

MINUTES
TOWN OF TOPSHAM
PLANNING BOARD MEETING
MARCH 2, 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, was present representing Planning Staff.

A meeting of the Topsham, Maine Planning Board was held on March 2, 2010 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. and asked the recording secretary to conduct the roll call. Roll call was conducted and it was noted that all members were present.

2. **APPROVAL OF MINUTES FROM THE FEBRUARY 16, 2010 MEETING.**

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

VOTED

To approve the minutes of the February 16, 2010 meeting as amended.

(Amendments included: Pg. 9, 1st line, change "Ron Howard" to "Jim Howard." Pg. 9, add to end of 4th paragraph: "It was noted by Mr. Libby that although the lot has frontage on both Hanson Drive and Main Street, that the "front" of the lot is not ambiguous for this project. The lot is in the Village Center zone, but a curb cut onto Hanson Drive would not be permitted for this use and thus Main Street is the frontage for this project.")

The vote was 6-0-1.

3. **PUBLIC HEARING - THE PLANNING BOARD WILL HEAR ALL COMMENTS AND CONCERNS ON THE PROPOSED DOMESTICATED CHICKEN ORDINANCE. THE ORDINANCE PROVISION INTENDS TO ALLOW THE KEEPING OF FEMALE CHICKENS IN CERTAIN ZONING DISTRICTS WITHIN THE GROWTH AREA OF TOPSHAM.**

Richard Roedner, Planning Director, began the discussion of this item saying the request to raise domesticated chickens is being presented to various communities throughout the state, including residents of Topsham. Several workshops have been held and language drafted as a possible amendment to the Zoning Ordinance. The language allows for property owners to keep up to 6 chickens. They have to be kept in an enclosure and can't be allowed to freely wander. Eggs must be used for personal use and cannot be sold for profit.

During receipt of questions from the Board, Mr. Colleran asked, (under Item A, No. 7, where it talks about the R-3 properties being except) "was the intent to exempt these provisions from the entire ordinance or just from this Subsection A?" The Planner responded the intent was to exempt from the entire ordinance because is somebody is engaging in animal husbandry, which is allowed in the R-3, they could have 60 chickens." Mr. Colleran said this is unclear the way No. 7 is written. It was agreed to change the wording from "exempt from these ordinance provisions" to "exempt from this section."

Mr. Mathieu asked why the use is permitted in the Redevelopment Zone of the CC-196 Zone. During discussion, the Board agreed that the mall area and other commercial areas were excluded, so it would seem that CC 196 should also be excluded. It was agreed to change the "P" to an "X" in the CC, CC-196, and "I" zones.

Following receipt of comments from the Board, the Public Hearing was declared open. There were no comments to be heard and the Public Hearing was declared closed.

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

VOTED

To forward the proposed ordinance change on the Raising of Domesticated Chickens to the Board of Selectmen for placement on the upcoming Town Meeting Warrant with a recommendation from the Planning Board of "Ought to Pass."

4. **THE PLANNING BOARD WILL HEAR ALL COMMENTS AND CONCERNS ON PROPOSED AMENDMENTS TO THE SIGN ORDINANCE, CHAPTER 225, REGARDING ELECTRONIC MESSAGE CENTERS (CHANGEABLE DIGITAL SIGNS.)**

The Planner began the discussion. He noted that Mr. Libby sent him an e-mail regarding some missing items in the Board package. Mr. Roedner said he inadvertently left out the tables which the Board had agreed on, but copies of the tables were on the Board table in front of each member prior to the start of the meeting.

Several work shops and public hearing have been held on the proposed changes to the electronic message centers under Ordinance Section 225-33. Mr. Roedner said that, historically, the Town relied on the State Sign Laws that governed digital signs. In the past couple of years, it has come to our attention that the State has changed their rules as to where digital signs can go and how they can operate. For the last year, the Board has been looking at incorporating regulations in our own sign ordinance to govern these signs. A Draft Ordinance has been written to allow the signs in specific zones, along Route 196, out at the mall, and a couple other places, and set standards for how they operate.

The wording of the proposed ordinance reads as follows:

225-33

B. General Requirements

3. No sign, except Electronic Message signs as elsewhere defined and regulated, shall be comprised of or illuminated by intermittent light except digital public service messages, such as time, date, temperature, etc.

P. Electronic Message Center Signs

Electronic Message Center (EMC) signs are permitted as indicated in Attachments 225-3 and 225-4 (Permitted Signs and Maximum Size signs), but are subject to the following additional standards:

1. Except for time and temperature information, changeable signs may change no more often than once per minute
2. Time/date/temp information must be displayed for a minimum of 3 seconds each time they are shown.
3. When changing messages, the message must change instantly, and may not include any phasing, rolling, scrolling, slashing or blending of messages.
4. Streaming of information or video animation is not permitted.
5. While being displayed, the message shall remain fixed, with no flashing,

phasing, rolling, scrolling or blending of information.

6. All such signs shall be designed, and operated, to be in conformance to Section 225-26, Lighting, and Section 175-9 at all times.

Mr. Mathieu felt it was important to point out that when this gets brought before the Selectmen, to bring it to their attention that the Planning Board is bringing the change forward because the State changed the regulations.

The Public Hearing was declared open.

Mike Foley from Five County Credit Union thanked the Planning Staff and Board Members for their commitment to the regulation of the signs and for all the work they put into the ordinance change. He also praised the Board and staff for keeping the businesses informed of the meetings and allowing the opportunity to present their ideas. He said that Five County Credit Union and the local Chamber of Commerce fully support the draft language as proposed.

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

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

VOTED

To forward the draft language for Electronic Message Centers to the Board of Selectmen for placement on the Warrant for the upcoming Town Meeting with a recommendation from the Planning Board of "Ought to Pass."

5. SHORELAND ZONING PERMIT - STAFF REVIEW DELEGATION

Mr. Roedner told the Board there is a section of the ordinance under Shoreland Zoning, 225-19.12.C.3, that deals with the relocation and reconstruction of existing non-conforming structures within all shoreland zones. Example presented was a house or a cabin that is 30-feet from the water and is supposed to be 75-feet back. That lot extends all the way to a road, so there is a couple hundred feet heading back toward the road. The homeowners decide they want to rebuild that structure. Currently, they have to come to the Planning Board and have the Planning Board review their ideas and make them relocate the building where practical to meet all setbacks.

The legal language reads: "In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Subsection 12C(2) above, the physical condition and type of foundation present, if any."

Mr. Roedner asked the Planning Board if they wanted to see those applications when they come in or do they want to designate staff to do so in their stead.

Following discussion, the Board was in agreement that the Planning Staff should use the same logic as they do in site plan (where staff is allowed to do them up to 5,000 square

feet of soil disturbance,) but if a real issue and complicated, staff brings to the Planning Board.

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

VOTED

That the Planning Board states formally that the Planning Staff, both Director and Assistant Director, can act on behalf of the Planning Board as its designee in regards to review of Shoreland Policy under Ordinance Section 225-19.12.C.3 with the further understanding that any applicant has the right to take their case to the Planning Board and the Staff has the right to bring cases to the Planning Board when they feel necessary.

6. **OTHER**

Workshop - Chairman Spann referenced a pamphlet announcing the 2010 Introductory Level Workshop for Local Planning Boards and Boards of Appeals. The sessions are sponsored by the Maine Municipal Association and the pamphlet lists several dates and locations for the workshop. Anyone interested in attending the session were instructed to contact the Planner to become registered.

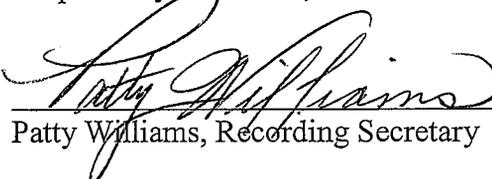
Representation at Selectmen's Meeting - Mr. Roedner informed the Board that he will represent the Planning Board at the upcoming Selectmen's Meeting where items will be reviewed and considered for placement on the Warrant for the Annual Town Meeting. There are a total of 8 zoning items going before the Board of Selectmen for their consideration. Mr. Roedner told Board members that their attendance is not a requirement, but if they were able to make the meeting to assist in answering any questions from the Boards' perspective, it would be appreciated. Mr. Mathieu said he will plan to attend the meeting.

Next Meeting - It was noted that the next meeting of the Planning Board will be March 16, 2010 at 7:00 p.m. The agenda item will be the continuation of the Public Hearing to hear all comments and concerns on the proposed Mariner Tower II, LLC cell phone tower on Maple Street Extension, Tax Map U01, Lot 109.

The fact was discussed that there are some new members now sitting on the Board who did not hear the facts presented at the original public hearing. Mr. Roedner agreed to forward DVD copies of the original public hearing which was held on June 16, 2009, along with copies of the minutes from the meeting to all Board members so they can get up to speed on the agenda item prior to the March 16 meeting.

With no further business to address, the meeting was adjourned.

Respectfully submitted,


Patty Williams, Recording Secretary