



August 7, 2020

To: Topsham Planning Board
From: Frank O'Hara
Re: Proposed ordinance outline

General description: The proposed ordinance will be based on Topsham's existing Mixed Use Commercial One (MUC-1) Zone. That ordinance was designed to deal with a large scale mixed use development on the other side of I-295 from the Topsham Fair Mall. Instead of approving buildings one-by-one, that ordinance creates a three-step process for approval that ensures that the project is evaluated as a whole prior to dealing with individual parts. This ordinance will envision a parallel process, except one that will deal with a resource manufacturing industry, not a commercial project.

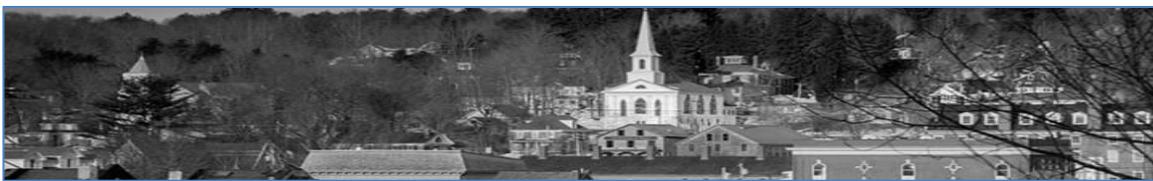
Three-step process: The three-step process involves:

Step 1: Site Inventory and Analysis

This step creates a common understanding of the "facts on the ground" prior to dealing with plans or proposals. It requires the developer to provide:

- **A Site Context or Locus Map.** This will show the relationship of the site to all adjacent properties within 1,000 feet of the site – subdivisions, streets, zoning districts, all in relation to the proposed project.
- **A Site Inventory Plan.** This will show the existing natural features and resources and built environment on and within 500 feet of the proposed project site. It will provide a boundary survey for the site; present any restrictions or easements on the site; provide topographic contours; identify and assess natural features of the site and the area within 500 feet of the site, such as wetlands, vernal pools, streams, ponds, wildlife habitats, scenic views, significant geological features, and other important natural features; provide a soils survey of the site; map the vegetative cover; map the watershed boundaries; describe the groundwater hydrology; existing buildings on the site; location of culturally or historically significant features; location and sizing of existing utilities;.
- **A Site Analysis Plan.** This is a narrative, based on the information in the inventory, describing the development constraints and opportunities of the site; open space conservation potential; opportunities to mitigate problems; and development potential. It will provide a narrative of the road system around the project, and discuss issues related to traffic and safety. If there are preliminary traffic or market studies, this would also be provided in the analysis.

This is an informational step. It allows the Planning Board and citizens to engage with the developer, to resolve factual questions, and to develop a common understanding of the what is there, before moving on to the master plan step.



After a site visit and public input, the Planning Board will identify issues and constraints that should be addressed in the next phase of planning.

Step 2: The Master Plan

This step provides the Planning Board with the overall picture of how the developer plans to develop the site. The Planning Board must approve the Master Plan before any individual structures or development work can be begun. The Master Plan must include:

- *A Development Narrative.* This provides an overview of the development, how it addresses the issues identified in the Site Inventory Phase, and how it will meet the approval criteria in the ordinance.
- *A Conceptual Site Plan.* This will show the layout, road network, utility network, development areas, open space areas, buffer areas, and the like. This can be at the “bubble diagram” level, but needs to identify the types of buildings involved.
- *A Preliminary Infrastructure Plan.* This will show the road network, parking, access to and from the site, proposed road improvements on and off-site, stormwater management, utility systems, etc.
- *A Neighborhood Impact Mitigation Plan.* This will describe the impacts of the proposed development on neighboring residential areas, including traffic, noise, odors, exterior lighting, and visual impacts, and describe how those impacts will be mitigated.
- *An Environmental Assessment.* This will show how the proposed development will minimize encroachment on the high-value resources identified in the Site Inventory Phase; how it will comply with state and federal laws; and identify any mitigation activities which are needed.
- *Development and Design Plan.* This will describe how the buildings, traffic, parking, signage, landscaping, and the like, will work together to minimize external impacts.

The Planning Board will review these plans, and work with the developer to make improvements to the Plan, and approve the Plan when it is assured that the program will meet the development standards. The standards will cover:

- *Consistency with the Site Inventory and Analysis.*
- *Minimizes negative impacts on neighbors, maximizes positive impacts.*
- *Minimizes negative traffic impacts, maximizes positive traffic impacts.*
- *Minimizes negative environmental impacts, maximizes positive impacts.*
- *Expands quality economic opportunities for Topsham residents*

Even if the Master Plan is approved, the developer is still not able to begin building. One more step is needed.

Step 3. Site Plan Review.

Once the Master Plan is approved, the developer must then come into the Town for the approval of individual buildings and activities under the Town’s Site Plan Review ordinance. This step involves providing detailed specifications for individual buildings and structures; a demonstration that the individual elements are consistent with the approved Master Plan; then meeting the individual performance standards of the Site Plan Review ordinance with respect



to landscaping, design, vehicular access, parking, drainage, signs, utilities, lighting, emergency vehicle access, municipal service impact, water and air pollution, water supply erosion, sewage, conservation, lighting, and buffering. In the draft ordinance we will be preparing, we will insure that the relevant Site Plan performance standards are incorporated into the Master Plan process, so that the Site Plan review process can be simplified.

Other elements of the proposed ordinance:

- *New definitions* will be required for such things as a resource industry planned development, etc.
- *A map and boundary description* of the zone will be needed.

Because the parts of this ordinance are interactive, we think it will be better to provide an entire draft ordinance to the Planning Board at once, rather than work on a piece-by-piece review. We propose to provide such a draft for an October meeting.