

MINUTES
TOWN OF TOPSHAM
PLANNING BOARD MEETING
APRIL 20, 2010, 7:00 P.M.

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

MEMBERS ABSENT: Michael Colleran was excused.

STAFF PRESENT: Assistant Planning Director, Ron Melanson, was present representing the planning staff.

A meeting of the Topsham, Maine Planning Board was held on April 20, 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, except for Michael Colleran who was excused.

2. **APPROVAL OF MINUTES FROM THE APRIL 6, 2010 MEETING.**

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

VOTED

To approve the minutes of the April 6, 2010 meeting as written.

3. **PUBLIC HEARING - THE PLANNING BOARD WILL HEAR ALL COMMENTS AND CONCERNS ON A PROPOSED SITE PLAN SUBMITTED BY PRIORITY GROUP, LLC ON A CREDIT UNION DEVELOPMENT AT 94 MAIN STREET, TAX MAP U04, LOT 033A.**

Chairman Spann told the Board that Don Jenkins, who works for Priority Group, LLC, also has hung his license with his commercial group at Re-Max Riverside. He said he has had nothing to do with Item 3, but asked the Board if they felt there was a conflict of interest. The Board was in unanimous agreement that Chairman Spann did not need to recuse himself and he continued to conduct the meeting as its Chairman.

The project is before the Board for a Site Plan Review of a proposed 2,700 s.f. credit union at 94 Main Street.

Curtis Neufeld from Sitelines Engineers, Planners, Surveyors and Landscape Architects, represented the applicant. Wes Thames from Main Street Holdings was also present at the meeting. Mr. Neufeld noted that the application was reviewed before the Board in February and that a Formal Site Plan Review and Minor Subdivision Application has now been submitted responding to concerns expressed at the prior meeting.

Main Street Holdings, LLC (Jim Howard) is proposing to construct a 2,750± s.f. footprint, two-story building with a two-lane drive through canopy and associated parking at 94 Main Street, to be occupied as a branch of Down East Credit Union. The property is adjacent to the Town Municipal Center. Parking has been arranged to the side and rear of the building and has been accented with landscaped areas to reduce the visual impact. A drawing was reviewed showing changes made to make the front of the building to meet concerns made by the Board at the February meeting.

The proposed site was previously occupied by commercial uses and was the location of a multi-tenant commercial business until April 2006. It is currently used as parking and inventory display for the adjacent Brilliant Motors business. The property is located in the Village Center Zone, in which commercial and service uses are permitted.

Mr. Neufeld said the site will be accessed via two curb cuts from Main Street, with one designated as entrance only and one as exit only. The main drive will have a 20-foot width to provide for access of the building, including emergency vehicles. The existing shared entrance with Brilliant Motors will be closed and a new entrance and exit constructed. The proposed design provided 24 parking spaces, including one ADA compliant space. Vehicle circulation for drive through customers will be counter clockwise around the building with two lanes for teller-assisted services and one by-pass lane. There will not be an ATM machine accessible by a drive through lane, although one will be available in the lobby. Utility services will use connections that have previously been extended to the site. The design represents approximately 20,420 s.f. of impervious surface, or an approximate ratio of 0.58, resulting in a landscape ratio of 0.42.

A Traffic Impact Study (TIS) was prepared by Diane Morabito, P.E. of Maine Traffic Resources for the purposed use. The TIS did not identify any capacity constraints at the site access intersection, and concludes the proposed project is not in a high crash location and does not require a traffic movement permit from the Maine Department of Transportation. The proposed use will not have a significant impact of off-site traffic operations.

Mr. Neufeld showed on a drawing where the front portion of the parcel will drain to the curb line in the Main Street right-of-way and to an existing catch basin near the southerly property line. Runoff from the remainder of the parcel will be collected via catch basins and storm drain pipes and conveyed to the storm drainage in Hanson Drive. The area tributary to Hanson Drive is approximately 17,230 s.f. which will not contribute a significant additional amount of runoff. The Hanson Drive storm drain has been recently designed and constructed in conjunction with the new Topsham Municipal Center. A statement is on file from the Director of Public Works stating his acceptance of the proposed drainage plan.

The proposed building will be serviced by municipal water and sewer services. Wastewater and water services will be extended from service stubs previously installed from Main Street. There will be a directory sign located in front of the building and a building-mounted sign on the façade, all in accordance with the Sign Ordinance. Lighting will be accomplished by both building-mounted and pole-mounted cut-off luminaries, which will not create adverse impact or glare outside of the project limits. A sign lighting plan has been prepared by Frank Cushing, RLA with cut sheets in file.

Mr. Neufeld told the Board that temporary erosion control measures will include silt fencing down hill of any disturbed areas to prevent silt from leaving the development site. Permanent erosion control measures include seeding and mulching of disturbed areas immediately after final grading is completed. Methods of the "Maine Erosion and Sediment Control Handbook for Construction - Best Management Practices by the Maine Department of Environmental Protection will be followed.

There was a discussion regarding whether or not a crosswalk will be needed in front of the project. Mr. Neufeld said the need has not yet been determined. It was agreed that this issue will be decided after discussions with the Public Works Director.

Following Mr. Neufeld's presentation, the meeting was opened to receive questions and concerns from the Board.

Questions were asked regarding the need for a crosswalk. It was noted there currently is a crosswalk at Monument Place. It was suggested that consideration be given to placing a crosswalk in front of the proposed credit union so citizens will have a direction where to cross the road. Mr. Bisson said currently people cross regularly in front of the fire station; there is no crosswalk at that location. Question regarding turning lanes was also asked. It was asked if the road is wide enough at the entrance area so vehicles would be able to go around those stopped to turn into the credit union. Response was that Main Street is not wide enough to accommodate a turning lane in this area. It was noted that Mr. Neufeld did not address the no-cut tree buffer area on the southern boundary line. This area was pointed out on the drawing.

With no further questions from the Board, the Public Hearing was declared open.

Kimberly Newcomb of 31 Hanson Drive had several concerns. Ms. Newcomb said her house faces the project and asked for an explanation of which trees would be cut and where the buffers were located. Mr. Neufeld responded to Ms. Newcomb's questions to her satisfaction by pointing out the areas of concern on the drawing. The "No Cut Tree Buffer on the Southern Boundary Line" was also depicted on the drawing. Ms. Newcomb said she was glad the project was being tastefully done as her home is on the market.

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 approve the Site Plan Application for Main Street Holdings for Map U04, Lot 33A as submitted, with following seven 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, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.
3. All work shall be completed in conformance with the approved plans entitled "Down East Credit Union." Drawn by Sitelines, P.A., consisting of the following page(s):

SHEETS	TITLE	DATED
C1	Cover Sheet	3/30/10
C2	Existing Conditions and Demolition Plan	3/30/10
C3	Site Layout and Utility Plan	3/30/10
C4	Grading and Erosion Control	3/30/10
C5	Landscape Plan	3/30/10
C6	Lighting Plan	3/30/10
C7	Site Development Details	3/30/10
C8	Erosion Control Details	3/30/10

(All engineering plans should be stamped and signed by a Maine Engineer)

4. No deviations from the approved plans are permitted without prior approval from the Planning Board or Planning Office.
5. No work shall be started until the applicant has established a performance guarantee acceptable to the Planning Board and/or the Planning Director.
6. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sediment Control.
7. Prior to signing a final plan, the applicant shall submit a plan that delineates the no-cut buffer along the southern lot line referred to as the "Gateway" between the Village Center Zone and Middle Village Zone.

4. **PUBLIC HEARING - THE TOPSHAM PLANNING BOARD WILL HEAR ALL COMMENTS AND CONCERNS ON A PROPOSED SITE PLAN OF THE HEAD OF TIDE PARK.**

Assistant Planner Melanson presented Agenda Item 4. He noted other members of the Planning Committee were present at the meeting.

As background, Mr. Melanson said in April of 2008, the Conservation Commission came before the Board to present a long-range plan for the development of the Head of Tide Park, located at the Head of Tide on the Cathance River, identified by Tax Map R9, Lots 42 and 43 in the R-3 Rural Residential Zone. The site consists of two parcels - one was formerly a mill and then apartments. The second parcel included a single-family home and several cabins. The main piece was acquired several years ago by Topsham Development, Inc., who then had the apartments demolished, fire trainings by the Topsham Fire Department) the overboard discharge removed and the site cleaned up. A committee named The Head of Tide Park Committee, was appointed by Selectmen with the charge to oversee the development of a part at the Cathance Fall/Mill Site. The Committee was awarded over \$150,000 in grants to acquire and restore the site. Stabilizing the area where the 13-unit structure stood required a DEP Permit by Rule and local Shoreland Permit.

Plans were designed by Wright-Pierce Engineers and included a Site Survey, C-1 General Notes, C-2 Site Plan, C-3 Site Layout Plan, C-4 Grading, Drainage and Erosion Control Plan, Erosion Control Notes and a Floodplain Map for Site Plan and Shoreland Zoning Permits. Surveyor on the project is Brian Smith from Bowdoinham.

Mr. Melanson said the Committee is proposing to place a downstream boat launch stairway below the falls for access to the tidal portion of the Cathance River. Appropriate paperwork has been submitted to the Maine DEP and the Army Corps of Engineers as there is minimal work (30 s.f. of concrete to serve as the base of the stairway) below the high water line. A parking area is depicted to serve the boat launch area. The parking area extends into the abutting "Cutler" property which is currently under a Purchase and Sales Agreement with the Brunswick Topsham Land Trust, who is working with the Town to complete the project. The concrete pad footprint where the structures stood is proposed to remain where is and plans are to build a typical post and beam canopy to be used by the public as a picnic area.

The overall impervious area for the site is being reduced b 4,980 s.f. in an effort to pull the project back from the river edge to the greatest extent practical in order to adequately serve full use of the area. Wetland vegetation will be added along a portion of the river edge west of the water fall to ensure the maintenance of ecological health and to serve as a barrier for individuals seeking to get a closer view of the falls from this area. A fence will be installed and appropriate signs in order to deter people from entering this area.

Mr. Melanson told the Board the under ordinance section 225-16, Table of Land Use Regulation, the Head of Tide Park is defined as a "Public Facility" which falls under a Conditional Use in the R-3 Zone. He addressed the standards for the Board to deliberate as follows:

1. The Use (Head of Tide Park) will serve as a terminus for the 7 miles of trails and conservation areas along the Cathance River. Beginning at the Cathance preserve, one can hike along the river in an undisturbed natural area. This stretch of River is under conservation easement (all but one house parcel), which completes over 7 miles of trails, and over 300 acres of land. This use is not dissimilar to these adjacent uses. Another site along Cathance Road is the Historic Water Tower site, displaying similar use.
2. The use is compatible with the Comprehensive Plan, in its protection (restoration) of valuable natural resource areas, providing public water access, protecting high value scenic areas, and establishing more recreational opportunities in Town and the Comp Plan leans heavily towards community development projects such as this.
3. Anticipated traffic is expected to be less than the previous use on the site. The site will be closely monitored for usage to determine if any traffic improvements are warranted.
4. Noise, dust and odor will be kept to a minimum. Unlike an active recreational site (playing fields/playgrounds, etc.) this active form of recreation does not have the same level of noise issues. The park will be for day use only and appropriate signs will be placed on site to reflect the usage rules. The Town will be responsible for enforcing such rules, as with any other town-owned site.

Mr. Melanson also reviewed Site Plan Performance Standards under Ordinance Section 175-8 and Shoreland Zoning under Ordinance Section 225-19. He said it was determined that the use is classified as a public and private recreational area involving minimal structural development and requires review by the Planning Board and he reviewed 225-19.16.D stating:

1. The project will maintain safe and healthful conditions by the removal of an onsite overboard discharge (water quality) restoration of significant wetland area and the addition of public access to the Cathance River for recreational purposes.
2. There will be no water pollution, erosion or sedimentation to surface waters from any of the proposed activities. Best Management Practices will be in place during construction, as shown on Plan Sheet C-5.
3. Existing septic tanks are on site and have proven to be adequate from previous uses.
4. There is a proposed 30 s.f. concrete bedding to be installed just below the high water line. This will be installed over existing ledge. Since this is not below the low water line, there should be no impact on spawning fish. There are currently no identified spawning areas in the vicinity of the activity.
5. Riparian areas will be re-vegetated and access to the water will be greatly improved.

6. During the summer months of 2009, a Phase I Archaeological Dig occurred. There were no significant findings as the site underwent numerous changes throughout its history.

It was noted that the proposed project had been advertised for a Public Hearing and notices sent to abutters. The notice failed to include the Conditional Use aspect of the project and the review will address Conditional Use as well as Site Plan Review. Mr. Melanson said that because of the limited scale of the project, a peer review was not conducted. The Impervious area is being reduced, so no drainage plan was required. Traffic estimates are difficult to determine due to the type of use, but it is assumed less traffic will be generated than the previous use of apartments and single family home.

Following Mr. Melanson's presentation questions were posed by the Board. Concerns were expressed of the need for a crosswalk between parking lots, site distance and speed limit on the Cathance Road. The speed limits was noted to be 35 miles per hour at the proposed project location. It was noted that the bridge at the site is owned by the State.

Following comments from the Board, the Public Hearing was declared open. There were no comments from members of the public and the Public Hearing was declared closed.

FINDING OF FACTS

1. The applicant is the Town of Topsham and Brunswick-Topsham Land Trust.
2. The proposed project, known as the Head of Tide Park is situated at 235 Cathance Road, Topsham, Maine, identified by Tax Map R09, Lots 42 and 43, in the R-3, Limited Residential Shoreland District.
3. The proposed project is the development of a public park, recreation area, public facility.

STANDARDS FOR CONDITIONAL USE 225-67F

1. **The use is compatible with and similar to the general categories of uses of neighboring properties.**

The Head of Tide Park will serve as the terminus for the 7 miles of trails and conservation areas along the Cathance River. Beginning at the Cathance Preserve, one can hike along the river in an undisturbed natural area. This stretch of river is under conservation easement (all but one house parcel) which completes over 7 miles of trails and over 300 acres of land. This use is not dissimilar to these adjacent uses. Another site along Cathance road is the Historic Water Tower Site. In consideration of the above, the Board was in unanimous agreement.

2. **The use is compatible with the Comprehensive Plan and the anticipated future development of the neighborhood.**

The Comprehensive Plan looks for improved access to water bodies, preservation of natural resources, protection of scenic areas, and improved recreational opportunities throughout Town. The proposed use addresses all of these strategies found in the Comprehensive Plan and therefore the Board was in agreement that the use is compatible.

3. The anticipated traffic for the proposed development will not cause an adverse negative impact on the neighborhood surrounding the proposed development.

The Board agreed with the above statement as the anticipated traffic is expected to be less than the previous use on site. Also, as a municipal facility, the Town will monitor traffic in the area and will take any future steps necessary to address any traffic-related issues that may develop.

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.

The Board was in agreement as the use will only be a day use and the Town will be responsible to handle any situation that could adversely affect the neighborhood. Temporary odors may come from picnics or similar uses, but nothing of a level that would approach a nuisance.

5. The physical characteristics of the site, including location, slope, soils, drainage and vegetative cover, are suitable for the proposed use.

The Board agreed with this statement as the site is well suited to its intended uses - access to water, both physically and visually and as a passive recreation area.

6. The use will not constitute a public nuisance.

It was agreed that the use will not constitute a public or private nuisance. As a municipal facility, the Town will continue to monitor the site for any unintended impacts, and will address them as needed in the future.

7. Any other requirements and applicable provisions of this Code, as deemed necessary, are met.

The Board agreed with the above statement.

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

VOTED

That the request for a Conditional Use Permit for the Head of Tide Park identified by Map R09, Lots 42 and 43 be granted.

SHORELAND PERMIT

Relative to Ordinance Section 225.19.16.D, it was determined that the use is classified as a "Public and private recreational area involving minimal structural development," and requires a review by the Planning Board.

During deliberation the Board found that the applicant met each of the following conditions:

1. Will maintain safe and healthful conditions:

The project will maintain safe and healthful conditions by the removal of an on-site overboard discharge (water quality), the restoration of significant wetland areas, and the addition of public access to the Cathance River for recreational purposes;

2. Will not result in water pollution:

As evidenced by the submitted plans, there will be no water pollution, erosion or sedimentation to surface waters from any of the proposed activities. Best Management Practices will be in place during construction as shown on Plan Sheet C-5.

3. Wastewater disposal:

Existing septic tanks are on site and have proven to be adequate from previous uses. Any required replacement will be in conformance to the current plumbing code.

4. Impact on spawning grounds or habitat:

There is a proposed 30 s.f. concrete bedding to be installed just below the high water line. This will be installed over existing ledge. Since this is not below the low water line, there should be no impact on spawning fish. Further, there are currently no identified spawning areas in the vicinity of the activity and wetland restoration will result in improved habitat.

5. Will conserve shore cover and access to inland or coastal waters:

This project will result in improved access to the Cathance River, which is a tidal water body in this area. Future phases are planned that will provide access upstream. The wetland restoration activity will improve shore cover in this area and as shown on the site plan, the riparian areas (viburnum, etc.) will be re-vegetated.

6. Protect archaeological and historic resources as designated in the Comprehensive Plan.

A Phase I archaeological dig occurred during the summer months of 2009 and there were no significant findings as the site underwent numerous changes throughout its

history. The site will be used to display and explain historic artifacts from the mill that previously were on site.

7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries Maritime Activities District.

There is no commercial fishing that takes place in this area so no impacts are anticipated.

8. Will avoid problems associated with floodplain development and use.

The site development will impose no negative impacts to the flood zone in this area to the extent that structures have been removed and negative impacts eliminated.

9. Is in conformance with the provisions of Subsection 15 - Land Use Standards.

The site conforms to the lot size requirement A, structure placement B, parking G, roadway H, storm water run off J, septic waste K, erosion control Q, and water quality S; none of the other Land Use Standards apply to this project.

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

VOTED

To approve the Shoreland Permit as requested for the Head of Tide Park, Map R09, Lots 42 and 43.

SITE PLAN

There was a discussion of ownership and the Board agreed that ownership must be shown before the Board can sign the Site Plan. It was also agreed that a crosswalk should be added as a condition of approval.

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

VOTED

To grant approval of the Site Plan for the Head of Tide Park submission as submitted by the Town of Topsham and the Brunswick-Topsham Land Trust for Tax Map R09, Lots 42 and 43 for the purpose of a public park recreation area and public facility and that approval be based upon conditions 1 through 8 as follows:

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 and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.

3. All work shall be completed in conformance with the approved plans, entitled "Head of Tide Park Improvements," drawn by Wright-Pierce Engineers, dated April 2010, and consisting of the following sheets.

Cover Sheet	April 2010
Survey Plan by Brian Smith Surveyors	May 13, 2008
C-1 General Notes	11/17/08
C-2 Overall Site Plan	11/17/08
C-3 Site Layout Plan	11/17/08
C-4 Grading/Drainage	11/17/08
C-5 Erosion Control Notes	11/17/08

4. No deviations from the approved plans are permitted without prior approval from the Planning Board or Planning Office.
5. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sediment Control.
6. This approval is conditioned on the applicant receiving all necessary Maine Department of Environmental Protection permits.
7. The Town of Topsham will acquire right, title and interest to the so called Cutler Parcel.
8. A crosswalk shall be designed and installed in accordance with Topsham Public Works requirements, or generally accepted engineering principles and State Standards, if applicable.

OTHER

It was noted that the next Planning Board Meeting will be held on May 4, 2010 and includes a site walk. Board members were requested to meet at the municipal building at 6:00 p.m. to car pool to the site walk site.

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

Respectfully submitted,



Patty Williams, Recording Secretary