidence submitted by the applicant, and shall make specific factual findings that the following are met:

- (1) The use is compatible with and similar to the general categories of uses of neighboring properties.
(see Attached)
- (2) The use is compatible with the Comprehensive Plan and the anticipated future development of the neighborhood.
- (3) The anticipated traffic for the proposed development will not cause an adverse negative impact on the neighborhood surrounding the proposed development.
- (4) There will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties or the Town in general.
- (5) The physical characteristics of the site, including location, slope, soils, drainage and vegetative cover, are suitable for the proposed use.
- (6) The use will not constitute a public or private nuisance.
- (7) Any other requirements and applicable provisions of this Code, as deemed necessary, are met.

G. Conditions attached to conditional uses.

- (1) Upon consideration of the factors listed above, the Board of Appeals or Planning Board may attach such conditions, in addition to those required in this chapter, that it finds necessary to further the purposes of this chapter. Violation of any of these conditions shall be a violation of this chapter. Such conditions may include, but are not limited to, specification for: type of vegetation; included setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operations controls; professional inspection and maintenance; sureties; deed restrictions, restrictive covenants; locations of piers, docks, parking and signs; type of construction; or any other conditions necessary to fulfill the purposes of this chapter.
- (2) In evaluating each application, the Board may request the assistance of the County Soil and Water Conservation District state or federal agency or consultant which can provide technical assistance.

IT IS THE RESPONSIBILITY OF THE APPLICANT TO PRESENT A CLEAR UNDERSTANDING OF THE PROJECT.

SUBMITTALS THAT THE TOWN PLANNER DEEMS SUFFICIENTLY LACKING IN CONTENT WILL NOT BE SCHEDULED FOR PLANNING BOARD REVIEW.

The undersigned hereby makes application to the Town of Topsham for review of the proposed project and declares the foregoing to be true and accurate to the best of his/her knowledge.



APPLICANT OR AGENT'S SIGNATURE

10-06-2020

DATE

Andrew P. Munsey

PLEASE TYPE OR PRINT NAME

Conditional Use Application
Wicked Joe Organic Coffee / Wicked Leaf Organic Teas
October 6, 2020

Item	Response
Existing Land Use	The parcel is located in Topsham’s land use zone identified as, “Business Park 2.” The historic use was as a fire station for the former Naval Air Station Annex. The most recent use was as a tumbling gym. The parcel is owned by Carmen and Bob Garver, owners of Wicked Joe Organic Coffees, who also own the two adjoining parcels, one of which is where Wicked Joe Organic Coffees is located.
Provide a narrative description of the Proposed Project:	This project is part of a CBDG grant approved by the town of Topsham in July 2020. The existing building and site is being renovated and upgraded to be used for the production of organic teas by Wicked Leaf Organic Teas, a brand of Wicked Joe Organic Coffees. The following activities will occur at this facility: <ul style="list-style-type: none"> • Teas and other ingredients will be recieved • Organic teas will be mixed and blended • Teas will be packaged in both tea bag and loose-leaf packaging using semi-automated equipment • Teas will be further packaged in retail and shipping packaging and shipped to customers via truck
Provide a narrative description of construction constraints:	There are no construction constraints; the site does not contain any wetlands and is not located in a shoreland zone.
Standard 1: The proposed use is compatible with and similar to the general categories and uses of neighboring properties.	The facility is located in a business park that contains one similar business, Wicked Joe Organic Coffees. The activities to occur at this facility are similar to the activities of Wicked Joe Organic Coffees except for the roasting of coffee. Neighbors that are adjacent to this parcel and the larger business park include School Administrative District 75 facilities and Precast of Maine, an industrial manufacturing facility that produces concrete products for commercial and residential use.
Standard 2: The use is compatible with the Comprehensive Plan and the anticipated future development of the neighborhood.	The 2005 Comprehensive Plan identifies this parcel of land, which is part of the former Naval Air Station Annex, as being located in the “Village Fringe” and more specifically, the “Upper Village.” This zone encourages mixed commercial and residential uses (p.128) and provides “an opportunity to expand on the resources in the area and shift development from rural areas of Topsham to the center of the community” (p.130). The development of this parcel for commercial use is compatible with the 2005 Comprehensive Plan as well as the current and anticipated future development in the Upper Village area.
Standard 3: The anticipated traffic for the proposed development will not cause adverse negative impact on the	It is anticipated that there will be approximately five employees working at this facility. There is adequate parking on site for these employees as well as any potential additional visitors, with 8 parking spaces located on the Canam Drive side of the building and up to 4 parking spaces on the Republic Avenue side of the building. The volume of traffic added by on-

<p>neighborhood surrounding proposed development.</p>	<p>site employees and visitors will be approximately 5-7 personal vehicles. Most of the employee traffic will occur before 7am and after 4pm Monday through Thursday. Additional traffic at this facility will include daily deliveries and shipments of material and finished products. There is adequate onsite parking space for loading and unloading on the driveway the enters Republic Avenue.</p>
<p>Standard 4: There will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties or the Town in general.</p>	<p>The production and packaging of tea is generally does not generate noise, dust or odor that is detectable outside the building. It does not create any vibration or smoke at all. There are two machines that produce moderate sound levels. One is a 40 CFM Ingersoll Rand air compressor that has a maximum sound level rated at approximately 69dB. The other is a Miflex APO-11/KH-400 tea packaging machine. Both of these machines are located inside the building and will generally not be heard on the outside of the building.</p>
<p>Standard 5: The physical characteristics of the site, including location, slope, soils, drainage and vegetative cover, are suitable for the proposed use.</p>	<p>The physical characteristics of the site are suitable for the proposed use. All commercial activities, except for shipping and receiving will be occurring inside the facility. The facility is being renovated to meet the specific needs of tea production and packaging. There is adequate parking and vehicle access for loading and unloading activities related to shipping and receiving.</p>
<p>Standard 6: The use will not constitute a public or private nuisance.</p>	<p>There are no activities that will be conducted at this site that are not compatible with its current zoning or that are foreseen to be unreasonable, unwarranted or unlawful uses of the property that could interfere with the enjoyment or use of another individual's property or that would obstruct, damage or inconvenience the rights of the community.</p>
<p>7: Any Other requirements and applicable provisions of the Code, as deemed necessary, are met.</p>	<p>The building permit has been issued. A site plan review for the addition of coolers onto the building was approved by Andrew Deci on September 21, 2020. An amended application for additional site improvements will be submitted to the planning office along with this conditional use application.</p>

AGENT AUTHORIZATION

APPLICANT(S)/ OWNER (S)	Name	Rainbow Ledge LLC / Carmen and Robert Garver		
PROPERTY DESCRIPTION	Physical Address	71 Canam Dr Topsham, ME 07086	Map	R0;
			Lot	40H
APPLICANT'S AGENT INFORMATION	Name	Andy Munsey		
	Phone	207-319-6114 (cell) 207-650-6500 (office)	Business Name & Mailing Address	Barrett Made 65 Hanover St Portland, ME 04101
	Fax			
	Email	andy.munsey@barrettmade.com		

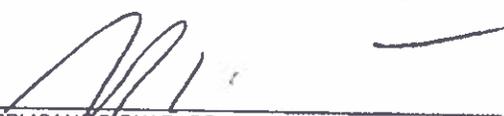
Said agent(s) may represent me/us before Topsham Town officers and/or Planning Board to expedite and complete the approval of the proposed development for this parcel.



 APPLICANT SIGNATURE

9-15-20
 DATE

Carmen Garver
 PLEASE TYPE OR PRINT NAME HERE



 CO APPLICANT SIGNATURE (if applicable)

9/15/20
 DATE

Robert Garver
 PLEASE TYPE OR PRINT NAME HERE



 APPLICANT'S AGENT SIGNATURE

9-15-20
 DATE

Andy Munsey
 PLEASE TYPE OR PRINT NAME HERE

DLN: 1001940071530

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL BY THESE PRESENTS, that **FIREHOUSE REALTY LLC**, a Maine limited liability company and having a mailing address of 71 Canam Drive, Topsham, Maine 04086, for consideration paid, GRANTS to **RAINBOW LEDGE, LLC**, a Maine limited liability company, with a mailing address of PO Box 456, Brunswick, Maine 04011 with **WARRANTY COVENANTS**, certain real estate located in Topsham, County of Sagadahoc, and State of Maine, which is more particularly described in Exhibit A attached hereto and made a part hereof.

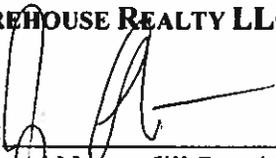
This conveyance is made **SUBJECT, HOWEVER**, to real estate taxes which are not yet due and payable, which, by acceptance hereof, Grantee assumes and agrees to pay.

IN WITNESS WHEREOF, the said **FIREHOUSE REALTY LLC** has caused this instrument to be executed on its behalf by its duly authorized undersigned representative as an instrument under seal, this 16th day of September, 2019.



Witness

FIREHOUSE REALTY LLC

By: 

Printed Name: Jill Partridge
Its: Manager

STATE OF MAINE
Cumberland, SS.

September 16th, 2019

Then personally appeared the above-named Jill Partridge, Manager of **FIREHOUSE REALTY LLC** and acknowledged the foregoing instrument to be her free act and deed in her said capacity, and the free act and deed of said **FIREHOUSE REALTY LLC**.

Before me,



David C. Johnson, Attorney-at-Law
Maine Bar No. 005895

Exhibit A
Legal Description

Lot 2 - Topsham Commerce Park Subdivision
Topsham, Maine

A certain lot or parcel of land located on the westerly side of Republic Avenue and the southeasterly side of Canam Drive in the Town of Topsham, County of Sagadahoc, State of Maine, bounded and described as follows:

Beginning at a capped iron rod found at the intersection of the westerly sideline of Republic Avenue and the southeasterly sideline of Can am Drive. Thence:

1. S 21° 29' 46" E by said Republic Avenue a distance of One Hundred Fifty-Eight and 06/100 (158.06) feet to a capped iron rod set and the northeasterly corner of Lot 3 as shown on a plan of Topsham Commerce Park Subdivision made by Wright-Pierce dated August 15, 2014 and recorded in the Sagadahoc County Registry of Deeds Plan Book 50, Page 13;
2. S 68° 30' 14" W by said Lot 3 a distance of Two Hundred Nine and 12/100 (209.12) feet to a capped iron rod set;
3. S 00° 03' 49" W by said Lot 3 a distance of Twenty-Five and 00/100 (25.00) feet to a capped iron rod set;
4. N 89° 56' 11" W by said Lot 3 a distance of Twenty-Six and 93/100 (26.93) feet to a capped iron rod set at a point of curvature;
5. Westerly by said Lot 3, following a curve to the right having a radius of Thirty and 00/100 (30.00) feet, an arc distance of Sixteen and 99/100 (16.99) feet to a capped iron rod set at a point of tangency, said point being located N 73° 42' 58" W a distance of Sixteen and 76/100 (16.76) feet from the last mentioned point;
6. N 57° 29' 46" W by said Lot 3 a distance of Forty and 57/100 (40.57) feet to a capped iron rod set and, the southeasterly sideline of said Canam Drive;
7. N 32° 30' 14" E by said Canam Drive a distance of One Hundred Thirty and 60/100 (130.60) feet to a capped iron rod found at a point of curvature;
8. Northeasterly by said Canam Drive, following a curve to the right having a radius of Two Hundred Seventy and 00/100 (270.00) feet, an arc distance of One Hundred Sixty-Nine and 65/100 (169.65) feet to a capped iron rod found at a point of tangency, said point being located N 50° 30' 16" E a distance of One Hundred Sixty-Six and 87/100 (166.87) feet from the last mentioned point;
9. N 68° 30' 14" E by said Canam Drive a distance of Sixteen and 09/100 (16.09) feet to the point of beginning.

The above described parcel contains 0.75 acres, more or less, and being a portion of property described in a deed to Midcoast Regional Redevelopment Authority recorded in the Sagadahoc County Registry of Deeds in Book 3438, Page 32, and also being shown as Lot 2 on a plan of Topsham Commerce Park Subdivision made by Wright-Pierce dated August 15, 2014 and recorded in the Sagadahoc County Registry of Deeds in Plan Book 50, Page 13. Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone.

This deed is made subject to the rights and obligations contained in a certain deed from the Midcoast Regional Redevelopment Authority to Firehouse Realty LLC dated June 3, 2015 and recorded in the Sagadahoc County Registry of Deeds in Book 2015R and Page 03742.

Meaning and intending to convey the same property as described in a deed from the Midcoast Regional Redevelopment Authority to Grantor herein dated June 3, 2015 and recorded in the Sagadahoc County Registry of Deeds in Book 2015R and Page 03742.

andy.munsey@barrettmade.com

From: Sent on Behalf of AndroGov.com Portal - Androscoggin Bank <no-reply@egovnotices.com>
Sent: Tuesday, October 6, 2020 9:20 AM
To: Susie Kane
Subject: AndroGov.com Portal - Androscoggin Bank Receipt #2020-HE2IY6



Tue, Oct 06, 2020 09:19

To: Susie Kane <andy.munsey@barrettmade.com>
From: [AndroGov Payments <no-reply@egovapps.com>](mailto:andy.munsey@barrettmade.com)
Subject: AndroGov.com Portal - Androscoggin Bank Receipt #2020-HE2IY6
Date: Tue, Oct 06, 2020 09:19

Thank you for your payment. The following contains details about your payment.

Item	Cost	Quantity	Total
Miscellaneous Payments			
Payment Amount (150.00): 150.00	150.00	1	150.00
Service Fee			4.13
Total			\$ 154.13

Confirmation

Thank you for submitting your payment item to the Town of Topsham.

Account Information

Name on Account: Andrew Munsey
Address: 65 Hanover Street, Portland, ME 04101
Email: andy.munsey@barrettmade.com
Phone Number: 207-319-6114

Payment Information

Reason for Payment: Conditional Use permit application for Wicked Joe Firehouse at 71 Canam Drive
Payment Amount: 150.00