

MINUTES
TOWN OF TOPSHAM
PLANNING BOARD MEETING
MAY 7, 2019 7:00 P.M.

MEMBERS PRESENT: Donald Spann
Scott Libby
Peter Richard
Tom Thompson
Bruce Van Note

MEMBERS ABSENT: Ronald Bisson and Joshua Spooner

STAFF PRESENT: Carol Eyerman, Assistant Planner

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. The recording secretary took the roll call and noted that all members were present, except for Mr. Bisson and Mr. Spooner.

B. APPROVAL OF THE MINUTES OF THE APRIL 16, 2019 MEETING

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

VOTED

To approve the minutes of the April 16, 2019 meeting, as written.

C. SKETCH SUBDIVISION

HIGHLAND GREEN HAS SUBMITTED A PROPOSED SITE AND SUBDIVISION PLAN FOR ASSISTED LIVING RESIDENTIAL EXPANSION WITH 48 NEW RESIDENTIAL ASSISTED LIVING UNITS AND HIGHLAND GREEN SUBDIVISION AMENDMENT, TAX MAP R04, LOT 17A-1

Chairman Spann recused himself because of a possible conflict of interest and turned the gavel over to Vice Chairman Richard.

Chris Belanger, from Belanger Engineering, represented the applicant and gave a Power Point presentation for the pre-application review for a subdivision amendment and a sketch plan review for the site plan amendments. The applicant is proposing to construct a 49,312 square foot, 48-unit assisted living building, which will be done in 1 or 2 phases. 110 parking spaces were shown on the plan. Mr. Belanger showed how Audubon Way will be moved to accommodate the project. The lots are currently served by public water and sewer. Discussions

have been held with the Sewer District to move two sewer systems resulting from the new placement of Audubon Way.

The Board entered into a discussion following Mr. Belanger's presentation. Question was asked if any disruption of service can be expected when the new sewer systems are installed. Mr. Belanger said the disruption is expected to be only a matter of hours. The Board asked that letters be forwarded to property owners informing them of the possible disruption. The Board cautioned that applicant meet the 75 foot wetland setback. Mr. Belanger said an application is being worked on for Permit by Rule from the Department of Environmental Protection. Construction of Audubon Way will be done when sales of the property have occurred. It was noted that moving of the road will not effect any TIF requirements.

The Board was in agreement that the intent of the pre-application subdivision and site plan review processes were met and recommended that the applicant work with and follow staff recommendations for a future final plan submission.

D. PUBLIC HEARING - STREET ACCEPTANCE – DAVID DRIVE

Vice Chairman Richard turned the gavel back over to Chairman Spann who began the discussion of David Drive street acceptance.

Planner Rod Melanson said this was a last minute submission to put this item on the warrant for consideration at Town Meeting. He said this has been reviewed by the Town Manager and Town Attorney. He presented a brief history that in 2008 the subdivision was approved. The Public Works Director has inspected the road and notes that the road is in acceptable shape for approval. Peer reviewer Tom Saucier has also reviewed the road and states it meets ordinance criteria for acceptance. The warranty deed has been reviewed and approved by the Town Attorney. The meets and bounds have been approved by the Town Assessor. This item is listed as Article 9 on the Town Warrant.

A period of discussion between the Board was held. Board member Thompson had a question on page 3 of the memo from the Assistant Planner, under Section C...."The Board finds an As-Built Profile of the roadway not submitted." The Planner responded saying density tests were done, so it was not necessary to include the As-Built Profile.

Clayton Bowie responded that each phase of the road was inspected with compaction tests done and approved. He noted he worked with three different road commissioners for the Town during this process. He said that paving met all core inspections by S. W. Cole Engineers.

The Public Hearing was declared open. Those wishing to comment included:

Gordon Donley, 24 Redpoll Drive – Mr. Donley came to the podium and expressed comments relating to the previous agenda item. Chairman Spann explained that the Highland Green agenda item was closed and currently the acceptance of David Drive was being heard. He asked Mr. Donley to wait until the David Drive item was closed and then come back before the Board to be heard. Mr. Donley agreed to do so.

Mark Bergeron, 36 David Drive – Said he was not a spokesperson for the neighborhood but wanted to express a general interest for the Town taking over the road. Said the road was constructed very well and that it is a good idea for the Town to take it over.

With no further comments to be heard, the Public Hearing was declared closed.

Board member Richard inquired if we need a profile of the street drawn to scale as this was accepted in 2008 and ordinance changes have been made. Planner Eyerman responded that there is a provision to grant a waiver in this chapter if needed. Article 4 in 185.9.1 – Waiver Procedures. Planner Melanson responded that profiles were done and approved by the Board in 2008, therefore a waiver is not necessary.

Motion was made by Mr. Richard, seconded by Mr. Libby, and it was unanimously

VOTED

That, for the issue of street acceptance for David Drive, that the application for the road acceptance by the Town is complete as described in Chapter 185 with Findings of Facts outlined in memo from Rod Melanson dated April 11, 2019 for Tax Map R03, Lot 001, row, listed on pages 2 through 3 with the Board Finding the following Facts:

- that the warranty deed reviewed by the Town Attorney has been submitted with the application,
- that the plan will be recorded after acceptance by the Town,
- that the application has been submitted,
- that the following plans have been submitted, which are paper copies 40 feet to 1 inch, Sheet 1 As-Built Plan of a portion of David Drive for Chip Bowie, drawn by Wayne Wood and Company dated February, 2019,
- that the Standard Boundary Survey and Final Subdivision Plan of Roberts Hill Section II for Bowie Home Construction drawn by Brian Smith Survey Surveying, Inc., dated March 21, 2008 and approved by the Topsham Planning Board meets the requirements,
- and that the Board finds that a profile for the roadway was submitted and was built in accordance by that plan by facts presented to this Board through e-mail correspondence from Dennis Cox, Public Works Director and Rod Melanson the Planning Director dated April 5, 2019,
- and that the Board finds the following plans have been sealed by a professional engineer registered in the State of Maine:
 - Sheet 1 – As-Built Plan for a portion of David Drive for Chip Bowie drawn by Wayne Wood and Company dated February 2019;
 - and Standard Boundary Survey and Final Subdivision Plan of Roberts Hill Section II for Bowie Home Construction drawn by Brian Smith Survey Surveying, Inc. and dated March 21, 2008.
- this item to be forwarded to the Board of Selectmen with a recommendation from the Planning Board of “Ought to Pass.”

At this point in the meeting, Chairmain Spann turned the gavel over to Mr. Richard and Mr. Donley was asked to come forward to express his comments on the Highland Green Application.

Gordon Donley, 24 Redpoll Drive – Mr. Donley asked if school busses will come down Audubon and stay off Route 196 totally. He said also there are golf carts crossing Mountain Road. He suggested a tunnel be constructed to go under the road or a traffic light be installed to protect the golfers crossing the road. He said he lives about a quarter of a mile down the road. Mr. Richard told Mr. Donley he would instruct the Town Planners to express Mr. Donley’s concern to the developers.

Al Murphy, 9 Heron Drive – Asked if there was any indication as to how far Audubon is going to have to be shifted to the north to accommodate the elderly people living there. Mr. Van Note said approximately 150 feet.

E. ADJOURNMENT

Motion was made by Mr. Van Note, seconded by Mr. Thompson, and it was unanimously

VOTED

To adjourn the meeting at 7:40 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary