

MINUTES  
TOWN OF TOPSHAM  
PLANNING BOARD MEETING  
JANUARY 21, 2020 7:00 P.M.

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MEMBERS PRESENT: Donald Spann  
Brian Bickford  
Ronald Bisson  
Tom Thompson

MEMBERS ABSENT: Scott Libby, Joshua Spooner, Bruce Van Note

STAFF PRESENT: Assistant Planner Andrew Deci

**A. CALL TO ORDER AND ROLL CALL**

Chairman Spann called the regular meeting to order at 7:00 p.m. in the Donald A. Russell Meeting Room at 100 Main Street.

**B. ROLL CALL**

The recording secretary took the roll call and noted that Mr. Libby, Mr. Spooner and Mr. Van Note were absent, all of whom had been excused. It was noted that there was a quorum, as long as all present could vote.

**C. APPROVAL OF THE MINUTES OF THE DECEMBER 17, 2019 MEETING**

Motion was made by Mr. Thompson, seconded by Mr. Bickford, and it was

**VOTED**

To approve the minutes of the December 17, 2019 meeting, as written in the third draft.

**D. PUBLIC HEARINGS**

**1. HIGHLAND GREEN/MAINE BLASTING AND DRILLING HAS SUBMITTED A PROPOSED BLASTING PERMIT FOR MOUNTAIN ROAD, TAX MAP R04, LOTS 17A-B2, 17A-6 AND 17A-7**

Chairman Spann read the first case “Highland Green/Maine Blasting and Drilling has submitted a proposed blasting permit for Mountain Road, Tax Map R04, Lots 17A-B2, 17A-6 and 17A-7.”

Because of a possible conflict of interest, Chairman Spann asked to be recused, which meant that a quorum would no longer be present and the agenda item could not be voted on. Therefore this item was rescheduled to the February 4, 2020 meeting of the Planning Board.

**E. ROAD ACCEPTANCE – FOREST GLEN LANE EXTENSION ROAD, MARILYNNE WAY AND MERRYMAN WAY, ROADS IN THE MALLET WOODS PROJECT PROPOSED TO BE ACCEPTED**

The next item on the agenda was heard as a quorum was present with Chairman Spann remaining on the Board as Chairman. Chris Belanger, from Belanger Engineering, represented the applicant, Dan Catlin, who was also present at the meeting. Peer reviewer, Tom Saucier, was also present at the meeting.

Mr. Belanger gave a video presentation showing the roads and where they connected. He said this is before the Board for the acceptance of Forest Glen Lane Extension, Marilynne Way Road and Merryman Way; all roads within the Mallet Woods Subdivision. The applicant is requesting the Town accept the constructed roads which were approved as part of the phased subdivision. The road connects two distinct areas from Park Drive (commercially dominated areas) to Mallet Drive (residentially dominated area), offering a public benefit to vehicle and pedestrian mobility.

It was noted that the applicant received comments from a staff review meeting on update on as-built plans, maintenance warranty, and MDEP permit, and has delivered those updates to staff who has approved them. Mr. Belanger showed where the ponds have been built, and where the sidewalks connect. The plans show that the roads have been built to meet ordinance requirements.

Mr. Bickford asked if the conditions of the Maintenance Warranty have been met. Response was that they have not been met yet. Assistant Planner Deci said the Town has not come to a conclusion at this time as to how much money needs to be set aside, but will discuss with Dennis Cox, Public Works Director, and decide in the coming week.

Mr. Thompson asked about the drainage issues and asked if the Town would ever be responsible if there was a problem with the drainage in the future. Mr. Belanger said the Town would not be responsible as the issues were created by the individual home owners. He referenced his letter to Rod Melanson, Town Planner, dated January 20, 2020, which explains how all the drainage issues are addressed. The letter is filed with these minutes.

Peer Reviewer Tom Saucier said he had read and approved of Mr. Belanger's letter of 1/20/20 to Mr. Melanson, but also asked that the information be memorialized on the plans for the protection of the Town and be included in the Conditions. Mr. Catlin said the change came after the sale of the second property. He sold it to the builder and the builder sold it to the homeowner who made the change in drainage. Mr. Catlin said he spoke to the Code Enforcement Officer, Tom Lister, about this and Mr. Lister said if ever an issue arose, it would be between the owner and the Homeowners Association.

Mr. Thompson asked if the riprap repair had been done to Pond No. 1 and the grate removed. Mr. Belanger responded that yes, the riprap has been repaired and the gate removed. The caps have not been removed, but will be right away, and appropriate wording added to the plan. Mr. Thomopson also asked if the catch basin the homeowner installed is on their land. Response was that it is on the homeowners property.

With all comments having been heard, motion was made by Mr. Thompson, seconded by Mr. Bisson, and it was unanimously

**VOTED**

That the Board finds the application is complete and that it be approved, as described in Chapter 185, Section 5, subject to the following conditions of approval and further recommend acceptance of Forest Glen Lane Extension, Marilynne Way Road, and Merryman Way to the Board of Selectmen and Town Meeting based on the Findings of Facts listed on page 2 to 4 of Planner Rod Melanson's memo dated January 14, 2020. Conditions of Approval include numbers 1 through 7 as follows:

1. Adhere to the comments by the peer reviewer engineer in his e-mail dated January 14, 2020.
2. The Town Attorney shall review the documents as directed by the Town Manager and Chapter 185 of the ordinance. The Town requires reimbursement for this review.
3. A letter from the design engineer that acknowledges that the grading on Lots 19, 21, 23, 25 and 27 was not per the approved plan and in the opinion of the design engineer, will not present any issues relative to drainage onto or from the lots.
4. Update letter on Maintenance Warranty to specify an amount to be placed into a warranty account.
5. Submit a revised mylar plan after all construction is completed and prior to submission for the Town Meeting.
6. The Town will not be responsible for drainage issues from the swale.
7. Note to be added on the plan to remove the cap on 1.

**F. ADJOURN**

Motion was made by Mr. Thompson, seconded by Mr. Bisson, and it was unanimously agreed to adjourn the meeting at 7:20 p.m.

The Board moved into a Workshop to discuss the following:

Mobile Home Park Overlay  
Aquifer Protection Zone  
Solar Energy

Respectfully submitted,

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Patty Williams, Recording Secretary