



Town of Topsham, Maine  
100 Main Street  
Topsham, Maine 04086  
[www.topshammaine.com](http://www.topshammaine.com)  
Codes Enforcement Office  
PH (207) 725-1723/ FX (207)725-1737

## Home Daycare Requirements

**Building Code:** Inspection, licensing, and enforcement for home daycares with no more than 12 children are administered by the State Fire Marshal Office (SFMO) and the Department of Health and Human Services (DHHS). For information contact DHHS (207) 287-5020; SFMO (207) 626-3880. No additional local permit or license is required but we do require a copy of your State license for our records.

- ❖ Note: If the daycare will be licensed for more than 12 children, a commercial building permit issued on plans/code review provided by a licensed architect will be required.

**Wastewater Rules:** If the home is served by a private septic system, the rules require proper sizing of the system to accommodate both the home and the daycare use. The rules require a design flow of 90 gallons per day (GPD) per bedroom in use, 15 GPD for each child if the daycare provides meals, 10 GPD if no meals, and 12 GPD for each adult not residing at the home.

The design flow of your system is located on the septic plan, if you do not have a copy we may have one in town records or the Maine Wastewater Unit may have a copy in their on-line database.

To check if your existing system is large enough, add the number of active bedrooms X 90 plus the number of children X 10 or 15 as applicable plus the number of outside employee's X 12; the result must be no more than the design flow of the existing system. If your septic system does not have enough design flow, you will need to hire a Maine licensed Site Evaluator to design a system for the needed flow, this design must be recorded at the registry of deeds or the system

installed except that for a daycare located in a shoreland zone installation of the system is the only option.

**Zoning Ordinance:** A Home Daycare is considered a Home Occupation or a Major Home Occupation.

Home Occupation: Where permitted, a home occupation does not require a permit but the use must comply with the following:

1. The use of a dwelling unit for a home occupation shall clearly be incidental and subordinate to its use for residential purposes.
2. **A home occupation shall be carried on by residents of the dwelling unit. (Note: See Major Home Occupation if outside employees are used)**
3. A home occupation may not alter the residential character of the structure, neighborhood or change the character of the lot from its principal use as a residence.
4. The home occupation shall be carried on wholly within the principal or accessory structures. The outside storage or display of materials or products shall be screened from view from the abutting properties and street.
5. The performance standards in Article VII of this chapter shall apply. If additional parking spaces are provided, they shall be located to the rear or side yard of the principal structure but not within the yard setbacks.
6. One nonilluminated sign, no larger than four square feet, may be erected on the premises. Only one sign will be permitted per property regardless of the number of permitted home occupations.
7. The sale of products shall be limited to those which are crafted, assembled or substantially altered on the premises, to catalog items ordered off the premises by customers and to items which are accessory and incidental to a service which is provided on the premises.
8. A home occupation shall not involve the use of heavy commercial vehicles for delivery from or to the premises.
9. A home occupation shall not create greater traffic than normal for the area it is located in or generate more than 20 vehicle trips per day.

Major Home Occupation: Where permitted, a major home occupation does not require a permit, where conditional, a conditional use permit must be obtained from the Zoning Board of appeals. The use must comply with the following:

1. The use of a dwelling unit for a major home occupation shall clearly be incidental and subordinate to its use for residential purposes. A major home occupation shall not involve motor vehicle or heavy equipment service or repair. Only one major home occupation may be operated in conjunction with any dwelling unit.
2. The primary vehicle access to a major home occupation may not be from an internal street within a residential subdivision.
3. A major home occupation shall be carried on by a resident(s) of the dwelling unit. **Not more than two people who do not reside on the premises may work on the premises where the home occupation is operated at any time.** The major home occupation may have other employees who do not regularly work on the premises. These outside employees

shall not be on the premises more than two hours per week and no more than five outside employees may be on the premises at any time.

4. A major home occupation may not alter the residential character of the structure or neighborhood or change the character of the lot from its principal use as a residence.
5. The major home occupation shall be carried on wholly within the principal building or accessory structures. The outside storage or display of materials or products shall be screened from view from the abutting properties and street.
6. The performance standards in Article VII of this chapter shall apply.
7. If people who do not reside on the premises work in the major home occupation, off-street parking must be provided for the maximum number of nonresident workers expected to be on the premises at any time excluding outside employees who are not regularly on the premises. If additional parking spaces are provided to serve the major home occupation, they shall not be located within any required yard setbacks and must be screened from abutting residential properties by a landscaped buffer at least 10 feet in width and/or a solid fence at least four feet high in accordance with § 225-29A(1).
8. One non-illuminated sign may be erected on the premises. The sign may be no larger than eight square feet except in the MV District where the maximum size is four square feet.
9. The sale of products shall be limited to those which are crafted, assembled or substantially altered on the premises, to catalog/internet items ordered off the premises by customers, and to items which are accessory and incidental to a service which is provided on the premises.
10. A major home occupation shall not generate more than 25 vehicle trips per day unless the primary vehicle access for the home occupation is from a street functionally classified as an arterial or collector or from a local road with a preexisting traffic volume of more than 1,000 vehicles per day.