

WARRANT FOR SPECIAL TOWN MEETING
August 24, 2005

GREETING: You are hereby required in the name of the state of Maine to notify and warn the Inhabitants of the Town of Topsham, qualified to vote on Town Affairs, to assemble at Mt. Ararat High School on the 24th day of August, 2005 A.D. at 7:00 o'clock p.m. Daylight Savings Time and then and there to act on Article 1 thru 6 to wit:

ARTICLE 1 – To elect a **Moderator** to preside at said meeting. Roger Theriault

ARTICLE 2 – Shall the Town (1) approve a Condemnation Order adopted by the Municipal Officers on August 4, 2005 that takes by eminent domain a certain parcel of land located at 100 Main Street in Topsham (Tax Map UO5, Lot 1-A), owned by V.S.H. Realty, Inc. and known as the Cumberland Farms property, and being more particularly described in the copy of the Order attached to this Warrant; and (2) approve an award of damages in the amount of \$350,000.00 as just compensation for the property being taken.

NON VOTE

Motion to Adjourn Passed

ARTICLE 3 – Shall an ordinance entitled “An ordinance to amend the Town of Topsham Code, Chapter 225 Zoning Ordinance” to amend section 225-17A, the space and bulk table to increase the building height in the Commercial Corridor Zoning District from 35’ to 45’, be enacted?

Planning Board recommendation To approve

ARTICLE 4 – Shall an ordinance entitled “An ordinance to amend the Town of Topsham Code, Chapters 109, Recovery of Costs of Application Reviews, 175, Site Plan Review, and 191, Subdivision Review, regarding delegated authority to review site location of development and stormwater permits on behalf of the Maine Department of Environmental Protection, be enacted?”

The text of the article is as follows:

Chapter 175 Site Plan Review

Section 175-4.1

Developments needing approval under Title 38 MRSA Sections 420, 481 – 500, to the degree permitted under Section 489 A shall be reviewed under the procedures of the Topsham Town Code, Chapter 175, Site Plan Review, and shall meet the development standards of Title 38 MRSA, Sections 420, 481 – 502, as may be amended from time to time, as well as those in the regulations of the Maine Department of Environmental Protection, including Chapters 371 through 377, and others that may be issued by the MEDEP, which are hereby adopted by reference for projects falling under this article. Projects subject to this section shall also meet the standards of the Topsham Zoning Ordinance. Topsham will provide notice to the MEDEP upon the submission of any projects subject to this article.

Chapter 109 Recovery of Costs of Application Reviews

109-2.L Site Location of Development applications
109-2.M Stormwater Permit application

109-6 Site Location of Development \$1,500
Stormwater Permits \$ 500

Chapter 191 Subdivision of Land

Section 191-2.1 Site Location of Development and Stormwater Permits

Site Developments needing approval under Title 38 MRSA Sections 420, 481 – 500, to the degree permitted under Section 489 A shall be reviewed under the procedures of the Topsham Town Code, Chapter 191, Subdivision of Land, and shall meet the development standards of Title 38 MRSA, Sections 420, 481 – 500, as may be amended from time to time, as well as those in the regulations of the Maine Department of Environmental Protection, including Chapters 371 through 377, and others that may be issued by the MEDEP, which are hereby adopted by reference for projects falling under this article. Projects subject to this section shall also meet the standards of the Topsham Zoning Ordinance. Topsham will provide notice to the MEDEP upon the submission of any projects subject to this article.

Planning Board recommendation To approve

ARTICLE 5 – Shall an ordinance entitled “An ordinance to amend the Town of Topsham Code, Chapter 225 Zoning Ordinance, to create a new use entitled Elderly Housing, be enacted?”

The text of the amendment is as follows:

Section 225-6 Definitions

Elderly Housing – Elderly housing is housing intended for, and restricted to, those over 55 years of age.

Section 225-16 Use Regulations

Elderly Housing will be added as a permitted use in the R1, R2, R3, LV, MV, UV, CC, RCU, MUL and MUU districts.

Section 225-27.D.3.i

Elderly Housing 1 space per dwelling

Section 225-50.1 Elderly Housing

- A. Shall consist of autonomous housing units providing the necessary requirements for independent living, including kitchen facilities, bedroom(s), living room and bathroom(s).
- B. Services may or may not be provided, including shared community or dining facilities, housekeeping, personal care and assistance, transportation, medical support or therapy.
- C. Residents shall be 55 years or older, except in the case of couples, at least one shall be 55 years or older.
- D. Facilities shall have public sewer and water services.
- E. Density shall be a no more than 1 dwelling unit per 4,000 s.f. of lot size.
- F. Elderly Housing projects shall consist of a minimum of four (4) units.
- G. Elderly Housing developments shall be exempt from the floor area ratio, but shall meet landscape area ratios for the specific zone.
- H. Shall meet the requirements of Section 175, Site Plan Review.
- I. Shall meet the standards in Section 175-11, Commercial Architectural Review.

Planning Board recommendation

To Approve

ARTICLE 6 – Shall an ordinance entitled “An ordinance to amend the Town of Topsham Code, Chapter 225 Zoning Ordinance, to amend the Mixed Use Limited District, and to amend the Official Zoning Map, be enacted?”

The specific change is shown on the attached map.

Planning Board recommendation

To Approve

GIVEN UNDER OUR HANDS THIS 10TH DAY OF AUGUST, 2005 BY THE BOARD OF SELECTMEN:

Donald Russell, Chair

Jane Scease, Vice Chair

James Trusiani

Cyndi Burne

Tad Hunter