APPROVED 5/22/25

MINUTES
TOWN OF TOPSHAM
PLANNING BOARD MEETING
IN PERSON IN THE DONALD A. RUSSELL MEETING ROOM
AND ON-LINE VIA ZOOM – MAY 8, 2025, 6:30 P.M.

MEMBERS PRESENT:

Don Spann
Kerri Bickford
Larry Brann
Tim Dunham
Scott Libby
Andrew Munsey

MEMBERS ABSENT: Ronald Bisson

STAFF PRESENT: Joshua Franklin, Town Planner

A. CALL TO ORDER AND ROLL CALL

Chair Spann called the regular meeting to order at 6:30 p.m. Roll call was taken and it was noted that all members were present, except for Mr. Bisson.

B. APPROVAL OF THE MINUTES OF THE APRIL 24, 2025 MEETING

Motion was made by Mr. Brann, seconded by Ms. Bickford, and it was

VOTED

To approve the minutes of the April 24 2025 meeting as written in the second draft. (The vote was 5 in favor with one abstention [Chair Spann].)

C. PUBLIC HEARING

BLASTING PERMIT – HIGHLAND GREEN PHASE 4C HOME CORP. HAS SUBMITTED A BLASTING PERMIT FOR REMOVAL OF 3,000 CU. YDS, AT 319 EVERGREEN CIRCLE FOR RESIDENTIAL CONSTRUCTION, IDENTIFIED ON TAX MAP R04, LOT 17A-10

Before introducing this agenda item, Chair Spann asked the Board if they wished him to recuse himself due to a possible conflict of interest with his involvement with Highland Green. Board members unanimously agreed that Chair Spann's involvement did not apply to the blasting permit and asked him to continue as Chair.

Chair Spann read aloud the agenda item and asked that the agent or representative step forward and review the request before the Board. Tim Purington from Drilling & Blasting Rock Specialists, Inc., Gardiner, Maine came to the podium and reviewed the blasting procedure. Mr. Purington said during the pre-construction stage at parcel 319 Evergreen Circle the engineers' found rocks and/or other consolidated natural materials that require removal. Therefore, Drilling & Blasting Rock Specialists, Inc. was hired to perform the necessary blasting. It is anticipated that approximately 3,000 cubic yards will need to be removed.

It was noted that all abutting property owners within 250 feet of the parcel were notified in writing of tonight's Public Hearing. Mr. Purington referenced material submitted to the Board for review prior to the meeting including the sequence of blasting and blasting procedures such as blasting operations will not commence until after 8:00 a.m. and will cease by 4:00 p.m. Monday through Friday. A blasting schedule was noted and followed in accordance with the Town's Blasting Ordinance including the use of blasting mats and blast security and warning whistles.

Following Mr. Purington's review, the Public Hearing was declared open. There being no one wishing to comment, the Public Hearing was declared closed. There were no questions from Board members.

Motion was made by Vice Chair Libby, seconded by Mr. Brann, and it was unanimously (of those present)

VOTED

That the Blasting Permit Application for Highland Green, Tax Map R04, Lot 17A-10, having met the applicable standards in the Blasting Ordinance, Chapter 85, be approved with the staff recommended conditions and findings identified in the staff memo dated May 8, 2025.

D. <u>SKETCH PLAN – CP ROGERS, LLC IS PROPOSING TO RENOVATE THE EXISTING BUILDING ON 61 MAIN STREET LOCATED IN THE MIDDLE VILLAGE (MV) DISTRICT, ADDING A PARKING LOT TO ACCOMMODATE A COMMERCIAL BUSINESS SPECIALIZING IN WELLNESS AND SKIN CARE SERVICES, IDENTIFIED BY TAX MAP U04, LOT 22</u>

Chair Spann noted a possible conflict of interest in this agenda item (one of his brokers had a contract on the property) and he asked the Board if they wished him to proceed as Chair. Board members unanimously agreed that Chair Spann should continue as Chair and proceed with the review.

Cara Rogers, owner of Skin by Cara, came to the podium and provided a description of the proposed project at 61 Main Street. Cara Rogers is the owner of the property and Craig Perreault is her agent. Steve Roberge was hired by the applicant as a Civil Engineer. The property is zoned for both residential and commercial use and Ms. Rogers said she is seeking permission to utilize it accordingly.

Letter dated April 23, 2025 from the Town Planner listed staff comments and concerns as feedback to be considered while the applicant prepares the final site plan application. Ms. Rogers said each item will be addressed in preparation for the site plan review at a future meeting.

It was noted that this meeting poses no binding commitments between the applicant and the Board at this stage. The purpose of this preapplication meeting is to understand what is being proposed, what is possible and what is acceptable.

The property at 61 Main Street consists of a two-unit residential building. Ms. Rogers will maintain the top floor as a residential unit for lease and convert the ground floor into a professional office providing skin care and wellness services for clients.

To accommodate parking needs of both employees and tenants, the existing paved driveway will be expanded by adding 4,350 square feet of impervious surface with a gravel parking lot. The Board asked the applicant to provide the number of parking spaces provided and was informed that if the parking area is intended to hold more than 10 vehicles, a bituminous surface would be required per ordinance section 225-27F.

The applicant was informed that because the paved surface on the applicant's property is fully connected to the paved surface of the abutting property, and is proposed to extend even further along the property line, this would not conform with the parking standards of §225-27E(6)(d) which require that access drives be located at least 5-feet from any side or rear lot line. To maintain the access drive, a waiver of conformance with §225-27I for parking performance standards will be required. During discussion at a staff meeting, Police Chief Hagan noted that the proximity of the access drive to the property boundary risks property disputes. It was recommended that, in addition to the required waiver, the applicant provide a feature of delineation, such as a fence or landscaping to discourage any property disputes. As the Professional Office use is conditional in the Middle Village, the applicant will need to submit a Conditional Use application along with their final site plan.

During discussion, the Board asked if a fence could be considered closer to the sidewalk. Board member Bickford suggested, rather than a fence, the applicant might consider some type of a large planter with a tree and plants. The applicant said there currently is a fence in the back of the property.

The Board asked that a Lighting Plan be submitted by a Lighting Engineer to show where lights currently exist and where lights for the project will be placed, in accordance with the Town's ordinance (§175-9 Lighting Standards).

E. DISCUSSION – SHALL A PUBLIC HEARING BE HELD FOR HIGHLAND GREEN PHASE 4C SUBDIVISION AMENDMENT

It was noted that Sea Coast Management Company is proposing an amendment to the previously approved site plan and subdivision for Phase 4C of the Highland Green Retirement

Community. The amendment would add 9 more units as infill. The proposed road layout is generally the same as previously approved, with minor small changes to accommodate placement of the new units. Recent changes to the availability of local publishing, the subdivision application of this project would need to be pushed to a future Planning Board meeting – June 12 instead of May 22 – if a Public Hearing were required, Per §191-8, the Planning Board may decide whether or not to hold a public hearing on an application for subdivision approval.

During discussion, Chair Spann said if it isn't necessary to hold a public hearing, why do we do it? Newspaper services are changing, making timely notices difficult. Board member Libby asked if the notices could be published in the Developer's Notice which comes out weekly.

Suggestion was made to talk to MMA about this and to look at the State of Maine Code.

No action was taken on this item.

ADJOURN

Motion was made by Mr. Brann, seconded by Ms. Bickford, and it was unanimously (of those present)

VOTED

To adjourn the meeting.

Respectfully submitted,

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Patty Williams, Recording Secretary