

MINUTES
TOWN OF TOPSHAM
PLANNING BOARD MEETING
MAY 5, 2009, 7:00 P.M.

MEMBERS PRESENT: Don Spann, Chairman
Don Russell, Vice Chairman
Ronald Bisson
Stephen Mathieu

MEMBERS ABSENT: Michael Colleran, Tim Dunham and Nora Wilson had been excused.

STAFF PRESENT: Rod Melanson, Assistant Planning Director

A meeting of the Topsham, Maine Planning Board was held on May 5, 2009 at the Municipal Building at 100 Main Street, Topsham, Maine. Chairman Spann called the meeting to order at 7:00.

1. **ROLL CALL**

The recording secretary conducted the roll call and noted that all members were present except for those excused, including Michael Colleran, Tim Dunham and Nora Wilson.

2. **MINUTES FROM THE APRIL 7, 2009 MEETING**

Motion was made by Donald Russell, seconded by Ronald Bisson, and it was

VOTED

To approve the minutes of the April 7, 2009 meeting as written.

MINUTES FROM THE APRIL 14, 2009 MEETING

Motion was made by Donald Russell, seconded by Stephen Mathieu, and it was

VOTED

To approve the minutes of the April 14, 2009 meeting as written.

3. **CONDITIONAL USE PERMIT - NIKKOLE LUND OF BRUNSWICK HAS SUBMITTED AN APPLICATION FOR A PROPOSED RESTAURANT AT 235 LEWISTON ROAD, TAX MAP R05, LOT 047.**

Chairman Spann noted that this case will need to come back before the Board for an official public hearing as it has not yet been published in the papers as such.

Chairman Spann reviewed the Conditional Use Permit submitted by Nikkole Lund to operate a restaurant at 235 Lewiston Road, Tax Map R05, Lot 047.

Pat Harty, of Harty & Harty Land Surveyors, spoke on behalf of the applicant. Mr. Harty distributed a reduced size copy of the site plan which had been updated based on comments from the Planning Office. A letter from the owner of the property, Jon Carr, dated May 5, 2009, authorizing the permit process by the applicant was submitted for the record.

Mr. Harty reviewed the site plan showing where the restaurant is proposed in a vacant portion of an existing structure at 235 Lewiston Road. The use is permitted but comes under a conditional use. Ample parking was shown to support the proposed 70-seat restaurant facility. There will be two designated handicapped parking spaces adjacent to the restaurant entrance. The current entrance, side of the Urban Garden Store, will be used. New parking lines will be painted in the parking lot and a 5-foot side walk will be paved to the side of the building which will be used as a service entrance. Mr. Harty noted where a current dumpster is located. The dumpster will be relocated to the rear of the building and will be shielded by a stockade fence.

There is ample water for the proposed use, but further testing is being conducted as requested by the State. Al Frick conducted the soils work. Consideration is being given to expanding the existing septic leach field and this was also shown on the site plan.

There will be one new sign and one will be replaced, all in accordance with the Town's Sign Ordinance. There will also be a sign placed on the shed roof which may include a light.

Mr. Harty said the applicant may require a waiver from Ordinance Section 225-60.10A that requires a 15-foot landscaping strip along Route 196 as there already is an 8-foot wide landscaping strip in place with several shrubs and 4 large deciduous trees.

Mr. Mathieu commented that the application looked good, but that he has a problem with the landscape waiver. He said he chaired the committee that created that requirement. He told Mr. Harty that he could see the applicant's point that they are going into an existing building, but that zoning was created for a very specific reason. This is a redevelopment zone within our Town; Route 196 is the gateway to our community. There is a narrow strip of land out there and there is a lot of residential property included. Mr. Mathieu said tar and fencing would have to be ripped up to reach the 15-foot requirement so there might be a middle ground, which will meet the intent without having to do a lot of site work. Additional landscaping should be considered. Mr.

Mathieu said we want to see that area look nice; we want it to be a gateway. We need to meet in the middle to meet the intent.

Mr. Russell said he saw no problem with the conditional use part of the application. However, the ordinance calls for a specific amount of parking for specific uses and right now parking is all over the lot for the garden center. Mr. Russell requested that the parking spaces for the restaurant be shown along with the spaces for the garden center for purpose of the site plan. He added that common spaces can be identified but they should be identified on the plan.

Jon Carr, owner of the property, spoke. Mr. Carr said he has been before the Board several times, but the current members are new. He said he had a couple of questions as the Boards request different things for different applications -- in the past he has needed to provide an Environmental Review, Stormwater Drainage Reports and the like. He said, as far the plants, he upgrades the roadside plants every year and there is currently an 8-foot vegetative buffer with quality plants. Mr. Carr said there is probably no business in Topsham or Brunswick that has 100-feet of quality buffers. He added that he understood Mr. Mathieu's point and that he would add additional plantings.

Mr. Mathieu said the applicant should provide a Landscaping Plan that will show what is currently in place and what will be added and that the Board and the applicant could meet somewhere in the middle. The Board was in agreement with Mr. Mathieu's suggestion.

With no further questions or comments, it was agreed that the case will come back before a Public Hearing at the May 19, 2009 Planning Board Meeting.

4. **ADJOURN**

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

Respectfully submitted,

Patty Williams, Recording Secretary