

MINUTES
TOWN OF TOPSHAM
PLANNING BOARD MEETING
JANUARY 5, 2010, 7:00 P.M.

MEMBERS PRESENT: Donald Spann, Chairman
Stephen Mathieu, Vice Chairman
Ronald Bisson
Michael Colleran
Scott Libby
Jay Prindall
Bruce Van Note

MEMBERS ABSENT: All members were present.

STAFF PRESENT: Planning Director, Richard Roedner.

A meeting of the Topsham, Maine Planning Board was held on January 5, 2010 at the Municipal Building at 100 Main Street, Topsham, Maine.

Chairman Spann called the meeting to order at 7:00 p.m. and asked the secretary to conduct the roll call.

1. **CALL TO ORDER AND ROLL CALL**

The Recording Secretary conducted the roll call and noted that all members were present.

New Board members Scott Libby and Bruce Van Note were acknowledged.

2. **APPROVAL OF MINUTES FROM THE DECEMBER 15, 2009 MEETING.**

Motion was made by Mr. Mathieu, seconded by Mr. Colleran, and it was

VOTED

To approve the minutes of the December 15, 2009 meeting as amended.

(The vote was 5 to 0 with 2 abstentions (Libby and VanNote).

(Amendment: Correction to the spelling of Board member Prindall's name.)

3. **PUBLIC HEARING - THE PLANNING BOARD WILL HEAR THE PROPOSED AMENDMENT TO THE TOPSHAM ZONING ORDINANCE. THE CHANGE WOULD EXPAND THE DEFINITION OF NEIGHBORHOOD GROCERY STORES, AND WOULD ALLOW SUCH NEIGHBORHOOD GROCERY STORES TO INCLUDE LIMITED GASOLINE SALES IN CERTAIN AREAS.**

Town Planner Roedner began the discussion by explaining that this item is before the Board for a Public Hearing on proposed language to expand the uses allowed for neighborhood grocery stores. He said the changes include increases in the overall size of a facility, as well as the ability to sell gasoline on a limited scale. Standards that relate to the development of gasoline sales at a neighborhood grocery store were also included. The Ordinance and explanations were included in the Board package.

Mr. Roedner said if the Board approves the language; the next step would be to send the language to the Board of Selectmen, along with a request that it be placed on an upcoming Town Meeting Warrant with a Planning Board recommendation of "Ought to Approve."

Chairman Spann said there was a question on the growth area and asked Mr. Roedner to describe the area so everyone would be on the same page. Mr. Roedner explained that growth boundary runs up Route 196 to the Lisbon town line, runs up around the back side of the Robert's Hill Subdivision including the RCU Zone and comes back up in the general vicinity behind the yellow BP District (everything south thereof). He said there is a provision for sewer and water in the appropriate areas. The growth area then heads out from the Interstate to include most of the Highlands (except for the conservation area), comes down and includes the Old Tavern, Jeanne and Madelyn area and comes down Route 24 along Murder Road. In response to how far does the area go up Route 201, Mr. Roedner said it splits about in the middle of the RCU District.

Mr. Roedner said this item has been discussed and the proposed changes tweaked as the result of several Planning Board workshops. The current language put the size of the neighborhood grocery store at 1,250 sq. ft. This would allow it to be up to 3,000 sq. feet of retail space and a maximum of 4,000 sq. feet to include cold storage, service areas, rest rooms, etc. The current use of neighborhood grocery stores essentially allows the sale of commodities, dry goods, cooler groceries, etc. New language would allow the same things, but would also allow the sale of prepared food, i.e., sandwich bar, etc.

The biggest change is that the proposed definition would allow the sale of motor fuels as an accessory to a neighborhood grocery store. Mr. Roedner said what the Comprehensive Planning Committee is trying to do is allow for small "Mom and Pop" type gas stations with just one island, two pump housings for a total of 4 stations.

An e-mail from Tom Saucier of SYTDesign Consultants, dated January 4, 2010 and filed with these minutes was reviewed. Also, a memo from Steve Van Rensselaer from Atlantic Regional Federal Credit Union, dated January 5, 2010 was reviewed and is filed with these minutes.

During discussion by the Board, Mr. Colleran said he recalled a concept, which agreement was reached at the workshop to incorporate into the Ordinance, that the Planning Board would have discretion to approve the location of refueling pumps, if they were to be located in the back or side and would have an adverse impact on neighboring properties. It was agreed that under Section 225-60.13, D, #1 wording would be added at the end of the paragraph after the word "parcel," "or that such a location will have a substantial adverse impact on one or more neighboring residential properties."

Per request of Mr. Colleran, wording will be added at the end of paragraph A "225-9 and the neighborhood grocery store exterior design shall be consistent with the architectural characteristics of the neighborhood."

A correction was made under D, #3 to change "two" to "one" before (1) pump island.

It was agreed to add the words "food preparation" under 225-6 Definitions, 2nd line down, between "storage" and "or service."

With no further comments, the Public Hearing was declared opened to members of the public.

Tony Delgardio offered many considerations to the Board. He said he had a lot of experience with grocery stores and gas stations and shared his experiences with the Board. He inquired if the 4,000 sq. ft. building could house two separate businesses. The answer was "No." Whether hard liquor could be sold at the neighborhood grocery store was discussed and consensus was that beer and wine could be stocked, but no agency liquor stores. Mr. Delgardio asked if tables for people to sit and eat were allowed, or picnic tables outside. He told the Board he did not think it would be profitable enough for the store to offer only one gas pump.

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

The Planner agreed to incorporate the appropriate adjustments discussed at the meeting into the proposed Ordinance and will place the item back onto the agenda for the January 19, 2010 Planning Board meeting.

5. **OTHER**

Mr. Roedner told the Board the question of raising chickens for personal use has been coming up quite a bit and he asked if this should be placed on the agenda for discussion. It was agreed to add this item to a future meeting.

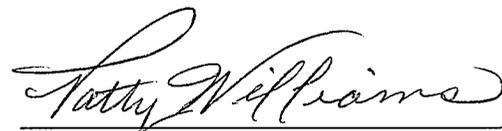
6. ADJOURN

Motion was made, seconded and it was unanimously

VOTED to adjourn.

The Board moved into a Workshop to discuss Electronic Message Signs.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patty Williams". The signature is written in black ink and is positioned above a horizontal line.

Patty Williams, Recording Secretary