Town of Topsham **Planning & Codes Office**
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MEMORANDUM

To: Mark Waltz, Town Manager
Select Board Members
From: Julie Erdman, Planning Director
Date: April 18, 2024
Re: Public Hearing for Zoning Amendments

The Planning Board has held four workshops and a public hearing on the proposed zoning changes being put forth that will clean up the existing code and promote desired growth in the Village Center. There are five articles for your consideration, and I have summarized them below. All articles listed have been forwarded by the Planning Board for addition to the warrant with the recommendation, "ought to pass".

1) ***§225-50.C.1(i) and §225-50.C.1(j) Multifamily dwelling dimensional requirements***
The Planning Board has agreed that the density requirement for Village Center should be adjusted from 1/4 to 1/12 the minimum lot size for additional units beyond the first to promote growth in this area and allow much needed housing to be constructed. Increased density in the VC is in line with the direction of the ReCode. Language in C.1(i) and C.1(j) was revised per the advice of Town counsel as LD 2003 prohibits establishing dimensional requirements for additional dwelling units permitted by law that are greater than the required lot area for the first unit. Per discussion with the Board, two bonus-density units have been added to zones LV (Lower Village) and LI (Light Industrial) [item C.1(i)] so as not to reduce their allowable density.

2) ***Chapter 225 Attachment 2, Table of Dimensional Requirements***
Numerous changes have been made to improve and bring greater clarity to the dimensional table:
   - Floor Area Ratio (FAR) and Open Space Ratio have been removed from the current ordinance and replaced with Maximum Impervious Surface cover, which is consistent with the ReCode. This new standard represents a reduction in allowable lot coverage for R1, R2, R3, R4, R2B, MUL, LV, and VC. Currently, there is no safeguard in place to prevent property owners from paving the majority of their lot as FAR only speaks to structures and the landscaped/green space required by the open space ratio is minimal.
   - A footnote (29) has been added to provide flexibility for some non-residential uses in the R3 that reads "permitted civic uses on lots under 6 acres may not

exceed 40% impervious or 39,204 sq ft whichever is less". Under this exception, lots that are less than 2.25 acres will receive 40% impervious coverage and those between 2.25 and 6 acres will receive 39,204 sq ft. This allows uses that provide social gathering places, a function promoted by the comp plan, greater flexibility in this rural area.

- Maximum frontage has been deleted from the dimensional table. The line had been intended for zones I and R2B, but they are shifted on the table and the maximum approved for R2B is incorrect. It remains unclear what was approved for maximum frontage in the Industrial zone. The Code Enforcement Officer has recommended deleting this line from the table altogether.
- Footnote 15 was modified to require the massing of the initial building to meet the maximum setback. This change was made for clarification purposes as the requirement has caused confusion with multi-structure development in the past. It was also noted that a 12-foot-wide streetscape is required and 5-foot sidewalks.
- Footnotes 6 and 16 were deleted as they apply to Floor Area Ratio and Open Space Ratio.
- Footnote 30, pertaining to LV, VC, MV and MUC, has been added, which contains language pulled from the proposed ordinance regarding streetscape: "Where the area from the back of curb or the edge of pavement to the lot line is less than 12 feet, a streetscape easement must be provided on the private lot to expand the area to at least 12 feet. The minimum setback for the building must be measured from the easement edge, at least 12 feet off the back of curb/edge of pavement."

3) ***§225-6 Definitions***
§225-6 has been revised to include Civic Uses, as referenced in Dimensional Table footnote 29: A use group that includes educational, cultural or community assembly facilities that provide services that benefit the general public.

4) ***§225-17.C Relationship of buildings to a lot***
§225-17.C. has been modified in keeping with the direction of the ReCode to allow for multiple buildings on a lot as long as minimum lot size and density are met for the use.

5) ***§191-18 Public open space and protection of natural resources***
The open space fee-in-lieu in the subdivision ordinance (§191-18) has been amended to remove the option of "deed restriction under the bylaws of a Homeowners Association" from the acceptable methods of conservation. This was done at the request of the Conservation Commission and was discussed at last November's Town Meeting. Deed restrictions as a means of conservation are still possible *if* the Conservation Commission recommends them. A small change has also been made to replace "Recreation Committee" with "Recreation Department".