

MINUTES  
TOWN OF TOPSHAM  
PLANNING BOARD MEETING  
AUGUST 21, 2012, 7:00 P.M.

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MEMBERS PRESENT: Donald Spann  
Ronald Bisson  
Michael Colleran  
Jay Prindall  
Bruce Van Note

MEMBERS ABSENT: Scott Libby

STAFF PRESENT: Planning Director, Richard Roedner

A meeting of the Topsham, Maine Planning Board was held on Tuesday August 21, 2012 at the Municipal Building at 100 Main Street, Topsham, Maine.

1. **CALL TO ORDER AND ROLL CALL**

Chairman Spann called the meeting to order at 7:00 p.m.. The recording secretary conducted the roll call and noted that all members were present, except for Mr. Libby who had been excused.

2. **APPROVAL OF THE MINUTES OF THE AUGUST 7, 2012 MEETING**

Motion was made by Mr. Colleran, seconded by Mr. Prindall, and it was

VOTED

To approve the minutes of the August 7, 2012 meeting as corrected.

(Correction: Pg. 3, item 5, change "Mr. Mason" to "Mr. Spann.")

3. **PUBLIC HEARING - SUBDIVISION AMENDMENT APPLICATION FROM WAYNE ZAZESKI TO ADD ONE LOT TO THE APPROVED TURKEY RUN SUBDIVISION, MAP R06, LOT 010, IN THE R-3 ZONING DISTRICT. THE OWNER OF THE PROPERTY IS THE EDWARD ZAZESKI LIVING TRUST**

Prior to hearing this item, Board member Prindall informed the Board that he was an abutter to the property and asked if the Board wished him to decline from participation. Both the applicant and Board members were in consensus that Mr. Prindall should continue to remain on the Board to hear the case.

Surveyor Pat Harty represented Mr. Zazeski and presented a brief overview of the project which was originally approved by the Planning Board in 2003. At that time, lot 10-15 was shown as a back lot with a right of way across Lot 10-14. Last year, Mr. Zazeski came back before the Board for an amendment to create Lots 13 and 14, forgetting that Lot 15 had to be the next lot to be developed. This oversight by the applicant has resulted in a situation where Lot 15 can no longer be developed without creating a new private road up and over the steepest terrain in the project. Therefore, the applicant would like to recombine Lot 13 and 14 into the remaining land, and create Lot 15 per the back lot provision in the code (225-17.G) and then create Lots 13 and 14 again.

Mr. Harty distributed printouts of recent test pit results. He said the site is sandy and acceptable for a home to be built on the east side of the lot with the septic system on the west side. He noted a scribes error on the plan and said lot shown as 10-13 should be 10-15 per the assessors new lot numbers.

There was a discussion of the dead end issue, involving the connection to the Meadow Road which is intended as part of a future phase. The Town Planner said the latest changes of the ordinance make it clear the Town does not want dead ends but the code provides the Board with leeway in addressing the issue as a part of a phased project. It was noted that there is an existing access route but it is not always maintained during the winter months.

Following a period of questions and answers from the Board, the Public Hearing was declared open. There were no comments to be heard and the Public Hearing was declared closed.

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

VOTED

That we vacate the subdivision approval on the Zazeski Subdivision on Turkey Run dated September 28, 2011 and approve the amended subdivision as proposed, creating back Lot 10-15 and Lots 10-13 and 10-14 per the drawing dated August 9, 2012, including the original Conditions of Approval and that the Board waive the requirement that the back lot and front lot share driveways based on the finding that a driveway is not feasible due to the terrain.

4. **PUBLIC HEARING - CONDITIONAL USE AND SITE PLAN APPLICATION FROM BRILLANT MOTORS TO OPERATE AN AUTOMOTIVE REPAIR FACILITY AT 6 OLD AUGUSTA ROAD, MAP R05, LOT 072, IN THE LIMITED INDUSTRIAL DISTRICT. THE OWNER OF THE PROPERTY IS ERNEST AND JOYCE BRILLANT**

Leon Brilliant spoke for the applicant and told the Board that the automotive repair business had been in the family for years and that his father has recently passed away when they realized the business operation was not grandfathered as they had assumed.

An informal site plan was presented by the applicant and shows adequate setbacks from the garage and the property lines, along with sufficient space for customer vehicles. Mr. Brilliant responded to several questions relative to site plan approval criteria including:

- The existing landscaping will be preserved as this is a built site and no new site work is planned;
- No new buildings are proposed;
- Vehicular access is provided with approximately 140-foot paved driveway to the garage;
- There is ample parking on the right side of the garage;
- There will be no surface water drainage caused by the work done inside the garage on vehicles; used oil is stored in a 55 gallon drum. There is no drain in the garage; A driven well and septic system is on site;
- No outside lighting is proposed. There currently is a Central Maine Power Company street light across the street from the garage;
- No signage is proposed;
- Any vehicle parts, used tires, etc. will be stored inside the garage on shelves and old parts will be taken to the junkyard;
- Emergency vehicle access is accessible directly from the public road which the garage is located on;
- There will be no impact on municipal services with the project;
- The proposed use will not be a generator of air borne contaminants and will not pose a risk to air quality;
- No site work is planned that would disturb soils;
- The existing septic system location is shown on the plans;
- This is a built site, and no new site alterations are proposed, so there will be no impact on existing natural beauty;
- The parcel in questions is not located in a shoreland zone.

Following Mr. Brilliant's presentation, the Public Hearing was declared open. There being no comments from members of the public, the Public Hearing was declared closed.

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

#### VOTED

To grant a Conditional Use Permit for Brilliant Motors to operate an automotive repair facility at 6 Old Augusta Road, Map R05, Lot 072 in the Limited Industrial District, based on the following findings:

1. The use is compatible with and similar to the general categories and uses of neighboring properties.
2. The use is compatible with the Comprehensive Plan and the anticipated future development of the neighborhood.

3. Anticipated traffic to and from the proposed operation will not cause an adverse negative impact on the neighborhood surrounding the proposal.
4. There will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties or the Town in general.
5. The physical characteristics of the site, including location, slopes, soils, drainage and vegetative cover are suitable for the proposed use.
6. The use will not constitute a public or private nuisance, and
7. There will be no outside storage of outside auto parts and all work will be conducted inside the garage.

Motion was then made by Mr. Colleran, seconded by Mr. Bisson and it was unanimously

VOTED

To grant site plan approval for property at 6 Old Augusta Road, Map R05, Lot 072 in the Limited Industrial District with drawings attached and the Planners Memo dated August 16, 2012, noting that the same conditions attached to the Conditional Use Permit will apply.

5. **PUBLIC HEARING - GRIMMEL INDUSTRIES, INC. HAS SUBMITTED AN AMENDMENT SITE PLAN FOR 80 PEJEPSCOT VILLAGE, TAX MAP R02, LOT 034**

This item was postponed to a future meeting.

6. **ADJOURN**

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

VOTED

To adjourn the meeting at 7:35 p.m. and to move into a workshop to discuss Multiple-Family Dwellings.

Respectfully submitted,

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Patty Williams, Recording Secretary