



## Topsham, Maine

# Comprehensive Plan Implementation Committee Meeting

## Minutes

February 12, 2024

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**Present:** Robin Brooks, Susan Rae-Reeves, Pam Belford, Joe Feeley, Andrew Sturgeon, Pete Bono, Rick Schultz, Angela Twitchell, Margaret Williams; Julie Erdman, Larry Brann (Liaison from Planning Board); Members of public: Dave Marcello

I. **Welcome and Agenda Review** - Susan called the meeting to order at 4:30, welcoming Dave Marcello, chair of the zoning board of appeals, and inviting his participation at any point in the meeting.

II. **Public comment** - none at this time

### III. Administrative Items

- Minutes of January 8, 2024 meeting - approved unanimously
- Calendar items
  - CPIC workshop 2/20 4-5 PM Consultant Leslie will be present. It will be held upstairs in the conference room. Leslie is looking for CPIC guidance on several items, some of which are on today's agenda.
  - Select Board Workshop - we are awaiting a date in March, and hope to hold it in the latter part to allow for prep time.

### IV. ReCode Update

- **Office Hours 3** took place in two parts because of the storm. The session moving to zoom which didn't suit all participants.
  - On **January 16th**, two parties signed up. The first was Dave Holman and partner Jason Lord who have proposed a project on Union Park Rd, with up to 200 apartments. This project has no direct bearing on CPIC's work, but their proposal before the Planning Board, which has had three workshops thus far on this project and there will be one more workshop, has prompted questions about the current zones and boundaries. Discussion covered such topics as rezoning that property to either the Crooker District or Topsham Fair Mall 2, whether code changes related to this project amount to spot zoning, etc. Dave Marcello asked the question, "Do we want to change the ordinance to accommodate every

developer's idea?" It's a slippery slope. Do we want a five-story building and can the fire department service it? There are many considerations. Another idea is to change the density requirements for the entire Upper Village zone. We will revisit this at the workshop on the 20th.

- Brian Banton and his wife own property on the corner of Main and Elm. They envision building a multi-family building on that corner lot. Under the current zoning they cannot build anything. Under the draft ReCode, by his estimate they can build 4 units. He wants six units. The draft code, which given building types and heights can allow 4, is in keeping with current neighborhood character. There were assumptions about some buildings in the vicinity being 5 units, when in fact they are 4. The discussion with Leslie indicated a need for more illustrations of roof types. The question arose: how does the Historic District relate to this? Historic District requirements would supercede the proposed ReCode changes.

**Office hours February 1:** attended by Jim Howard and Curt Newfeld. Jim stated he likes what CPIC is doing, and he is using some of the ideas in ReCode with projects in Brunswick. However, he would prefer more flexibility with parking structures, materials, and open space requirements. He would prefer design guidelines rather than ordinance. It was pointed out that Maine Supreme Court decisions have held some guidelines unconstitutional because they are vague, so there is a legal side to zoning ordinances to consider. While guidelines are subjective, ordinances that are clear and objective are more in line with the State Constitution. This will be revisited with Leslie O. on Feb 20.

Brief discussion about the feedback:

- It's clear that the vision of a developer can help us see an area in a new way.
- In order to bring about the vision in a comp plan, what's needed is not loose guidelines, you need code.
- The concern is not the developers who are well intentioned but to write code to protect the town from those who are not.

● **Update on Planning Board ReCode cleanup/update** - Workshops have been held on conditional use permits. PB is looking for more objective criteria for conditional uses and is working to review dimensional tables. And then they will have one final review of the document. End of March is the target date for PB on finishing code clean-up.

● **Review of milestones and timeframe**—Current assumption: January 2025 Special Town Meeting has been proposed by the Town Manager. Next steps: Code cleanup completed by the end of March, April devoted to releasing Town Center Code with workshops by the PB and Select Board. May is the kick-off of the public engagement process at town meeting (May 22nd?). If we want to use TPL, June 1st is the only available Saturday for an Open House. Workshops with PB will be over the summer.

Sept. PB Public Hearing, Oct/Nov. Select Board public hearing. Other venues? The Forum at Mt. Ararat may be an option.

A discussion followed, with several people weighing in that it may be better to have this on the warrant in May of 2025. Reasons for this include feelings that special town meetings get very low turnover, and this is not what we want for ReCode. Most people in town look to the May meeting for important changes such as this. That seems to be the consensus for the time being. Guidance of the Planning Board and Select Board will be sought.

#### **V. Liaison updates**

- Joe met with the Community Center Committee. High points: General consensus is some community center is needed for Topsham. The question is what type of building. Swimming pool is the highest cost for construction and maintenance, and thus is diminishing in its importance. The Select Board report will focus on what Topsham needs and the cost to residents. A survey will be prepared to reach the majority of residents. Another issue is construction costs vs. operating costs. Endowment for building through fundraising and a multi-phase project, designed with expansion in mind.
- Angela has reached out to the Conservation Committee and expects to report next month.

The Select Board update may happen in late March.

Meeting adjourned at 5:54 pm.