

MINUTES
TOWN OF TOPSHAM
PLANNING BOARD MEETING
NOVEMBER 7, 2017, 7:00 P.M.

MEMBERS PRESENT: Donald Spann
Peter Richard
Joshua Spooner
Tom Thompson
Bruce Van Note

MEMBERS ABSENT: Ronald Bisson, Scott Libby

STAFF PRESENT: Carol Eyerman, AICP, Assistant Planner

1. 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. The recording secretary took the roll call and noted that all members were present, except for Ronald Bisson and Scott Libby, both of whom had been excused.

2. APPROVAL OF THE MINUTES OF THE OCTOBER 17, 2017 MEETING

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

VOTED

To approve the minutes of the October 17, 2017 meeting as written. (Vote was 4 in favor with one abstention [Mr. Van Note]).

Chairman Spann informed the Board that he had a request to move the Public Hearing for Christopher Nadeau requesting a shoreland zoning permit for a stream crossing at 32 Boulder Hill Road to the beginning of the agenda. There being no objection from Board members or other applicants, this item was heard at this point in the meeting.

4. PUBLIC HEARING

CHRISTOPHER NADEAU IS REQUESTING A SHORELAND ZONING PERMIT FOR A STREAM CROSSING AT 32 BOULDER HILL ROAD, TAX MAP R03, LOT 065 IN THE R-3 RURAL RESIDENTIAL DISTRICT

Applicant Christopher Nadeau addressed the Board telling them he currently has a house at 32 Boulder Hill Road and would like to build an extended driveway as shown on the application. The driveway will be approximately 750 feet long by 10 feet wide with a 17-foot culvert to cross a stream.

Surveyor on the project responded to Public Works Director Dennis Cox's letter comments that there are no 17" culverts. Surveyor said, although unusual, there are 17" culverts which are being proposed for this project as the flow of the stream is minor and that a 17" culvert would support the need.

There were no comments to be heard from members of the Board. The Public Hearing was declared open. There being no comments to be heard from members of the public, the Public Hearing was declared closed.

The Board reviewed memo from Ms. Eyerman dated November 2, 2017 and found it to be in order, with the exception of the first underlined paragraph on page 3. The paragraph will remain as written, with the exception of adding opening parenthesis before "geotextile," 3rd line down, and adding closing parenthesis after "slopes," 4th line down.

Motion was made by Mr. Spooner, seconded by Mr. Thompson, and it was unanimously (of those present)

VOTED

That we approve the Shoreland Zoning Permit for Christopher Nadeau as we find it is in compliance with the Zoning Ordinance, Chapter 225-19 as set fourth in the Finding of Facts on page 3 in memo to the Planning Board from Carol Eyerman dated November 2, 2017 and subject to the Standard Conditions of Approval as set forth on page 4.

3. SKETCH PLAN/PREAPPLICATION REVIEW

SEACOAST MANAGEMENT COMPANY – SUBDIVISION AMENDMENT AND SITE PLAN REVIEW FOR HIGHLAND GREEN PHASE 5A, TAX MAP R04, LOTS 16, 17, 17A-1 THROUGH 17A-19, 17A-22, 17A-23, 17A-C6, 17A-C7, 17A-G1 18, 18A, 27, 28 AND MAP R09, LOT 65 (APARTMENTS, ROADS, SELF STORAGE FACILITY, GOLF CLUB HOUSE, GOLF MAINTENANCE FACILITY)

Because of a possible conflict of interest, Chairman Spann recused himself and turned the gavel over to Mr. Van Note to hear agenda item No. 3.

Mr. Van Note reviewed the preapplication for a site plan amendment for Highland Green to develop within the existing Highland Green development. The applicant is proposing to construct residential apartments, a golf clubhouse and a golf maintenance facility and will hear comments from the Board.

Engineer on the project, Chris Belanger from Belanger Engineering reviewed sketch plans showing the proposed changes and additions to the plans. Applicant is proposing to split Map R04, Lot 17-A-GB2 into two conforming lots and take a portion of Map R04, Lot 17A-GB2 to add to the right of way of Mountain Road. This land transfer will also affect Map R04, Lot 17A-22 and 17A-G-B2-1. Mr. Belanger said Highland Green is halfway through a 30-year plan and are almost finished with Phase 3.

Project representative Matt Teare was also present at the meeting to answer any questions the Board may have.

Mr. Teare told the Board that the work on Mountain Road has to be completed by 2020 to meet TIF requirements. Then, within a couple months, an assisted living facility will be built

on Audubon Way, so that road will also need to be completed. It was noted that Traffic Engineer, Diane Morabito, is researching the best way to tie the streets together for ease in use; her formal traffic study and report will be included in the next submission to the Board.

During discussion between Board members, Mr. Richard said he wanted to make sure that none of the proposed adjustments put before the Board today affect any of the other prior agreements with the Town. Response was they did not. Mr. Teare said everything they do has to be consistent with Town requirements and also with the Master Plan approved back in 2007.

Mr. Belanger responded to the staff review and comments on two memos to the Board from Ms. Eyerma dated November 2, 2017 to the satisfaction of the Board. (Both Memo 1 and 2 are filed with these minutes.) Regarding number 5 on Memo 1 “Traffic calming at intersection of Mountain Road and Annex Drive should be discussed,” Ms. Eyerma agreed to work with those involved to try to schedule a meeting with all interested parties to review the sketch plans and determine how best to make the street connections.

Mr. Van Note said he would like to be clear on how many amendments/approvals the Board has looked at for the Highlands to date.. Ms. Eyerma noted that Chris Belanger clearly noted that this application is Phase 5-A to the Site Plan, and Amendment 9 to the Subdivision Plan.

The Board was in unanimous agreement that the applicant met the intent of the pre-application site plan review process

4. PUBLIC HEARING

105 TOPSHAM FAIR MALL, LLC – SITE PLAN AMENDMENT REVIEW FOR 105 TOPSHAM FAIR MALL ROAD, TAX MAP R05, LOT R05, LOT 21-D8A, B AND C (LIGHTING, LANDSCAPING AND ARCHITECTURAL AMENDMENT REVIEW) IN THE MIXED USE COMMERCIAL DISTRICT

Kevin Clark from Sitelines, introduced Nathan Bateman, Developer of the project; Anne Callender, Architect and Tony Mitch, Landscape Architect.

Mr. Clark said this is before the Board for a Site Plan Amendment for a change renovation, re-development and change of use to include additional radius to driveway, architecture, lighting, landscaping and parking to an existing 38,230 square foot portion of an approved site plan at 105 Topsham Fair Mall Road. The applicant is proposing to renovate the outside architecture, add wall lights, amend and enhance the current landscaping and add twenty seven additional parking spaces.

The changes involve the Best Buy development site. There is only one long-term tenant that will remain at the site (Buffalo Wild Wings). The rest of the plaza will be redeveloped to medical and professional office space. Lots B and C are under contract. Tonight only Lot A, the Best Buy Plaza is being reviewed. Mr. Clark said the same impervious area and footprint will be used with no changes made. Also, the stormwater calculations will not be changed.

There currently are 200 parking spaces and request is being made to add 27 more to meet ordinance requirements. All the parking spaces will be stripped. 20 spaces will be added in

the rear to accommodate large vehicles. The concrete pad currently in place for the dumpster and loading dock will be removed. These areas will be brought up to existing grade.

It was noted that the Board is requesting a letter from the Sewer District assuring that the project will provide for adequate sewage waste disposal, and also from the Water District stating the development has sufficient water available for the reasonably foreseeable needs of the project. Five waivers are proposed: (1) 715-10 E (1) – Planting setback for the front yard; (2) 175-10 E (2) – Planting setbacks for the side yards; (3) 715-10 E (3) – Plantings for existing developments; 175-11 A (5) – Articulate the façade every 50 feet; and 175-11 B (12b) – Scale of big box type structures. Dumpsters will be kept in the rear of the building. Medical waste and all sharps will be contained in proper receptacles in the building. There are several stormwater features around the site and all are functioning properly. It was noted that several of the plantings on the Best Buy site did not survive and all will be replaced. Snow removal was shown on the landscaping plan and was acceptable to the Board.

At this point in the meeting the Planner Eyerman reviewed drawings of the Topsham Fair Mall Master Plan. She said the plan is 99% completed in draft form. The road system in front of the Best Buy property will be changed so, rather than having a right lane where you go off into the mall, to have it be a straight through right turn from one middle lane and a bike lane all the way down from the mall road with a green strip in the middle. The sidewalk is proposed to go across the front of this property and then connect into the existing sidewalk. This proposal will come before the Planning Board in the near future. Mr. Van Note asked if there was a funding plan for this project. Ms. Eyerman said the fee in lieu is in the Funding Plan and TIF money. Report on same is nearing presentation to the Board of Selectmen. Regarding surety, Mr. Bateman said he preferred to issue a Letter of Credit and this was acceptable to the Board.

Tony Mitch reviewed the plans for plantings in accordance with the landscaping ordinance. He said that plantings cannot be placed in the CMP right of way and also can't be placed in the area reserved for snow dumping, and therefore the need for waivers.

Mr. Richard referenced the snow storage area in the parking space on the western portion of the map, which is now noted for development. He also asked if there was an agreement with CMP to allow snow storage in their right of way. Kevin Clark responded that when the original site plan was approved, easements were granted from CMP allowing snow to be stored in their right-of-way. Planner Eyerman mentioned the pond in front of Buffalo Wild Wings and expressed concern that the pond topped off on occasion. Mr. Clark said he will closely check the stormwater inspection reports and comment on this at a later date.

Anne Callender, Architect from Whipple Callender Architects, explained to the Board and pointed to sketches on drawings how the building would be changed to take away the retail look of a big box building and to allow for easy access into a professional looking medical campus affect. Gardens are proposed outside of a large windowed area where patients receiving treatments inside may relax while viewing the manicured gardens outside. After reviewing the sketches of the proposed buildings, the Board was in agreement that the proposed changes appeared to be an actual improvement to what had already been approved.

The Board discussed the proposed waivers and came to the conclusion that the waiver for 175-11B 12(b) - Scale of big box type structures, would not be necessary as the changes proposed actually remove the effect of a big box building.

At this point in the meeting, the Public Hearing was declared open. There being no one wishing to comment, the Public Hearing was declared closed.

Motion was made by Mr. Van Note, seconded by Mr. Richard, and it was unanimously (of those present)

VOTED

That the Board finds the Site Plan Amendment Application for 105 Topsham Fair Mall Road LLC for the development at 105 Topsham Fair Mall Road to be complete.

Motion was made by Mr. Van Note, seconded by Mr. Spooner, and it was unanimously (of those present)

VOTED

That waivers be granted from the planting requirements in ordinance section 175-10 E (1), 175-10 E (2), 175-10 E (3) for the reasons presented and set forth in the application.

Motion was made by Mr. Van Note, seconded by Mr. Thompson, and it was unanimously (of those present)

VOTED

To the extent required, a waiver to the Façade Articulation Standards set forth in 175-11A (5) is hereby granted, based on the renderings submitted and the design standards review submission by Whipple Callender Architects set forth in the application materials, on page 3 with letter attachment to Carolyn Eyeran dated October 17, 2017.

Motion was made by Mr. Van Note, seconded by Mr. Richard, and it was unanimously (of those present)

VOTED

That the application for Site Plan Amendment for 105 Topsham Fair Mall Road, LLC for the proposed use at 105 Topsham Fair Mall Road is in compliance with the standards in the Site Plan Review Ordinance, Chapter 175, and the standards in the Zoning Ordinance, Chapter 225, and Sections 22 through 41 General Performance Standards as set forth in the Finding of Facts on pages 4 through 23 in the memo to the Planning Board from Carolyn Eyeran dated October 31, 2017, including the Standard Conditions of Approval set forth starting on page 23, 1 through 9. Note on number 8. that the performance surety for landscaping shall be a Letter of Credit, and number 9, a fee in lieu for the sidewalk in the amount to be calculated for the cost of constructing the sidewalk along the frontage and approved by the Planning Staff.

- A satisfactory stormwater inspection will be submitted prior to the issuance of a Certificate of Occupancy.
- All conditions of approval, other than the stormwater inspection, must be completed prior to the issuance of a Building Permit.
- Ability to serve letters from the utilities and copies shall be provided to the Planning Office.
- Review and approval by the Assistant Fire Chief of the use for the rear of the building must be received in the Planning Office.

- The method of refuse disposal shall be provided to the Planning Office.

All letters and memos referenced above are filed with these minutes.

5. ADJOURN

With no further business to discuss, motion was made, seconded, and it was unanimously (of those present)

VOTED

To adjourn the meeting at 8:45 p.m. and to move into a Workshop to discuss Operational Business Directional Signs (OBDS)

Respectfully submitted,

Patty Williams, Recording Secretary