



**WHEREAS**, there continues to be a need for the development of affordable, livable housing and the containment of the costs of unplanned growth in the Town of Topsham, in the surrounding region, and in the State of Maine; and

**WHEREAS**, there is a need to provide impetus for affordable housing development within a district of the municipality; and

**WHEREAS**, the Town desires to amend the District and Development Program to reduce the acreage of the District allow for additional development; and

**WHEREAS**, adopting and implementing the First Amendment to the District (the “Amended District”) and implementation of the Development Program (the “Amended Development Program”) will help to improve and broaden the tax base in the Town of Topsham and improve the economy of the Town of Topsham and the region by attracting business development to the Town; and

**WHEREAS**, the Town has held a public hearing on the question of establishing the District, in accordance with the requirements of 30-A M.R.S.A. § 5250, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

**WHEREAS**, the Town desires to designate the Amended District and adopt the Amended Development Program; and

**WHEREAS**, it is expected that approval will be obtained from the Maine State Housing Authority (“MaineHousing”) approving the designation of the Amended District and the adoption of the Amended Development Program;

**NOW THEREFORE, BE IT HEREBY ORDERED BY THE TOWN:**

**Section 1.** The designation of the Amended District and pursuit of the Amended Development Program will create affordable, livable housing within the Town of Topsham, and therefore constitutes a good and valid public purpose.

**Section 2.** Pursuant to Chapter 206, Subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates the First Amendment to the *25 Hackmatack Road Affordable Housing Municipal Development and Tax Increment Financing District* and hereby adopts the Amended Development Program for the District described as more particularly set forth in the documents presented to the Select Board and town meeting in conjunction with this article.

**Section 3.** Pursuant to the provisions of 30-A M.R.S.A. § 5250-A, the percentage of captured assessed value to be retained in accordance with the Development program is hereby established as set forth in the Development Program.

**Section 4.** The Town Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the Maine State Housing Authority for review and approval pursuant to the requirements of 30-A M.R.S.A. Chapter 206, Subchapter 3; and further is authorized to execute a Credit Enhancement Agreement consistent with the provisions of *the Amended* Development Program as presented and approved herein, and to create the accounts and take all the actions described in such agreement.

**Section 5.** The Town Manager be and hereby is authorized and empowered at his direction from time to time to make such revisions to the Amended Development Program for the Amended District as he deems reasonably necessary or convenient in order to facilitate the process of review and approval of the District by MaineHousing, or for any other reason, so long as such provisions are not inconsistent with these resolutions or the basic structure and intent of the Amended Development Program. The Town Manager is also hereby authorized and directed to submit any reports to MaineHousing regarding the Amended District and Amended Development Program throughout the term of the Amended District.

**Section 6.** The foregoing designation of the Amended District and the adoption of the Amended Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the proposed District by MaineHousing, without requirements of further action by the Town, Select Board or any other party.

**Section 7.** The Town hereby finds and determines that:

- a. At least twenty-five percent (25%), by area, of the real property within the Amended District, as hereinafter designated, is suitable for residential use, blighted area or is in need of rehabilitation or redevelopment; and
- b. The total area of the Amended District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all development districts within the Town, and the total area of all development districts within the Town does not exceed five percent (5%) of the total acreage of the Town; and
- c. The original assessed value of the Amended District plus the original assessed value of all existing affordable housing development districts within the Town does not exceed five percent (5%) of the total value of taxable property of the Town.
- d. The Amended District and pursuit of the Amended Development Program will contribute to the expansion of affordable housing opportunities within the municipality or to the betterment of the health, welfare or safety of the inhabitants of the Town. The Town has considered all evidence, if any, presented to it with regard to any substantial detriment to another party's existing property interests in the Town and has found and determined that such interested party's property interests in the Town are outweighed by the contribution made by the Amended District or Amended Development Program to the availability of affordable housing within the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

**Select Board Recommendation:**

**Ought to Pass**

*Passed*

**Article 4:** To see if the voters will adopt an Ordinance to amend the Town Code, Chapter 225-33.L Consolidated Sign Table to revise the maximum signage allowed in the Commercial Sign District.

**Underlined text are additions; Stuck out text is proposed to be removed**

§ 225-33 Signs.

L. Sign types and sizes by sign district. [Amended 5-17-2017 STM, Art. 12; 5-15-2019 STM, Art. 9]

**Consolidated Sign Table**

- X Not permitted
- # Indicates size allowed with permit
- #-A Indicates size allowed with no permit required
- P Indicates permit is required; standards are in Subsections G and H

**Sign District**

	<b>Residential<sup>2,3</sup></b>	<b>Commercial</b>	<b>Highway Commercial</b>	<b>LV<sup>3</sup></b>	<b>VC<sup>4</sup></b>	<b>MV<sup>3</sup></b>	<b>Highway Corridor</b>
<b>Maximum Signage<sup>1</sup></b>	50	200 <sup>15</sup> <u>400<sup>16</sup></u>	175	150	175	50	175
<b>Sign Type</b>							
Post	6 <sup>2</sup>	75 <sup>5</sup>	60 <sup>5</sup>	40 <sup>6</sup>	50 <sup>6</sup>	8 <sup>6,7,8</sup>	75 <sup>5</sup>
Wall	X <sup>2</sup>	40% <sup>9</sup>	40% <sup>9</sup>	20% <sup>9</sup>	40% <sup>9</sup>	20% <sup>9</sup>	40% <sup>9</sup>
Roof	X <sup>2</sup>	50	50	X	X	X	50
Banner	X	50	50	50	50	X	50
Monument	X	75	60	40	50	8 <sup>6,7</sup>	75
Public notice	50-A	75-A	75-A	75-A	75-A	50-A	75-A
Information	X	3-A	3-A	2-A	3-A	2-A	3-A
Canopy	X	32	32	20	32	X	32
Projecting	X	32	32	32	32	X	32
Marquee	X	50	50	50	50	X	50
Multi-tenant	X	10	10	10	10	7	10

**Consolidated Sign Table**

Portable	X	X	X	X	X	X	X
Real estate	16-A	32-A <sup>11</sup>	32-A	16-A	16-A	16-A	32-A
Off-premises business	X	4	4	4	4	4	4
Temporary	X	X	X	X	X	X	X
Sandwich board	X	6	X	6	X	6	X
Arcade	X	8	8	X	X	X	8
Home occupation	4	X	4	4	4	4	4
Movable	X	X	X	X	X	X	X
Development	32	32	32	X	32	X	32
Project/contractor	16	32	32	16	16	16	32
Project directory	X	P	P	P	P	P	P
EMC	X <sup>2,13</sup>	75 <sup>14</sup>	X <sup>13</sup>	X	X	X	X <sup>13</sup>
Seasonal retail	16	32	32	16	16	16	32

**NOTES:**

- 1 Maximum square feet of signage per business, except in the R and MV Districts, which is per parcel.
- 2 Neighborhood grocery stores in residential districts shall be allowed one post/monument sign not to exceed 40 square feet, and total signage of no more than 150 square feet. Canopy signs shall be limited to 32 square feet of total signage. Roof signs shall be no higher than 25 feet above finished grade, measured to the top of the sign. No internally illuminated signs are permitted. Only gasoline prices may be changeable.
- 3 No internally illuminated signs are permitted, except public notice signs displayed in accordance with Subsection J.
- 4 No internally illuminated signs are permitted, except on those lots that abut Route 196 and public notice signs displayed in accordance with Subsection J.
- 5 Post signs shall not exceed 25 feet in height from original grade to top of sign.

### Consolidated Sign Table

- 6 Signs shall not exceed 15 feet in height from original grade to top of sign.
- 7 Eight square feet of post signage per business, up to a maximum of 18 square feet of signage for the property, all on a single post or monument.
- 8 Post signs shall not exceed ten (10) feet in height from original grade to top of sign.
- 9 Percent of signable area of the facade.
- 10 No more than 10 square feet per tenant.
- 11 Up to 200 square feet when attached to a building.
- 12 (Reserved)
- 13 EMCs are allowed as gasoline pricing signs only.
- 14 Within the MUC Zoning District only.
- 15 Maximum overall signage for businesses with less than 60,000 sq ft of building footprint
- 16 Maximum overall signage for businesses with 60,000 sq ft or more of building footprint

**Planning Board Recommendation:**

**Ought to Pass**

*Passed*

**Article 5:** To see if the voters will adopt an Ordinance to amend the Town Code, **Chapter 191-18 Public Open Space and Protection of Natural Resources** to revise the methods of reserving land and the Open Space Fee-in-Lieu.

**Underlined text are additions; Stuck out text is proposed to be removed**

#### Proposed Open Space Amendments with Land Reservation Calculation Per Bedroom

§ 191-18 Public open space and protection of natural resources.  
[Amended 5-20-2009 STM, Art. 14]

The subdivider shall be required to reserve land for parks or playgrounds, or other recreational or open space facilities commensurate with the increased demands the proposed development will have on public facilities. Reserved land acceptable to the Board and developer shall be conserved through one of the following methods: permanent deed restriction under the bylaws of a Home Owner's Association, conservation easement that lists the Town or local land trust as the grantee, or the land may be deeded over to the Town or local land trust, ~~with~~ Conservation restrictions shall appear as a condition of approval and the conserved land shall be shown on the plan as "Reserved for Conservation or Recreational Purposes." Where the Board determines that land proposed for set aside is not suitable, based on the standards in § 191-18A, **B** or **D**, a payment-in-lieu of dedication shall be provided as further described in § 191-18C. The Planning Board may seek input from the Conservation Commission and Recreation Committee in determining the conservation and/ or recreational value of any proposed open space.

A. Recreation. Land reserved for recreation purposes shall be of a character and location suitable for

use as a playground, playfield or other recreational purpose. Each reservation shall be a minimum of two acres and shall be of suitable size, dimension, topography and soils and shall have adequate road access.

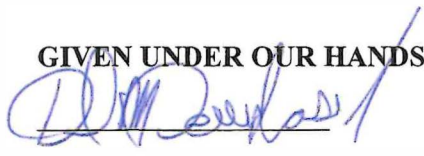
- B. Other. Other public uses, such as natural resource preservation, scenic vistas or traditional land uses, necessitating land reservation may be required as determined by the Board. Where alternative land development planning techniques make provisions for public or private use space, land dedication requirements may be waived by the Board.
- C. Payment-in-lieu calculation. ~~Payments in lieu of Land land~~ reservations are calculated on the basis of ~~1,300 square feet of land per unit~~ \$650 per bedroom as of (date of amendment adoption). ~~Be advised that this fee shall adjust annually on July 1<sup>st</sup>, and increase/decrease by the percentage demonstrated in the Consumer Price Index New England for the preceding twelve months. The applicant shall multiply the total number of units by the per unit land reservation amount (1,300 square feet per unit) to achieve the total square footage of land to be preserved. The total land reservation square footage shall be divided by 43,560 (1-acre) to determine the total acreage of land reservation. The applicant shall obtain from the Tax Assessor the current average per-acre assessed value of single-family residential land values within the Town of Topsham. This value per-acre shall then be multiplied by the number of acres required for land reservation purposes. This will provide the payment-in-lieu fee shall be paid per dwelling unit at the time of building permit application, which shall be paid before final approval~~ and shall be dedicated for conservation and/or recreational purposes. [Amended 5-20-2015 STM, Art. 11]
- D. In determining the need for such land and reviewing the location and appropriateness of an area reserved for park, playground, open space or other public purposes, the Planning Board shall consider:
  - 1) The presence, absence, or expansion of any existing open spaces, parks or playgrounds in the neighborhood;
  - 2) The conservation and protection of significant wildlife and natural or scenic resources;
  - 3) The protection of historic or archaeological sites;
  - 4) The meeting of neighborhood and/or community-wide recreational needs;
  - 5) The focus areas identified in the Topsham Natural Areas Plan, with special consideration to those areas rated medium or higher in the "Town of Topsham Natural Areas Evaluation Matrix Analysis with Community Values"; [Amended 5-16-2012 STM, Art. 11]
  - 6) Any plans adopted by the Parks and Recreation Committee.

Planning Board Recommendation:

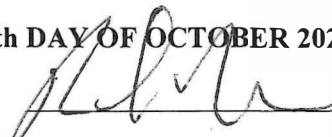
Ought to Pass

Passed

GIVEN UNDER OUR HANDS 19th DAY OF OCTOBER 2023 BY THE SELECT BOARD



David Douglass, Chair



Roland Tufts, Vice-Chair

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Marie Brilliant



Matthew Nixon

\_\_\_\_\_

Ruth Lyons