

MINUTES  
TOWN OF TOPSHAM  
PLANNING BOARD MEETING  
SEPTEMBER 6, 2011, 7:00 P.M.

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MEMBERS PRESENT: Donald Spann  
Ronald Bisson  
Michael Colleran  
Scott Libby  
Stephen Mathieu  
Jay Prindall  
Bruce Van Note

MEMBERS ABSENT: All present

STAFF PRESENT: Planning Director, Rich Roedner, was present representing the Planning Staff.

A meeting of the Topsham, Maine Planning Board was held on Tuesday, September 6, 2011 at the Municipal Building at 100 Main Street, Topsham, Maine.

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

Chairman Spann called the regular Planning Board Meeting to order and asked the recording secretary to conduct the roll call. Roll call was conducted and it was noted that all members were present.

2. **MINUTES FROM THE AUGUST 16, 2011 MEETING**

Motion was made by Mr. Bisson, seconded by Mr. Mathieu, and it was

VOTED

To approve the minutes of the August 16, 2011 meeting as written.

(The vote was 5 in favor with 2 abstentions - Mr. Spann and Mr. Van Note.)

3. **ELECTION OF CHAIR AND CO-CHAIR**

Mr. Colleran nominated Don Spann to serve as Chairman of the Planning Board for the coming year. The nomination was seconded by Mr. Mathieu. There were no further nominations. Nominations ceased and **Don Spann was elected Chairman.** The vote was 6 in favor with 1 abstention (Spann).

Mr. Mathieu nominated Michael Colleran to serve as Vice Chairman of the Planning Board for the coming year. The nomination was seconded by Mr. Libby. There were no further nominations. Nominations ceased and **Michael Colleran was elected Vice Chairman.** The vote was 6 in favor with 1 abstention (Colleran).

4. **PUBLIC HEARING FOR AN AMENDED SITE PLAN - ANTHONY ROSSETTI, OWNER OF BOOTLEGGERS BEVERAGE WAREHOUSE AND REDEMPTION HAS SUBMITTED A PROPOSED 10 ADDITIONAL PARKING SPACES AT 13 HAMILTON COURT, TAX MAP R05, LOT 016003**

Curt Neufeld from Sitelines represented the applicant, Anthony Rossetti. Mr. Rossetti was also present at the meeting.

Mr. Neufeld referred to the May Planning Board meeting where Bootleggers was before the Board with request to add 10 parking spaces for employees to park at their business at 13 Hamilton Court. At that time a site plan was proposed showing the spaces along the end of Hamilton Court, a private shared drive. Mr. Neufeld said he and the applicant took into consideration the suggestions offered by the Board at the May meeting as to how the site plan could be amended to eliminate the need to back into traffic.

Board members expressed concern that the revised site plan looked the same as the one presented at the May Planning Board Meeting. Mr. Neufeld told the Board that Sitelines considered the three alternate layouts based on discussions and direction at the May meeting and said all three alternatives considered including a new 3-foot wide raised concrete island. The alternatives presented included:

Alternative Parking Layout #1 - This layout is based on a clockwise flow of vehicles to the end of the driveway and turning back towards Bootleggers. Seven additional parking spaces would be constructed. This parking arrangement creates a confusing scenario where cars would be exiting at the throat of the Bootleggers parking lot, and exiting traffic would be head-on towards traffic entering the site. This atypical configuration could result in an unsafe condition.

Alternative Parking Layout #2 - This option involves construction of six new angled spaces facing the new raised concrete curb. To provide access to the new spaces, one existing space would be lost, resulting in a gain of only five spaces. Traffic would circulate counterclockwise around the end of the raised island to exit the new parking.

Alternative Parking Layout #3 - Layout three consists of six new angled parking spaces constructed facing the Bootleggers building. Leaving traffic would circulate counterclockwise around the end of the raised curb.

Mr. Neufeld told the Board that of the three alternate parking layouts, option #3 appears to be the most intuitive. However, this option would result in only six new spaces for essentially the same amount of pavement as originally proposed. Given that this configuration includes a concrete curb that will complicate snow removal, will result in a potential maneuvering obstacle, and provides 40% fewer parking spaces than the owners preferred design, he said Mr. Rossetti respectfully requests approval of the original design of 10 parking spaces.

A lengthy discussion followed of questions posed by the Board, including:

- How many employees are there parked at one time? Response was 8 vehicles on an average.

- Concern was expressed about the Maintenance Agreement. Who will be responsible for additional vegetative plantings? Response was Mr. Rossetti will share cost with car wash owner.
- What landscaping will occur? Response was that two small trees will need to be removed.
- In response to comment that the drive was not a road but a shared driveway, Mr. Neufeld distributed copies of the Shared Maintenance Agreement with cross easements.
- It was noted that as a result of E911 mandates, the access is in fact considered a road, but a private, not public road, but provides access to the two lots.
- Comment was made the Board allowed such parking at Town Fair Tire.
- Concern was expressed that two of the ten spaces still provide for the vehicle to back out.

Following discussing between the Board and applicant, the Public Hearing was declared open.

Attorney Frank Joudrey spoke representing John Chase, owner of the car wash. Attorney Joudrey said his client has concerns relative to public safety and questioned if Ordinance Section 175-8, Performance Standards were being met. He suggested that traffic studies be completed to show trip counts, type of traffic and when traffic peaks. Attorney Joudrey said it is his opinion that the Bootleggers site is maxed out and said Mr. Chase has offered free parking on an area of his property.

Mark Hagan told the Board he has worked in public safety for many years as a police officer and said it was his opinion that Mr. Rossetti has sincerely tried to solve the parking problem and that it appeared to him that individuals are looking too deeply into the matter.

Mr. Chase asked the Board if the extra parking spaces caused accidents to occur if the Board could retroactively revised their decision. He asked if any of the barriers would be on his property. The response was no.

With all comments having been heard, the Public Hearing was declared closed and the Board deliberated further and concluded that:

- The line of sight is good in the proposed location and clear all the way to Monument Place;
- There is an existing problem with parking - no parking on the lawn and this is an attempt to address the parking problem;
- Not a major interior travel way, but the end of the run;
- The parties, through their deed filings, have indicated that they consider the road a driveway;
- Traffic volume is lower where the parking is requested than at Monument Place;
- The proposal will have less safety issues as employees will not be parking in the public parking area.

Following deliberation, motion was made by Mr. Van Note, seconded by Mr. Colleran and it was unanimously

## VOTED

To approve the amendment to the Site Plan to include the agreed upon changes to the application from 10 parking spaces to the Site Plan to add 8 additional spaces as shown on the plan for additional curb cut with the condition that all work shall be completed in accordance with the site plan entitled "Parking Addition" drawn by Sitelines, P.A., dated 10-01-10, with latest revision dated March 10, 2011. Any deviations from the approved plan shall be approved by the Planning Board or Planning Director before work takes place.

5. **SUBDIVISION AMENDMENT - PARK DRIVE, LOT 12, LLC, HAS SUBMITTED A PROPOSED AMENDMENT TO THE ORIGINAL SUBDIVISION OF AUGUST 16, 2005 TO REALIGN THE PROPERTY LINES OF LOTS 11 AND 12, TAX MAP R5, LOTS 21D-18 AND D19**

Curt Neufeld, from Sitelines, represented the applicant, Dan Catlin, who was also present at the meeting. Mr. Neufeld said the purpose of the application is to re-align the property lines of Lots 11 and 12 so the existing 12,640 s. ft. building (Goodwill) and the proposed 25,000 sq. ft. building can be supported on individual lots within the Planned Commercial Development. The applicant is also proposing to create a third parcel to support the future access road, as originally proposed, to the Mallet Woods residential development located to the east. The additional lot, labeled Lot 12A, would not be intended for a commercial site developed, but exclusively for a public or private road and for open space buffering to the stream long the common property line between Lots 12 and 13 of the Topsham Fair Mall Expansion. No changes are planned at this time to site layout, impervious areas, or grading. Mr. Neufeld said that all lots are conforming to the Ordinance. Both sign easements are proposed to be preserved.

Mr. Catlin said he will convey a cross easement for access to and from all three lots and a cross easement for drainage to Mallett Drive LLC and this will be noted on the plan.

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

## VOTED

To approve the amended subdivision plan for Lots 11 and 12, Topsham Fair Mall Expansion, subject to the easement, joint easement plan and right-of-way be granted to Mallett Drive LLC, and that the agreement will be drafted to cover maintenance, stormwater, mutual access and mutual parking.

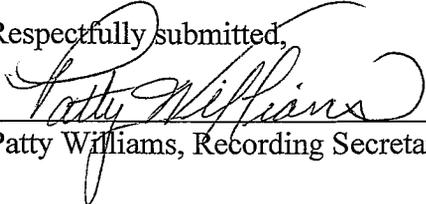
6. **ADJOURN**

With no further business to discuss, motion was made, seconded, and it was unanimously

## VOTED

To adjourn the meeting at 8:30 p.m. and to move into a workshop.

Respectfully submitted,

  
Patty Williams, Recording Secretary