

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
MARCH 21, 2013, 7:00 P.M.

MEMBERS PRESENT: Donald Russell
Marie Brilliant
David Douglass
Ronald Riendeau
James Trusiani

MEMBERS ABSENT: All present

STAFF PRESENT: Town Planner, Richard Roedner

A meeting of the Topsham, Maine Board of Selectmen was held on Thursday, March 21, 2013 at the Municipal Building at 100 Main Street, Topsham, Maine.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE/ROLL CALL

Chairman Russell called the regular meeting to order at 7:00 p.m. Three members from Cub Scout Pack 646, accompanied by the Tiger Den Leader, Jim Burak, lead the Pledge of Allegiance to the Flag. The recording secretary took the roll call and noted that all Selectmen were present.

TOWN MANAGER'S REPORT - In the absence of the Town Manager, no report was given.

BOARD AND COMMITTEE REPORTS AND UPDATES - None noted.

PUBLIC COMMENT - None noted.

CORRESPONDENCE - None noted.

ADJUSTMENTS TO THE AGENDA - None noted.

CONSENT CALENDAR

1. APPROVAL OF THE MINUTES OF THE REGULAR SELECTMEN MEETING OF MARCH 7, 2013

Motion was made by Mr. Trusiani, seconded by Ms. Brilliant, and it was

VOTED

To approve the consent calendar granting approval of the minutes of the regular Selectmen Meeting of March 7, 2013 as written.

PUBLIC HEARING**16-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON POSTING ROADS FROM MARCH 22, 2013 TO APRIL 30, 2013 OR SOONER IF CONDITIONS ALLOW**

Chairman Russell noted that a copy of the section of the ordinance regarding closing roads to travel of certain trucks; exemptions; permits (§210.62) was included in the Board package for review prior to the meeting. A letter dated March 4, 2013 from Public Works Director Dennis Cox was also noted. In the letter, Mr. Cox recommended the following roads be posted effective March 22, 2013 to April 30, 2013, or sooner if conditions allow:

- Winter Street/River Road from Main Street to Whitehouse Crossing Road
- Whitehouse Crossing Road
- Cathance Road
- Meadow Cross Road
- Ward road
- West Merrill Road
- Robert's Hill road
- Foreside Road from Townsend Way to the Middlesex Road

Following discussion, the Public Hearing was declared open. There were no comments to be made. The Public Hearing was declared closed.

Motion was made by Mr. Douglass, seconded by Mr. Riendeau and it was unanimously

VOTED

To accept the roads as presented for posting by the Public Works Director in letter dated March 4, 2013 effective March 22, 2013 to April 30, 2013, or sooner if conditions allow.

Selectmen Trusiani referenced the availability of a **Permit to Operate on a Posted Way** for first thing in the morning under certain conditions.

UNFINISHED BUSINESS**11-13 CONSIDERATION AND ANY APPROPRIATE ACTION TO REVIEW THE PROPOSED ORDINANCE CHANGES THAT INCLUDE THE HEAD OF TIDE PARK FOR TOWN MEETING IN MAY, 2013**

Parks and Recreation Director Pam LeDuc reviewed proposed ordinance changes in an open discussion with the Board. Once agreed upon, the changes will be placed on the Warrant for the upcoming Town Meeting in May. There was a lengthy discussion regarding the section of the ordinance prohibiting the use of firearms at the Foreside Recreational Area and the Head of Tide Park - whether it was acceptable to carry a concealed weapon if the proper permit was in place and how to provide wording to allow hunting, such as duck hunting, in the stream without breaking the law.

Dan Breed of 354 Middlesex Road was present at the meeting and expressed concern that he would be breaking the law if he put his boat in the stream to practice duck hunting.

Following discussion, it was agreed that Ms. LeDuc will work with the Town Planner and come up with appropriate wording to cover the concerns expressed at the meeting prior to the Selectmen's meeting of April 4, 2013.

14-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON PROPOSED ADJUSTMENTS TO THE BUILDING PERMIT FEE SCHEDULE

Mr. Roedner talked to this agenda item saying it is mandated that the Building Permit Fee Schedule be updated every 5 years and needs to be done this year as it was last done in 2008. A copy of the proposed changes to the schedule was included in the Board package for review prior to the meeting. Existing fees, along with the proposed fee was reviewed. Following discussion, motion was made by Mr. Douglass, seconded by Mr. Riendeau, and it was unanimously

VOTED

To accept changes to the Building Permit Fee Schedule effective March 21, 2013 as presented.

OLD BUSINESS - None noted.

NEW BUSINESS

17-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON A POTENTIAL RECOMMENDATION FROM THE PLANNING BOARD REGARDING A PROPOSED ZONING AMENDMENT ON ROUTE 201

Chairman Russell said this is the point in the Town Meeting process where the Board looks at recommendations from the Planning Board on zoning changes that the Selectmen vote to move on to a public hearing. As the Planning Board's meeting to make a recommendation to the Selectmen was cancelled due to a storm, there is no recommendation to consider. A memo from the Planning Director to the Town Manager and Board of Selectmen dated March 20, 2013 was discussed. The memo contained wording from the Town Attorney describing how to accept the item as an agenda item and then wait for the Planning Board's recommendation before it goes to public hearing.

This change is before the Board for consideration at the request of the Comprehensive Plan Implementation Committee (CPIC). The Committee is supportive of the change but felt it was better addressed by the Planning Board. In concept, the idea is to extend the RCU zoning district to the other side of Route 201, from the Cathance River north to the CMP lines. Much of the land is in farmland now, as well as within the flood plain, there are wetlands, shoreland zoning and two built lots that either have commercial potential or were commercial in the past. The CPIC felt that much of the land would not be developed due to the natural resource constraints, and would remain in agricultural use.

Following discussion, motion was made by Mr. Trusiani, seconded by Ms. Brilliant, and it was unanimously

VOTED

To place Item 17-13 "An Ordinance to amend the Official Zoning Map of the Town of Topsham by changing the area along Route 201 from the Cathance River to the power lines, from R-3 to RCU on the draft warrant." This motion is conditioned on the Planning Board forwarding this item to the Board of Selectmen following its March 26, 2013 meeting.

18-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON PLANNING BOARD RECOMMENDATION TO AMEND THE APPEALS PROCESS REGARDING PLANNING BOARD DECISIONS ON CONDITIONAL USES AND SITE PLANS

Mr. Roedner presented history saying right now the conditional use language does not have an appeal process for conditional uses. The site plan has a convoluted appeals process which is not clear where to go first, i.e., back to the Planning Board, Superior Court, Board of Appeals, but is not clear how the process should work. Under Site Plan, wording was developed clarifying that all decisions of the Planning Board shall be given to the applicant within 7 days and appeals go to Superior Court. If you want to appeal a conditional use permit that the Planning Board has issued goes to the Board of Appeals.

Chairman Russell suggested, and the Board was in agreement, that on the first page, under number 3, the word "Appeals" should be added before "Board" so it will be clear which Board it is coming before. Following discussion, motion was made by Mr. Douglass, seconded by Mr. Riendeau, and it was unanimously

VOTED

To place item 18-13 "An ordinance to amend the Topsham Town Code, chapters 225-72, 225-67, 109 and 175-15, regarding the appeals process from Planning Board decisions on the draft warrant." This motion is conditioned on the Planning Board forwarding this item to the Board of Selectmen following its March 26, 2013 meeting.

19-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON A REQUEST TO ACCEPT SERENITY LANE AS A PUBLIC ROAD

Mr. Roedner explained that this is a subdivision that the Planning Board approved in 2004/2005. The subdivision has changed hands a couple of times. The road has been built in stages over the last five years or so, with appropriate inspections along the way. The Planning Board has reviewed the road and has received a positive report from the Public Works Director, and recommends that Serenity Lane be accepted by the Town as a public road.

Motion was made by Mr. Riendeau, seconded by Mr. Douglass, and it was unanimously

VOTED

To move Item 19-13 forward to be placed on the Draft Warrant for the Public Hearing.

ADJOURN

Motion was made, seconded, and it was unanimously VOTED to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary