

# Chapter 225

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## **ARTICLE 2. TOPSHAM CENTER ZONES**

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## 2.10 Zones Established

### 2.10 ZONES ESTABLISHED

The Topsham Center zones are listed in Table 2-1.

#### 2.10.1 VILLAGE ZONES

The village zones are intended for use along Main Street in the town's historic center, mapped according to the town's comprehensive plan.

#### 2.10.2 TOPSHAM FAIR MALL ZONES

The Topsham Fair Mall zones are mapped according to the comprehensive plan. To acknowledge the different character within the Topsham Fair Mall area, Topsham Fair Mall 1 is intended for use along Topsham Fair Mall Road and Topsham Fair Mall 2 is intended for use along Park Drive.

#### 2.10.3 ANNEX

The Annex zone is intended to be a primarily residential area, anchored by schools, for use in the northeastern quadrant of Topsham Center as mapped.

#### 2.10.4 CROOKER DISTRICT

The Crooker District zone is intended solely for use on the Crooker District site, mapped according to the town's comprehensive plan.

### 2.20 ALLOWED USES

Uses are allowed in Topsham Center zones in accordance with the use regulations of [Article 6](#).

### 2.30 OTHER REGULATIONS

Buildings and uses in Topsham Center zones are subject to all other applicable regulations of this zoning code.

### 2.40 BUILDING REGULATIONS BY ZONE

The regulations of this section apply to all buildings in the Topsham Center zones, unless otherwise stated. See [15.10](#) for measuring building regulations by zone.

#### 2.40.1 PERMANENT STRUCTURES

All buildings must be constructed with a permanent foundation without a hitch, wheels, or other features that would make the structure mobile, unless otherwise expressly stated in this ordinance.

- A. **Relocated Buildings.** Relocated, previously occupied buildings must meet all regulations of the zone and must be permanently set on a foundation.
- B. **Temporary Buildings.** Temporary buildings may be allowed on a lot during the site plan approval process with a designated time limit and any required screening.

Table 2-1. Zones

TOPSHAM CENTER ZONES
LOWER VILLAGE
MIDDLE VILLAGE
UPPER VILLAGE
TOPSHAM FAIR MALL 1
TOPSHAM FAIR MALL 2
ANNEX
CROOKER DISTRICT

#### 2.40.2 TABLE OF BUILDING REGULATIONS BY ZONE

- A. **Setbacks.** [Table 2-2](#) establishes required minimum and maximum building setbacks from all lot lines and courtyards applicable to all building types in the zone. Additional building location and massing regulations are located in the specific building type regulations in [2.60](#) through [2.130](#).
- B. **Site Coverage.** Maximum site coverage, including all building footprints and other impervious surfaces, is established by zone in [Table 2-2](#).
- C. **Dimensional Allowance.** During the site plan approval process, the code enforcement officer may allow up to 5% additional site coverage and up to 1 foot difference in minimum or maximum setback.

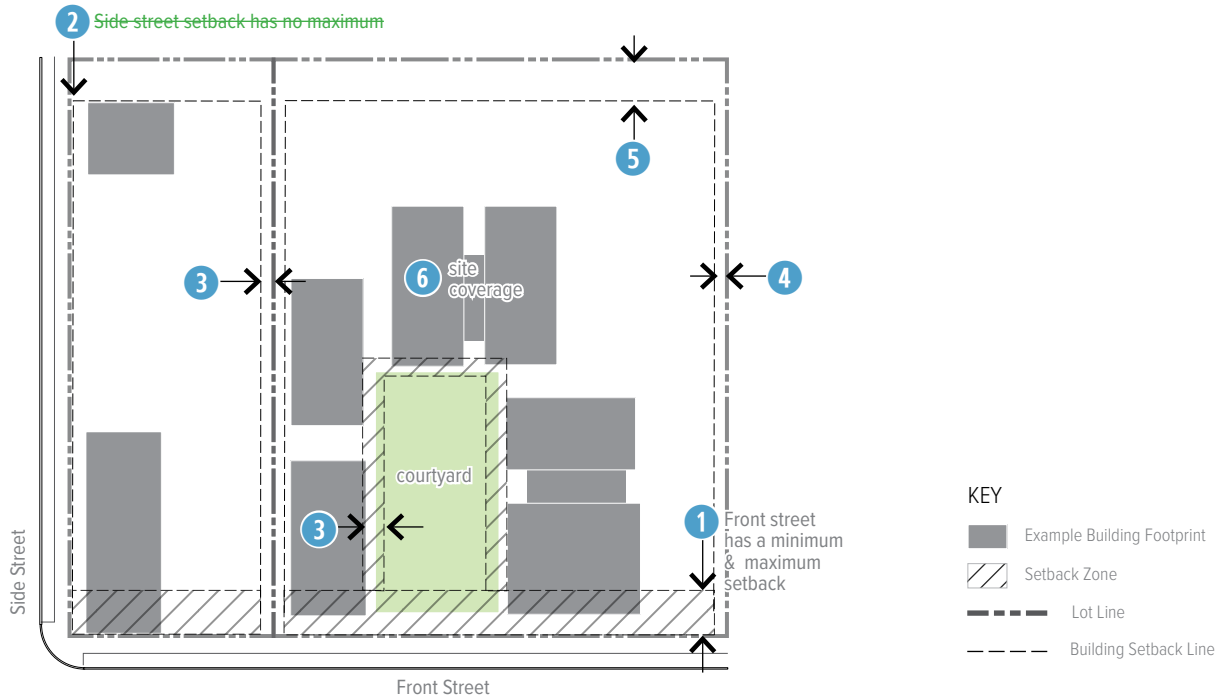
#### 2.40.3 MULTIPLE BUILDINGS ON A LOT

Multiple buildings are allowed on all lots, provided that each building is located within the minimum and maximum setback along either a street or a courtyard, meeting the courtyard regulations, [2.40.4](#)

#### 2.40.4 COURTYARDS

Courtyards are allowed on any building or between multiple buildings on a lot, allowing some buildings to front the courtyard. In either case, the following apply:

- A. **Definition of a Courtyard.** A courtyard, for the purposes of the Topsham Center zone regulations, is at least 30 feet in width as measured along the street and has at least 3 sides generally enclosed by a building or multiple buildings.
- B. **Street Corner Courtyards.** A courtyard may only be located on a corner of a lot at the intersection of 2 streets where the scale of the abutting street rights-of-way are less than 75 feet and courtyards do not exist on other corners in the intersection.



**Figure 2.60-A. Diagrammatic Plan of Building Regulations by Zone**

**Table 2-2. Building Regulations by Zone**

	TOPSHAM CENTER ZONES						Additional Regulations
	LOWER VILLAGE	MIDDLE VILLAGE	UPPER VILLAGE	TOPSHAM FAIR MALL	ANNEX	CROOKER DISTRICT	
<b>1</b> Front-Street Setback (ft.), minimum-maximum <i>Maximum does not apply to side-streets</i>	0-15	10-25	0-15	0-15	10-20	0-15 <u>25</u>	See <a href="#">2.40.9</a> for Minimum Streetscape Area
<b>2</b> <u>Side Street Setback (ft.), minimum (no maximum)</u>	0	10	0	0	10	0	
<b>3</b> Courtyard Setback (ft.), minimum-maximum	0-10	0-10	0-10	0-10	0-10	0-10	See <a href="#">2.40.4</a> for Courtyards
<b>4</b> Interior Side Setback (ft.), minimum	0; 5, between different building types	10	0; 5, between different building types	0; 5, between different building types	10	0; 5, between different building types	
<b>5</b> Rear Setback (ft.), minimum	20	20	20	20	20	20	
<b>6</b> Site Coverage (%), maximum	85	65	80	85	75	80	

**2.40 Building Regulations by Zone**

- C. Front Streetwall Contribution.** The width of the courtyard at the street may be counted towards any front streetwall requirement, provided the courtyard occupies no more than 30% of the streetwall. See [15.10.6](#) for measuring streetwalls.
- D. Street Frontage Entrances.** At least 2 entrances fronting on the street are required per courtyard.
- E. Multiple Courtyards on a Lot.** Multiple courtyards may be provided on one lot, provided the street frontage meets any front streetwall requirements and minimum street facade entrance requirements per the building type.
- F. Courtyard Facades.** Courtyard facades must be treated as front facades, meeting all the transparency and entrance regulations in the building type regulations, except any building abutting both a front street and courtyard must meet front facade transparency requirements on the street facade as well as the courtyard facade.

**2.40.5 PARKING LOCATION ON LOT**

All parking must be located as follows:

- A. Rear Yard.** Parking is allowed in the rear yard on all sites.
- B. Side Yard Parking.** Parking is allowed but limited in width in the interior side yard on all sites, provided the following regulations are met:
  - (1)** A limited side yard parking lot is located in the interior side yard and must be configured as one double- or one single-loaded aisle of parking with the centerline of the aisle located perpendicular to the street.
  - (2)** Limited side yard parking is not allowed on corners in any street yard.
  - (3)** A maximum of one limited side yard parking lot per building is allowed along any street frontage.
  - (4)** Limited side yard parking lots may not be located next to another side yard parking lot.
  - (5)** Side yard parking is allowed for the Suburban Storefront Building type and exempt from the regulations of this subsection [2.40.5.B](#).
- C. Street Setbacks.** Parking may not be located in any street yard. See [15.20](#) for the definition of a street yard. Parking may not be located closer to any street r.o.w. line than the principal building.

- D. Rear and Side Setbacks.** Parking must be set back a minimum of 5 feet from all side and rear lot lines.
- E. Buffers.** Landscape buffers are required per [175-10](#).
- F. Driveways.** Driveways are regulated in [9.30](#). Driveways may cross perpendicularly through any yard.

**2.40.6 LOADING LOCATIONS**

All truck loading areas that include docks or larger access doors must be located as follows. Loading regulations do not apply to small carrier pick-up and drop-off.

- A. Rear Yard.** All regular truck loading activities must occur in the rear or interior yard except as follows:
  - (1) Workshop-Warehouse Building Street Yard Exception.** For the Workshop-Warehouse Building, one garage door for loading or service bay is allowed per 50-foot building segment on any street facade.
- B. Access Doors and Docks.** All loading docks and access doors must be located on a rear facade or interior yard facade, except as allowed on any Workshop-Warehouse Building.
- C. Screening.** See [175-10](#) for required landscape buffers screening.

**2.40.7 TREATMENT OF YARDS**

All yards must consist of landscape planting areas, patio space, or sidewalk space, unless otherwise expressly stated. Vehicular (parking lots, loading areas, drives) areas are limited to certain yards per [2.40.5](#) and [2.40.6](#).

**2.40.8 TRASH, RECYCLING, REFUSE LOCATIONS**

All trash, recycling, and other refuse areas for buildings must comply with the following:

- A. Rear Yard.** Trash, recycling, and other refuse areas must be located in the rear or interior side yard of the lot. A recycling facility in a side street yard may be approved by the planning board, provided the facility is fully enclosed in building with the openings opposite the street, and sufficient landscaping screens any materials.
- B. Interior Location Access Doors.** Trash, recycling, and other refuse areas may be located inside the building with access doors off the rear or interior side facade.
  - (1)** Access doors may be located off a side street facade if no other option exists.
  - (2)** Access doors must be opaque, screening a minimum of 80% of the opening.

- (3) Containers must be located immediately inside the access doors and containers must be stored inside until the process of emptying. Containers may not be pulled out on the street in advance of the arrival of the hauling truck.
- C. **Screening.** See [Figure 2.90-B](#) for required screening of trash, recycling, and other refuse areas.

**2.40.9 MINIMUM STREETSCAPE AREA**

A minimum area between edge of the street pavement and the lot line is required to ensure adequate pedestrian facilities and streetscape are provided along all streets.

- A. **Streetscape Depth.** 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. And the minimum setback for the building type must be

measured from that easement edge, at least 12 feet off the back of curb/edge of pavement.

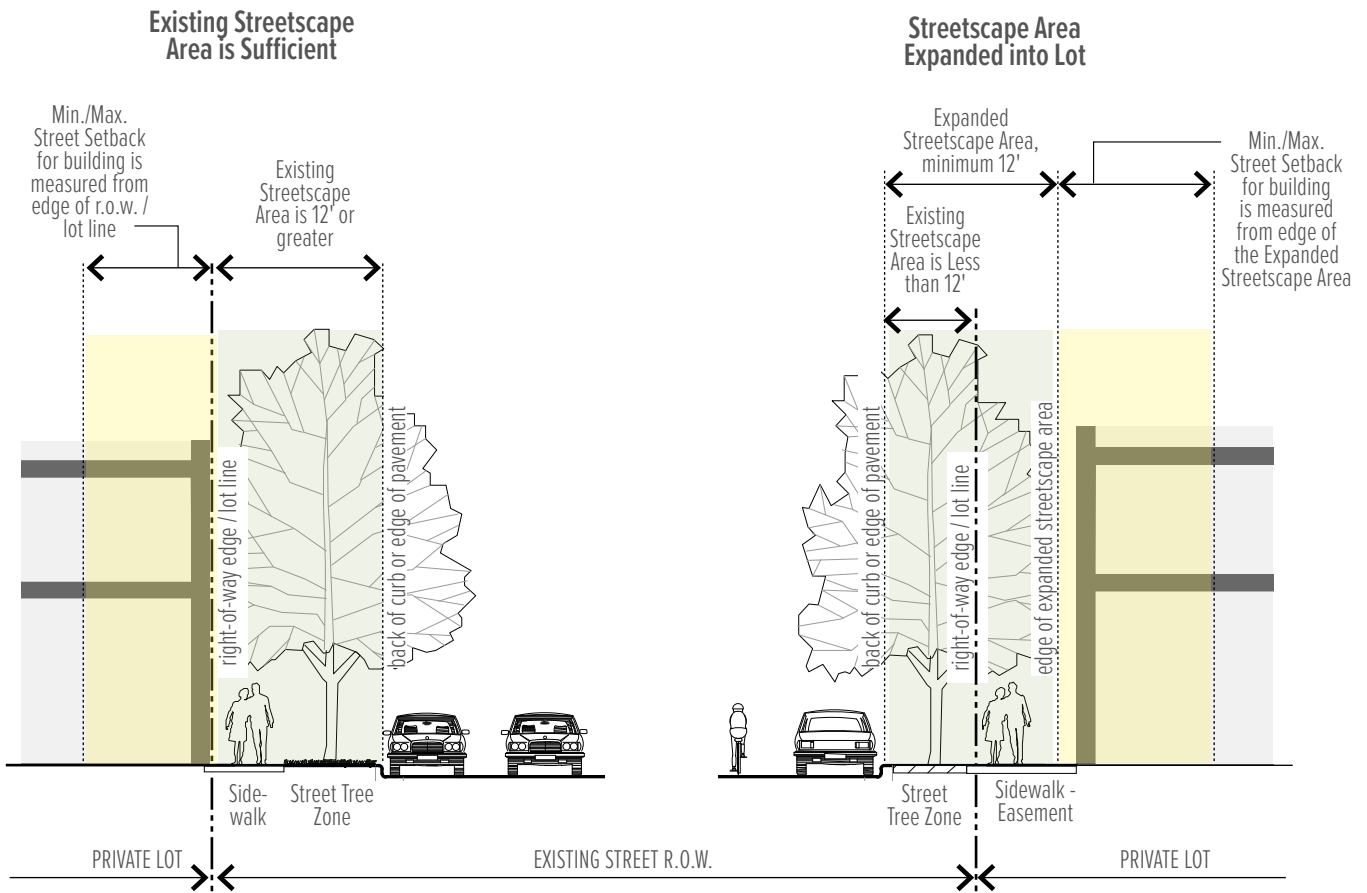
- B. **Streetscape.** The extended streetscape area must be treated with street trees per 175-10 and minimum 5-foot wide sidewalks or trails.
- C. **Easement.** A public easement must be offered where the sidewalk or trail will be located on private property.

**2.50 FRONT STREETS**

Front streets generally establish the fronts of lots and buildings, and determine such requirements as the location of the principal entrance to the building. Per the building type regulations, front streets require the highest level of facade treatment and restrict the location of parking, driveways, and garage entrances.

**2.50.1 DESIGNATION**

Fronts of lots are generally defined as follows:



**Figure 2.60-B. Minimum Streetscape Area**

**2.50 Front Streets**

- A. Designated Streets.** Front streets for the Topsham Center zones include Main Street, Monument Place, Union Park Road, Topsham Fair Mall Road, Park Drive, and Canam Drive. Hamilton Court and Horton Place, north of Monument Place, may also serve as front streets.
- B. Open Space Frontage.** Lots containing or abutting open spaces must treat frontages abutting that space as fronts, unless otherwise approved by the planning board. Open space is a usable park, plaza, or other similarly designated public open space.
- C. Courtyard Frontages.** See [2.40.4](#) for courtyard frontages intended to be treated as fronts.
- D. MPD Front Streets.** Front streets must be designated within Master Plan Developments per [2.140.7](#).

**2.50.2 ONE FRONT REQUIRED**

All lots must treat at least one street frontage as a front street. If no front street abuts the lot, the following applies:

- A.** If only one non-front street abuts the lot, that street must be treated as the front street.
- B.** If more than one non-front street abuts the parcel, the street with the most existing or planned front treatments (signs, front doors or porches) on abutting or adjacent lots must be treated as the front street per the planning director.

**2.50.3 THROUGH-LOTS WITH TWO FRONT STREETS**

Where a parcel extends from one front street through the block to another front street, two fronts exist. In the Topsham Center zones where the through-lot has a front facing any residential R zone designation, the following apply to the first 50-feet of the R-zone-facing frontage:

- A.** Regulations of either the Village, General, or Row Building must be applied within the first 50 feet of the subject lot's depth on that frontage.
- B.** All uses allowed in the zone are permitted except retail and service category uses within that 50-foot frontage require a conditional use permit.

**2.50.4 INTERSECTING FRONT STREETS**

Where two front streets intersect at a lot, the street with the most existing or planned front treatments (signs, front doors or porches) on abutting or adjacent lots must be treated as the front street. The other street may be treated as a side street.

**2.50.5 SIDE STREET FRONTAGES**

Side streets allow for a lower level of facade treatment as well as garage and parking lot driveways entrances. Side streets may always be treated at the higher level of a front street.

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**2.60 ALLOWED BUILDING TYPES**

All buildings within the Topsham Center zones must comply with the building regulations for one building type allowed in the subject zone per [Table 2-3](#), unless otherwise expressly stated.

**2.60.1 MASTER PLAN DEVELOPMENT (MPD) SITES**

The master plan development (MPD) regulations apply to all developments 4 acres or larger. See [2.140](#).

**2.60.2 SETBACKS & SITE COVERAGE**

See [Table 2-2](#) for setbacks and site coverage determined by zone.

**2.60.3 EXISTING BUILDINGS**

See [Article 14](#) for buildings constructed and lots established prior to the adoption of these regulations that do not conform to these regulations.

**2.60.4 ACCESSORY STRUCTURES**

See [Article 7](#) for regulations applicable to accessory uses and structures.

**2.60.5 EXEMPTIONS**

Where the principal use of the lot is primarily outdoors, the following apply:

- A. Applicable Uses.** Uses allowed for exemptions from building type standards include parks and open space uses per [6.40.4](#), utility and service uses per [6.40.6](#), and other uses without a principal building as approved by the planning board.

- B. Principal Buildings.** Any principal building on the site, such as a park facility or sewage treatment plant, must comply with the building regulations that apply to a building type allowed in the subject zone, except any minimum front streetwall requirement.
- C. Rear Yards without a Principal Building.** Parking and accessory structures to an outdoor principal use must be located in the rear yard (e.g. a restroom structure is accessory to a principal outdoor recreation use). The location of the rear yard when no principal building exists or is proposed will be determined by the code enforcement officer. The build-to zone (BTZ) does not apply to accessory structures.
- D. Side and Rear Setbacks Apply.** Side and rear setbacks for any applicable building type must be used for all structures.
- E. Utility Structures.** Larger utility structures may require additional locational and screening requirements per the planning board, including setbacks.

**2.60.6 DIMENSIONAL ALLOWANCES**

The following allowances apply to all building type regulations.

- A. Streetwall Dimensions.** The code enforcement officer may approve up to 1 foot or 2%, whichever is greater, difference to any building type dimension.
- B. Streetwall Dimension.** The planning board may approve a different minimum streetwall dimension, maximum building width, or maximum building segment width.

**Table 2-3. Allowed Building Types by Zone**

BUILDING TYPES	TOPSHAM CENTER ZONES							Reference
	LOWER VILLAGE	MIDDLE VILLAGE	UPPER VILLAGE	TOPSHAM FAIR MALL 1	TOPSHAM FAIR MALL 2	ANNEX	CROOKER DISTRICT	
Village Building	●	●	●	–	–	●	●	<a href="#">2.70</a>
Traditional Storefront Building	●	–	●	●	●	–	●	<a href="#">2.80</a>
Suburban Storefront Building	–	–	–	●	–	–	○	<a href="#">2.90</a>
General Building	–	–	–	●	●	●	●	<a href="#">2.100</a>
Row Building	●	●	●	●	●	●	●	<a href="#">2.110</a>
Workshop-Warehouse Building	–	–	–	–	●	–	●	<a href="#">2.120</a>
Civic Building	○	○	○	○	●	●	●	<a href="#">2.130</a>

**KEY:** ● = Allowed      ○ = Use of this Building Type Requires Planning Board Approval

C. **Building Height.** The planning board may approve one additional story in height, provided the surrounding context allows for the additional height, e.g. the distance to any adjacent building is significant or the height of adjacent existing buildings is similar to the proposed building with the additional height..

**2.60.7 LARGE-FORMAT SPACES**

Large-format spaces have taller floor-to-floor heights, large building footprints, and few or no windows to accommodate such commercial uses as grocery stores, department stores, warehouse retail stores, and movie theaters. A large-format space may be approved within an allowed building type by the planning board with the following conditions:

- A. Limited to the Topsham Fair Mall and Crooker District zones and the Traditional Storefront Building or the Suburban Storefront Building.
- B. Up to 30 feet in ground story height is allowed.
- C. To reduce the appearance of the large-format space from the street, the building must be designed as follows:
  - (1) The facade of any story above 18 feet in height is limited to a maximum horizontal frontage of 60 feet along the front street. See [Figure 2.50-B](#).
  - (2) Lower height commercial spaces along the front street may be located in front of the large-format space to reduce the building scale along the street and to increase the number of entrances required along the frontage.
- D. Any heights over 18 feet located on the front facade, main parking lot facade, or side street facade must apply transparency regulations as if the building is 2 stories.
- E. The planning board may approve a different configuration that meets the intent of reducing the scale and impact of these spaces on street-facing facades.

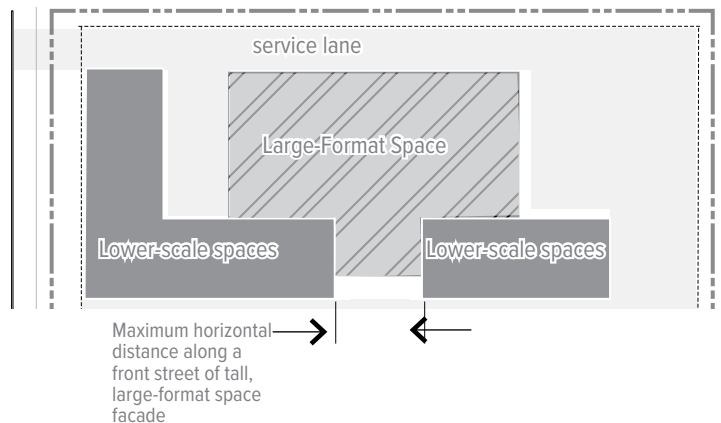
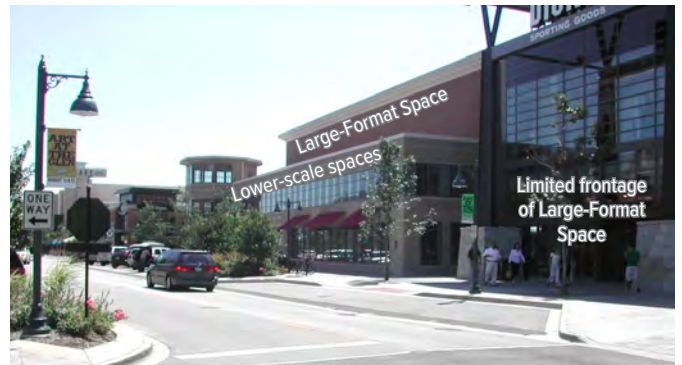


Figure 2.60-C. Large-Format Space in Plan View

## 2.70 Village Building Specific Regulations

### 2.70 VILLAGE BUILDING SPECIFIC REGULATIONS

#### 2.70.1 DESCRIPTION

The Village Building is a single building or collection of buildings with many exterior characteristics of a house except a high level of ground story glass and ground story commercial uses. Characteristics similar to houses typically include small yards or patios surrounding the building, entrances on the front, and pitched roofs. Buildings are oriented to the street or courtyards with entrances on the front, typically at the sidewalk level. Parking is located mainly in the rear, though some side yard parking may occur.

#### 2.70.2 REGULATIONS

- A. **Regulations by Zone.** See [2.40](#) for regulations by zone applicable to all building types, including lot setbacks, site coverage, location of multiple buildings on a lot, incorporation of courtyards, and parking and loading.
- B. **Measurements & Definitions.** See [Article 15](#) for measuring and definitions.
- C. **Regulations Specific to this Building Type.** The following table and illustration regulates this specific building type. See [2.60.6](#) for dimensional allowances.



Figure 2.70-B. Examples of the Village Building

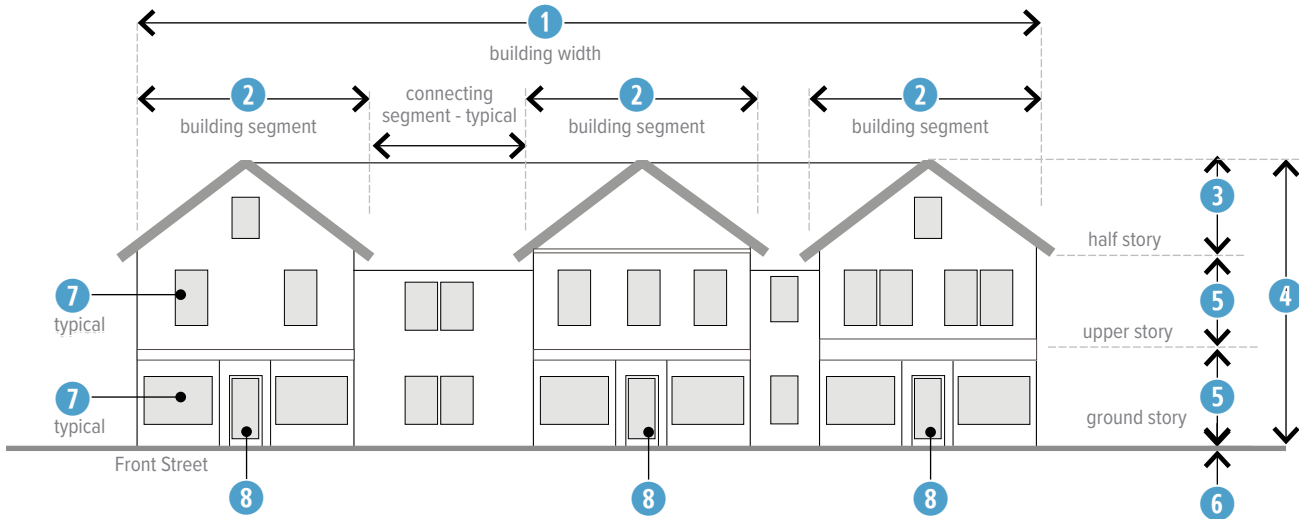


Figure 2.70-A. Village Building Diagrammatic Elevation

TOPSHAM CENTER ZONES				
		LOWER VILLAGE, UPPER VILLAGE, <b>ANNEX</b> CROOKER DISTRICT	MIDDLE VILLAGE	Additional/References
<b>2.70.3. BUILDING MASSING</b>				
	Courtyards	See <a href="#">2.40.4.</a>	See <a href="#">2.40.4.</a>	
<b>1</b>	Overall Building Width (ft.) maximum	100	–	
<b>2</b>	Building Segments (ft.) maximum	30	40	See <a href="#">15.10.7</a> for definition of building segments.
		Connecting segments must be set back from the front facades of each abutting building segment a minimum of 3 feet per <a href="#">Figure 2.70-A</a> . Maximum width of connecting segments is 20 ft.		
<b>3</b>	Roofs	Pitched, min. 6:12		
		Where more than one building segment is used, at least one segment must include a gable end on front facade.		
		Connecting segments may have flat or parapet roofs.		
<b>2.70.4. BUILDING HEIGHT</b>				
<b>4</b>	Height (stories), minimum and maximum	1.5 2.5	1.5 2.5	See <a href="#">15.10.12</a> for definition of half stories and measuring height.
<b>5</b>	Story Height (ft.) minimum to maximum	8.5 13	8.5 13	Measured floor-to-floor per <a href="#">15.10.12</a> .
<b>6</b>	Ground Story Elevation above Grade	Less than 30 in. above grade or between 30 in. and 48 in. with a visible basement		
<b>2.70.5. STREET &amp; COURTYARD FACADE TRANSPARENCY &amp; ENTRANCES</b>				
<b>7</b>	Transparency (%), minimum			
	<b>Front Facades</b>	15	15	Measured per story, includes any half attic story, visible basement, or full floor height tower. See <a href="#">15.10.13</a> for measuring.
	<b>Side Street Facades</b>	12	12	
		No bays or 10 ft. wide sections of any story on a front facade may be without transparency		
<b>8</b>	Entrances, minimum number	One entrance is required for every 3 building segments		See <a href="#">15.10.14</a> for measuring

## 2.80 Traditional Storefront Specific Regulations

### 2.80 TRADITIONAL STOREFRONT SPECIFIC REGULATIONS

#### 2.80.1 TRADITIONAL STOREFRONT DESCRIPTION

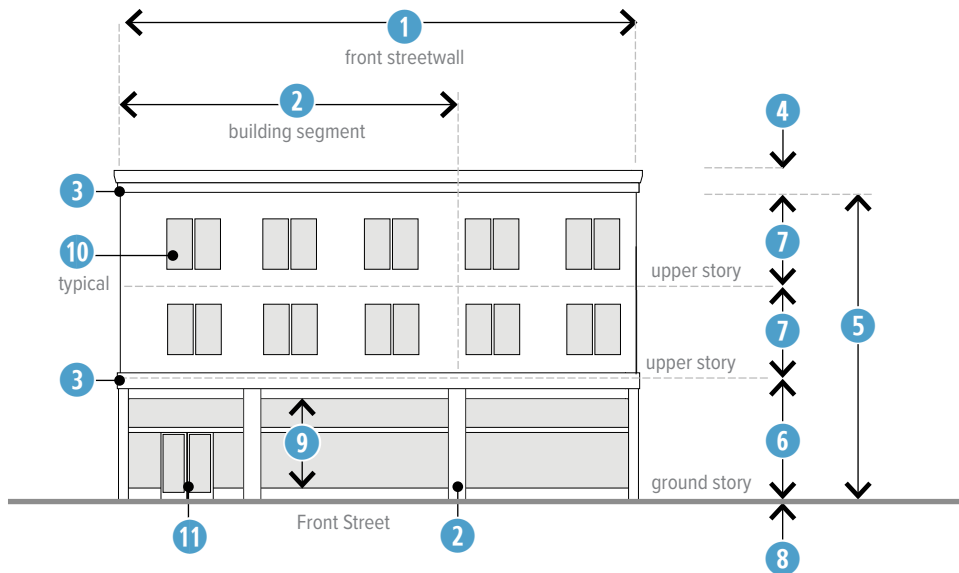
The Traditional Storefront Building is intended for use in the village and regional shopping areas, accommodating a mix of uses including shopping, services, and eating establishments. The building is oriented to the street with narrow or no space between buildings, creating a streetwall along the sidewalk. Ground-story storefront glass, entrances along the sidewalk, and windows in upper stories facing the street creates a high level of permeability between the sidewalk and interior spaces, make these buildings interesting and inviting to pedestrians. Parking, where provided, is located mainly in the rear yard with some interior side yard parking.

#### 2.80.2 REGULATIONS

- A. Regulations by Zone.** See [2.40](#) for regulations by zone applicable to all building types, including lot setbacks, site coverage, location of multiple buildings on a lot, incorporation of courtyards, and parking and loading.
- B. Measurements & Definitions.** See [Article 15](#) for measuring and definitions.
- C. Regulations Specific to this Building Type.** The following table and illustration regulates this specific building type. See [2.60.6](#) for dimensional allowances.



**Figure 2.80-A. Examples of the Traditional Storefront Building**



**Figure 2.70-E. Traditional Storefront**

TOPSHAM CENTER ZONES				
	LOWER VILLAGE, UPPER VILLAGE	TOPSHAM FAIR MALL 1, TOPSHAM FAIR MALL 2, CROOKER DISTRICT	Additional/References	
<b>2.80.3. BUILDING MASSING</b>				
	Courtyards	See <a href="#">2.40.4.</a>	See <a href="#">2.40.4.</a>	
<b>1</b>	Front Streetwall (%), minimum	–	75	See <a href="#">15.10.6</a> for definition of front streetwall. Streetwall is a percentage of lot frontage.
<b>2</b>	Building Segments (ft.), maximum	30	45	See <a href="#">15.10.7</a> for definition of building segments.
		Segment differentiation defined by vertical shadow line on ground story		
<b>3</b>	Horizontal Shadow Lines at Ground Story	Within 3 feet of top of the ground story		See <a href="#">15.20</a> for definition of shadow lines.
	Horizontal Shadow Lines at Roof	Required at roof cap (parapet or flat eave) and within 3 feet of cap.		
<b>4</b>	Roof	Parapet, min. 18 in., max. 60 in. in height; Pitched, max. 4:12	Parapet, min. 18 in., max. 60 in. in height; Flat roof with eave extended min. 14 in.	Other roof configurations allowed by the planning board.
<b>2.80.4. BUILDING HEIGHT</b>				
<b>5</b>	Height (stories), minimum and maximum	2 to 3	2 to 3	See <a href="#">15.10.12</a> for definition of half stories and measuring height.
<b>6</b>	Ground Story Height (ft.) minimum to maximum	10 to 15	13 to 16; additional height may be approved for large format spaces per <a href="#">2.60.7.</a>	Measured floor-to-floor. See <a href="#">15.10.12</a> for measuring heights.
<b>7</b>	Upper Story Height (ft.) minimum to maximum	8.5 to 11	9 to 12	
<b>8</b>	Ground Story Elevation above Grade (in.)	Within 30 in. above sidewalk elevation		
<b>2.80.5. STREET &amp; COURTYARD FACADE TRANSPARENCY &amp; ENTRANCES</b>				
<b>9</b>	Ground Story Front Facade Transparency (%), minimum	55	65	Measured per story, includes any half attic story, visible basement, or full floor height tower. See <a href="#">15.10.13</a> for measuring.
		Measured between 2 and 10 feet from bottom of ground story		
		At intersections of front and side streets, front facade regulations must be met along the first 20 feet of facade on the side street from the corner.		
<b>10</b>	Other Stories Transparency (%), minimum			
	Front Facades, Upper Stories	15	20	
	Side Facades, All Stories	12	15	
		No bays or 15 ft. wide sections of any story on a front facade may be without transparency		
<b>11</b>	Entrances, minimum number	One entrance is required for every 2 building segments		See <a href="#">15.10.14</a> for measuring

## 2.90 Suburban Storefront Specific Regulations

### 2.90 SUBURBAN STOREFRONT SPECIFIC REGULATIONS

#### 2.90.1 SUBURBAN STOREFRONT DESCRIPTION

The Suburban Storefront is a single building or collection of buildings accommodating both vehicular and pedestrian access comfortably. Buildings must be built up to the sidewalk to accommodate pedestrian access; however, additional buildings may be located set back from the front lot line. Vehicular uses, such as fueling stations and service stations, may be located within this building type, along with shopping centers and larger grocery stores.

#### 2.90.2 PLANNING BOARD APPROVAL REQUIRED

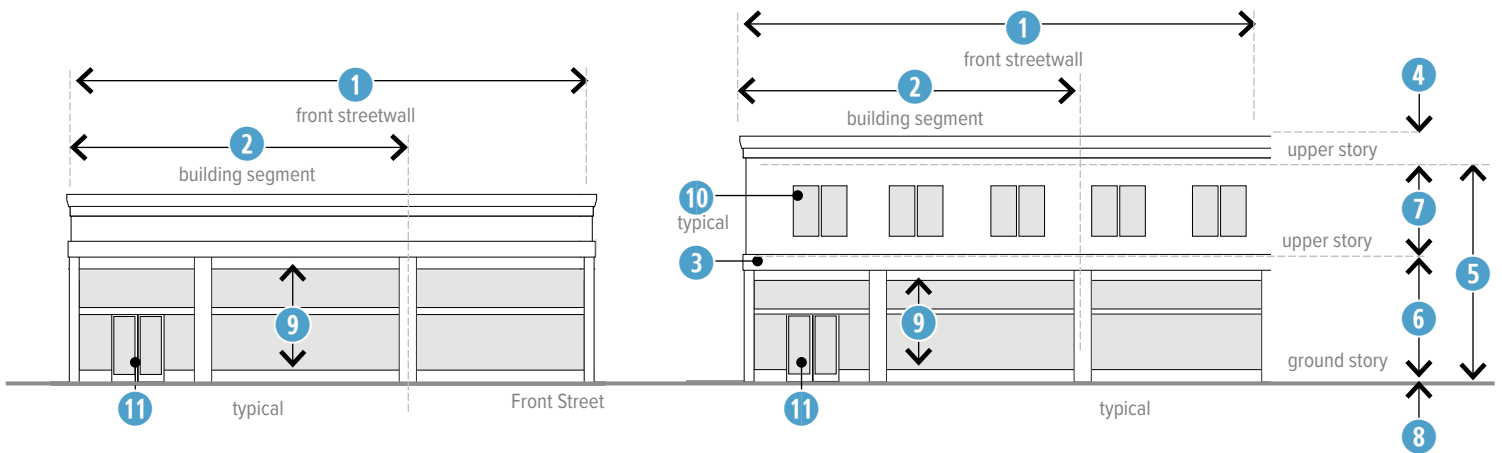
Use of this building type in certain zones requires approval of the planning board. See [Table 2-3](#).

#### 2.90.3 REGULATIONS

- A. Regulations by Zone.** See [2.40](#) for regulations by zone applicable to all building types, including lot setbacks, site coverage, location of multiple buildings on a lot, incorporation of courtyards, and parking and loading.
- B. Measurements & Definitions.** See [Article 15](#) for measuring and definitions.
- C. Regulations Specific to this Building Type.** The following table and illustration regulates this specific building type. See [2.60.6](#) for dimensional allowances.



**Figure 2.90-A. Examples of the Suburban Storefront Building**



**Figure 2.80-B. Suburban Storefront Height, Roof, & Uses**

**2.90 Suburban Storefront Specific Regulations**

**TOPSHAM CENTER ZONES**

**UPPER VILLAGE,**

**TOPSHAM FAIR MALL 1,**

**CROOKER DISTRICT**

Additional/References

2.90.4. BUILDING MASSING			
1	Front Streetwall (%), minimum	55	
2	Building Segments (ft.), maximum	60	See <a href="#">15.10.7</a> for definition of building segments.
		Segment differentiation defined by vertical shadow line on ground story	
3	Horizontal Shadow Lines at Ground Story	Within 3 feet of top of the ground story	See <a href="#">15.20</a> for definition of shadow lines.
	Horizontal Shadow Lines at Roof	Required at roof cap (parapet or flat eave) and within 3 feet of cap.	
4	Parapet Roof Allowed	Min. 18", max. 60" in parapet height; Flat roof with eave extended min. 14 in.; Pitched roof	Other roof configurations allowed by the planning board.
	Flat Roof Allowed	Visibly flat roof with min. 4 in. thick eave extending beyond street facades min. 14 in	
	Pitched Roof Allowed		
	Single Story Buildings	Min. 6:12 with dormers or a gable end required where the ridge is parallel to the front lot line and longer than 60 ft	
	Multi-Story Buildings	Max. 4:12; or with steeper pitch, dormers or a gable end is required where the ridge is parallel to the front lot line and longer than 60 ft.	
2.90.5. BUILDING HEIGHT			
5	Height (stories), minimum to maximum	1 to 2	See <a href="#">15.10.12</a> for measuring height.
6	Ground Story Height (ft.) minimum to maximum	13 to 16; additional height may be approved for large format spaces per <a href="#">2.60.7</a> .	Measured floor-to-floor. See <a href="#">15.10.12</a> for measuring heights.
7	Upper Story Height (ft.) minimum to maximum	9 to 14	
8	Ground Story Elevation above Grade (in.)	Within 24 in. above sidewalk elevation	
2.90.6. STREET & COURTYARD FACADE TRANSPARENCY & ENTRANCES			
9	Ground Story Front Facade Transparency (%), minimum	75 65	Measured per story, includes any half attic story, visible basement, or full floor height tower. See <a href="#">15.10.13</a> for measuring.
		Measured between 2 and 10 feet from bottom of ground story	
		At intersections of front and side streets, front facade regulations must be met along the first 20 feet of facade on the side street from the corner.	
10	Other Stories Transparency (%), minimum	Front Facades, Upper Stories	20
		Side Facades, All Stories	15
			No bays or 15 ft. wide sections of any story on a front facade may be without transparency
11	Entrances, minimum number	One entrance is required for every 2 building segments	See <a href="#">15.10.14</a> for measuring.

## 2.100 General Building Specific Regulations

### 2.100 GENERAL BUILDING SPECIFIC REGULATIONS

#### 2.100.1 GENERAL BUILDING DESCRIPTION

The General Building is a basic urban building, typically housing multiple residential units, offices, and other similar spaces. Each building is oriented to the street with entrances to lobbies off the public sidewalk. Parking is located in the rear yard. Buildings vary in height and length depending on the zone.

#### 2.100.2 REGULATIONS

- A. **Regulations by Zone.** See [2.40](#) for regulations by zone applicable to all building types, including lot setbacks, site coverage, location of multiple buildings on a lot, incorporation of courtyards, and parking and loading.
- B. **Measurements & Definitions.** See [Article 15](#) for measuring and definitions.
- C. **Regulations Specific to this Building Type.** The following table and illustration regulates this specific building type. See [2.60.6](#) for dimensional allowances.



Figure 2.100-A. Examples of the General Building

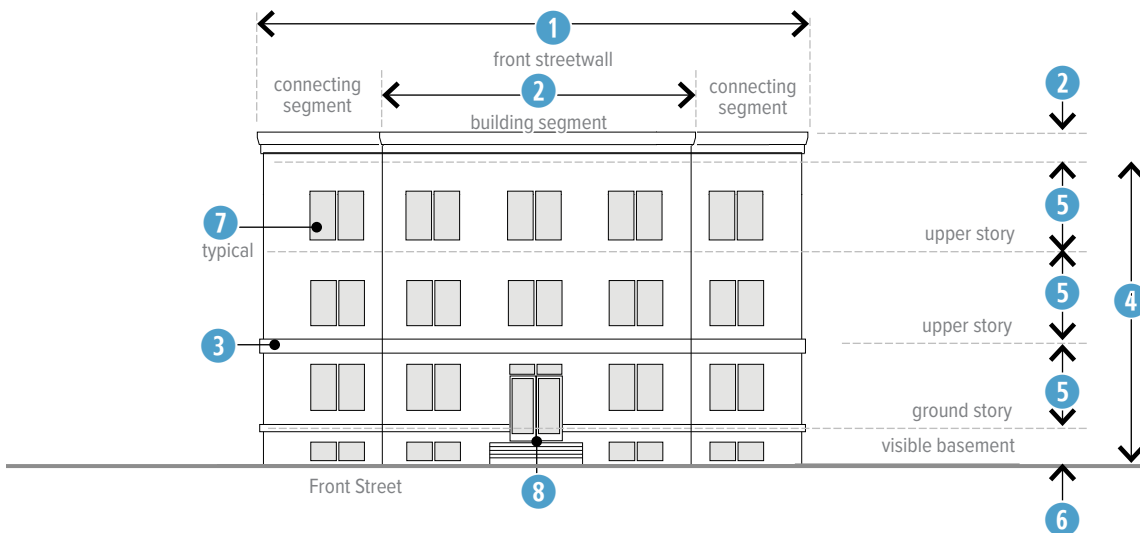


Figure 2.90-B. General Building

<b>TOPSHAM CENTER ZONES</b>			
<b>TOPSHAM FAIR MALL 1, TOPSHAM FAIR MALL 2, ANNEX CROOKER DISTRICT</b>			
			Additional/References
<b>2.100.3. BUILDING MASSING</b>			
	Courtyards	See <a href="#">2.40.4.</a>	
<b>1</b>	<b>Building Segments</b> (ft.), maximum	40	See <a href="#">15.10.7</a> for definition of building segments.
	<b>Building Length</b> (ft.), maximum	120	
		Segment differentiation defined by vertical change in facade plane of at least 18 in.	
<b>2</b>	<b>Pitched Roof Allowed</b>	Max. 4:12; or with steeper pitch, dormers or a gable end required where the ridge is parallel to the front lot line and longer than 60 ft.	Other roof type allowed with planning board approval.
	<b>Parapet Roof Allowed</b>	Min. 18", max. 72" parapet height	
<b>3</b>	<b>Horizontal Shadow Lines</b>	Within 3 feet of top of the ground story Required at top of parapet and within 3 feet of the top of the uppermost story.	See <a href="#">15.20</a> for definition of shadow lines.
<b>2.100.4. BUILDING HEIGHT</b>			
<b>4</b>	<b>Height</b> (stories), minimum to maximum	2 to 3.5	See <a href="#">15.10.12</a> for definition of half stories and measuring height.
<b>5</b>	<b>Story Height</b> (ft.) minimum to maximum	9 to 12	Measure floor-to-floor per <a href="#">15.10.12.</a>
<b>6</b>	<b>Ground Story Elevation above Grade</b>	Between 0 in. and 30 in. above grade or between 30 in. and 48 in. with a visible basement	See <a href="#">15.10.12</a> for definition of visible basement and measuring height.. Transparency required on visible basement.
<b>2.100.5. STREET &amp; COURTYARD FACADE TRANSPARENCY &amp; ENTRANCES</b>			
<b>7</b>	<b>Transparency</b> (%), minimum		Measured per story, includes any half story in roof, visible basement, or full floor height tower. See <a href="#">15.10.13</a> for measuring.
	<b>Front Facades</b>	18	
	<b>Side Street Facades</b>	12	
		No bays or 15 ft. wide sections of any story on a front facade may be without transparency	
<b>8</b>	<b>Entrances</b> , minimum number	One entrance is required for every 3 building segments	

## 2.110 Row Building Specific Regulations

### 2.110 ROW BUILDING SPECIFIC REGULATIONS

#### 2.110.1 ROW BUILDING DESCRIPTION

The Row Building is comprised of multiple vertical units with shared side walls. Each unit is typically oriented to the street with an entrance off the public sidewalk. Parking is located in the rear yard with attached garages entered from the rear of the building or detached garages. Buildings vary in length and height depending on the zone.



**Figure 2.110-A. Examples of the Row Building**

#### 2.110.2 REGULATIONS

- A. Regulations by Zone.** See 2.40 for regulations by zone applicable to all building types, including lot setbacks, site coverage, location of multiple buildings on a lot, incorporation of courtyards, and parking and loading.
- B. Measurements & Definitions.** See Article 15 for measuring and definitions.
- C. Regulations Specific to this Building Type.** The following table and illustration regulates this specific building type. See 2.60.6 for dimensional allowances.



**Figure 2.100-D. Row Building**

TOPSHAM CENTER ZONES				
		LOWER VILLAGE, MIDDLE VILLAGE, UPPER VILLAGE	TOPSHAM FAIR MALL 1, TOPSHAM FAIR MALL 2, ANNEX, CROOKER DISTRICT	Additional/References
<b>2.110.3. BUILDING MASSING</b>				
	<b>Building Configuration</b>	A Row Building is comprised of multiple side-by-side, vertically oriented units sharing common interior side walls.		
	<b>Lot Configuration</b>	A Row Building or multiple buildings may be located on a single lot with common space shared by each unit, OR Each vertically oriented unit may be located on a separate lot with the lot line located along the common wall between units. The building, spanning multiple lots must meet the regulations for the Row Building.		
	<b>Courtyards</b>	See <a href="#">2.40.4.</a>	See <a href="#">2.40.4.</a>	
<b>1</b>	<b>Building Width</b> (number of units), minimum to maximum <b>Building Width</b> (ft.), maximum	2 to 4	2 to 6	
		80 ft. max building width	120 ft. max. building width	
<b>2</b>	<b>Parapet Roof Allowed</b>	Min. 18", max. 72" parapet height		Other roof type allowed with planning board approval.
		Horizontal shadow line required at top of parapet and within 3 feet of the top of the uppermost story		
<b>3</b>	<b>Pitched Roof Allowed</b>	Min 4:12 slope, max. 14 ft. at peak	Min 4:12 slope, max. 14 ft. at peak	
		Where more than one building segment is used, at least one segment must include a gable end on front facade.		
		Gable end allowed only on max. 30-foot wide building segment on street facades		
		Connecting segments may have flat or parapet roofs.		
<b>4</b>	<b>Horizontal Shadow Lines</b>	Within 3 feet of top of any basement or the ground story		
<b>2.110.4. HEIGHT</b>				
<b>5</b>	<b>Height</b> (stories), minimum to maximum	2 to 3	2 to 3.5	See <a href="#">15.10.12</a> for definition of half stories and measuring height.
<b>6</b>	<b>Story Height</b> (ft.) minimum to maximum	9 to 11	9 to 12	Measured floor-to-floor per <a href="#">15.10.12</a> .
<b>7</b>	<b>Ground Story Elevation above Grade</b>	Less than 30 in. above grade or between 30 in. and 48 in. with a visible basement		
<b>2.110.5. STREET &amp; COURTYARD FACADE TRANSPARENCY &amp; ENTRANCES</b>				
<b>8</b>	<b>Transparency</b> (%), minimum <b>Front Facades</b>	15	18	Measured per story, includes any half attic story, visible basement, or full floor height tower. See <a href="#">15.10.13</a> for measuring.
	<b>Side Street Facades</b>	12	12	
		No bays or 10 ft. wide sections of any story on a front facade may be without transparency		
<b>9</b>	<b>Entrances</b> , minimum number	One entrance is required per unit on street or courtyard facade		

**2.120 Workshop-Warehouse Specific Regulations**

**2.120 WORKSHOP-WAREHOUSE SPECIFIC REGULATIONS**

**2.120.1 WORKSHOP-WAREHOUSE BUILDING DESCRIPTION**

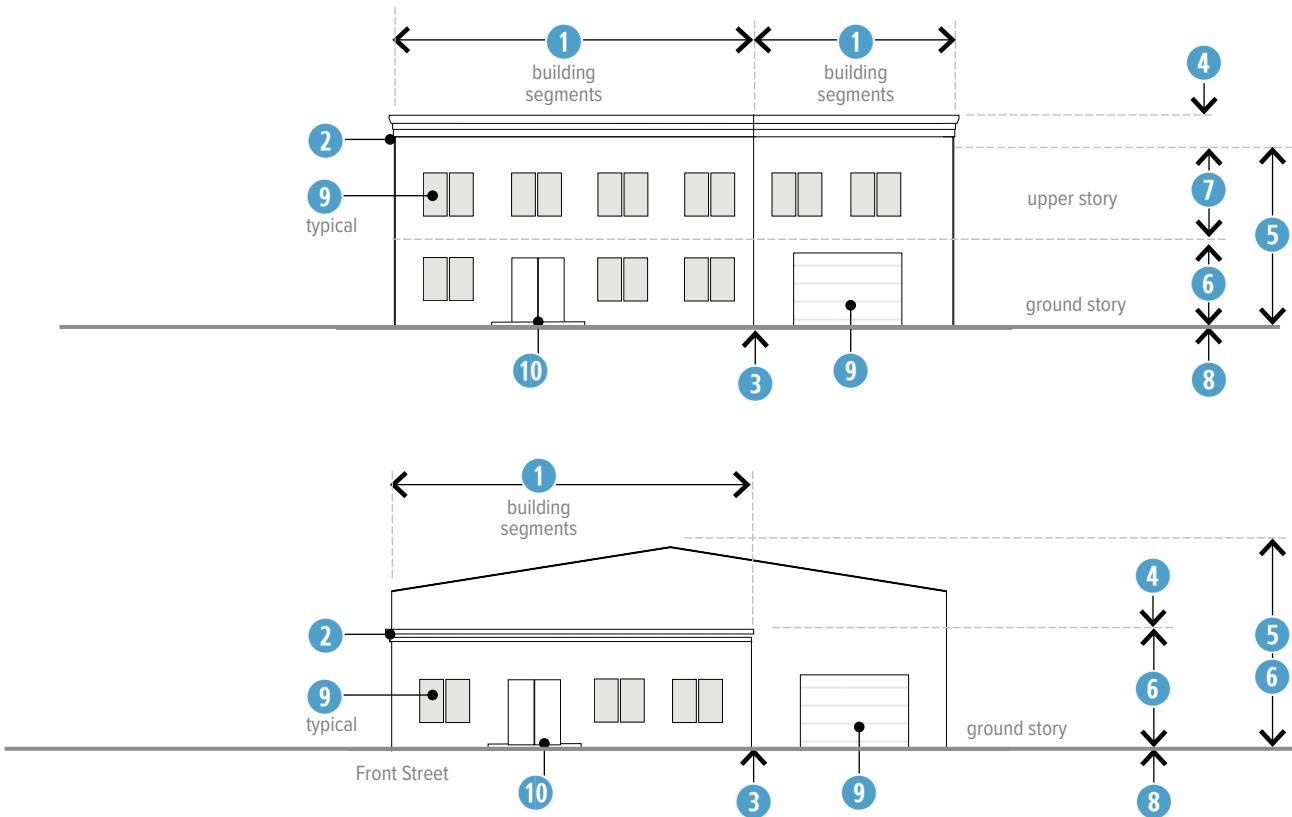
The Workshop-Warehouse Building is a modified General Building with a minimum level of orientation to the sidewalk and pedestrians, while allowing loading or garage bays on the front facade. In some zones, the number of bays on the front facade are limited.

**2.120.2 REGULATIONS**

- A. Regulations by Zone.** See 2.40 for regulations by zone applicable to all building types, including lot setbacks, site coverage, location of multiple buildings on a lot, incorporation of courtyards, and parking and loading.
- B. Measurements & Definitions.** See Article 15 for measuring and definitions.
- C. Regulations Specific to this Building Type.** The following table and illustration regulates this specific building type. See 2.60.6 for dimensional allowances.



**Figure 2.120-A. Examples of the Workshop-Warehouse Building**



**Figure 2.110-B. Workshop-Warehouse Building**

TOPSHAM CENTER ZONES			
TOPSHAM FAIR MALL 2, ANNEX			
CROOKER DISTRICT			
		Additional/References	
<b>2.120.3. BUILDING MASSING</b>			
<b>1</b>	<b>Building Segments</b> (ft.), maximum	50	
	<b>Building Length</b> (ft.), maximum	–	
		Segment differentiation defined by vertical change in facade plane of at least 18 in.	
<b>2</b>	<b>Horizontal Divisions with Shadow Lines</b>	Within 3 ft. of the top of any story between the basement and 2nd story on front facade	
<b>3</b>	<b>Vertical Divisions with Shadow Lines</b>	One per every 80 ft. of street facade on ground story of front facade	
<b>4</b>	<b>Roof Height</b> (ft.), maximum	6	
<b>2.120.4. HEIGHT</b>			
<b>5</b>	<b>Height</b> (stories), maximum	2	See <a href="#">15.10.12</a> for definition of half stories and measuring height.
<b>6</b>	<b>Ground Story Height</b> (ft.) minimum to maximum	10 to 24	Measure floor-to-floor per <a href="#">15.10.12</a> .
		Any story over 20 ft. counts as 2 stories	
<b>7</b>	<b>Upper Story Height</b> (ft.) minimum to maximum	9 to 16	
<b>8</b>	<b>Ground Story Elevation above Grade</b>	Less than 30 in. above grade or between 30 in. and 48 in. with a visible basement	
<b>2.120.5. STREET &amp; COURTYARD FACADE TRANSPARENCY &amp; ENTRANCES</b>			
<b>9</b>	<b>Transparency</b> (%), minimum <b>Front Facades</b>	12	Measured per story, includes any half attic story, visible basement, or full floor height tower. See <a href="#">15.10.13</a> for measuring.
		Any garage door on the front facade must be at least 50% transparent	
	<b>Side Street Facades</b>	–	
		No bays or 15 ft. wide sections of any story on a front facade may be without transparency	
<b>10</b>	<b>Entrances</b> , minimum number	One entrance is required for every 3 building segments	

## 2.130 Civic Building Specific Regulations

### 2.130 CIVIC BUILDING SPECIFIC REGULATIONS

#### 2.130.1 CIVIC BUILDING DESCRIPTION

The Civic Building is the most flexible building type, but is limited to buildings with civic and institutional uses. This building type is intended to allow distinctive buildings within the urban fabric, set back within a landscape setting or designed as unique, iconic structures.

A front entrance on the street with a minimum amount of windows promotes walking to the buildings, while parking is located on the side or in the rear.

#### 2.130.2 PLANNING BOARD APPROVAL REQUIRED

Use of this building type in certain zones requires approval of the planning board. See [Table 2-3](#).

#### 2.130.3 REGULATIONS

- A. **Regulations by Zone.** See [2.40](#) for regulations by zone applicable to all building types, including lot setbacks, site coverage, location of multiple buildings on a lot, incorporation of courtyards, and parking and loading.
- B. **Measurements & Definitions.** See [Article 15](#) for measuring and definitions.
- C. **Uses.** Uses allowed in this building type are limited to only those use listed in the Civic and Institutional Use Group and allowed in the zone per [Article 6](#).
- D. **Regulations Specific to this Building Type.** The following table and illustration regulates this specific building type. See [2.60.6](#) for dimensional allowances.



Figure 2.130-B. Examples of the Civic Building

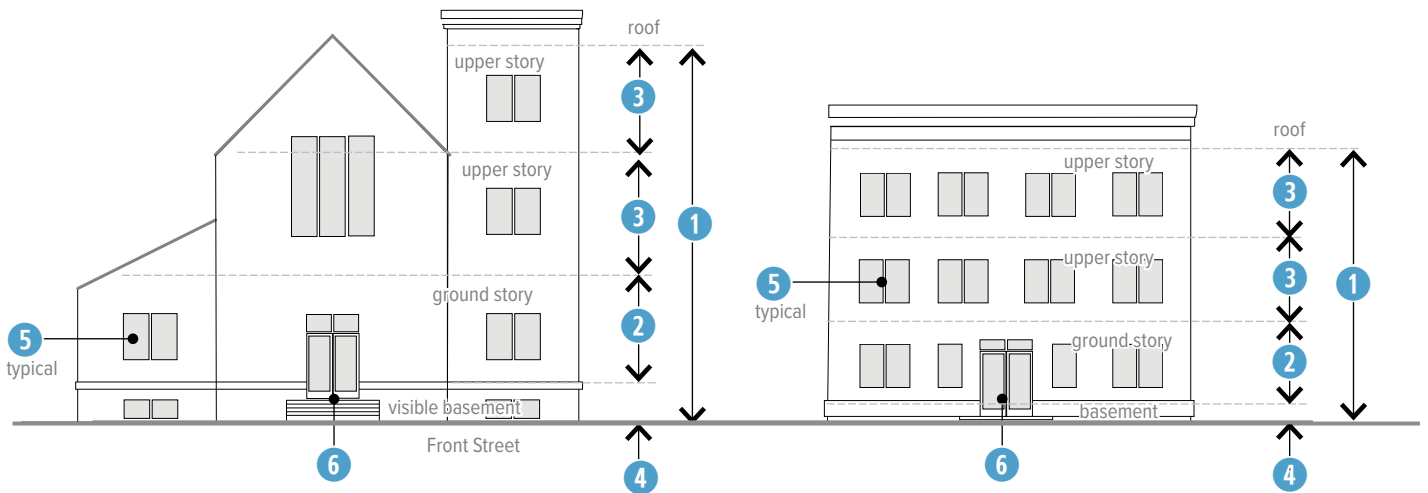


Figure 2.130-A. Civic Building

<b>TOPSHAM CENTER ZONES</b>		
	<b>ALL</b>	Additional/References
<b>2.130.4. BUILDING MASSING</b>		
Courtyards	See <a href="#">2.40.4.</a>	
<b>Building Segments</b> (ft.), maximum	–	
<b>Building Length</b> (ft.), maximum	–	
Horizontal Divisions with Shadow Lines	–	
Roof Height (ft.), maximum	–	
<b>2.130.5. HEIGHT</b>		
<b>1</b> Height (stories), maximum	3	See <a href="#">15.10.12</a> for definition of half stories and measuring height.
<b>2</b> <b>Ground Story Height</b> (ft.) minimum to maximum	10 to 24 Any story over 20 ft. counts as 2 stories	Measure floor-to-floor per <a href="#">15.10.12.</a>
<b>3</b> <b>Upper Story Height</b> (ft.) minimum to maximum	9 to 14	
<b>4</b> Ground Story Elevation above Grade	Less than 30 in. above grade or between 30 in. and 48 in. with a visible basement	
<b>2.130.6. STREET &amp; COURTYARD FACADE TRANSPARENCY &amp; ENTRANCES</b>		
<b>5</b> <b>Transparency</b> (%), minimum		Measured per story, includes any half attic story, visible basement, or full floor height tower. See <a href="#">15.10.13</a> for measuring.
<b>Front Facades</b>	10	
<b>Side Street Facades</b>	–	
	No bays or 15 ft. wide sections of any story on a front facade may be without transparency	
<b>6</b> Entrances, minimum number	One entrance is required for every 100 feet of front facade	

**2.140 Master Plan Development (MPD)****2.140 MASTER PLAN DEVELOPMENT (MPD)****2.140.1 INTENT**

The Master Plan Development (MPD) regulations are intended to implement the goals of the town's most recent comprehensive plan and other planning documents within the Topsham Center area. These regulations are intended to apply to existing parcels larger than a typical, walkable block and to result in a site-specific master plan that:

- A.** Addresses the surrounding existing and planned context, relationships to other parcels, and transportation continuity, and other interactions.
- B.** Results in an interconnected system of streets and blocks, which provides access and mobility to all users via multiple modes of transportation, and locates building frontages along walkable streets.
- C.** Incorporates a variety of smaller, usable, accessible open space for residents and visitors to the sites.
- D.** Respects natural areas and features, and consciously incorporates them the site master plan.
- E.** Provides an appropriate, finer grade mix of building types and potential uses, creating new, walkable districts.

**2.140.2 APPLICABILITY**

- A. 4 Acre Developments.** All developments on a single parcel or combination of parcels totaling 4 acres or more in the Topsham Center zones must meet the MPD regulations, prior to any subdivision, rezoning, or submittal of a site plan for review.
- B.** The following must be included in the MPD, unless the planning director requests otherwise:
  - (1)** All adjacent and abutting land under the same or similar ownership must be included. Similar ownership means parcels that have any common owners with legal rights.
  - (2)** All parcels considered to be part of the same development or phases of a development.
  - (3)** All adjacent and abutting parcels under separate ownership that are either vacant or anticipated to be developed within 10 years of the submittal must be included for planning purposes and noted as such. Planning purposes include such items as access to those sites, incorporation into the blocks of the MPD, continuity of trail access and natural areas, mixing of uses.

- (4)** All parcels the planning director or planning board requests to be included for planning purposes.

- C. Alternative Plan.** The planning board may approve a Master Plan Development that meets the intent of the MPD requirements and is consistent with the most recent comprehensive plan, but deviates from specific regulations of this section, [2.140](#). The submittal must include a clear description of the deviations to be approved.

**2.140.3 SUBMITTALS**

All MPDs must be approved as a site plan per [chapter 175](#).

- A. Project Information.** The required submittals must illustrate compliance with this section, [2.140](#), and any other requirements of the town.
- B. Project Phasing & Guarantees.** Description and mapping of anticipated project timing and phasing, including all components (such as utilities, streets, parking, open spaces, landscaping, uses, building types). Proposed mechanisms (such as financial guarantees) must be included to ensure completion of all site components, such as streets and open spaces, phased in conjunction with buildings.
- C. Boundary Lines.** All streets, open spaces per [2.140.8](#), and building sites must be located on separate lots, rights-of-way, or easements. These lines provide the baseline for measuring locations of building types.
- D. Building Types.** The MPD plan must locate all proposed building types on lots and consider the building regulations in this [Article 2](#) to ensure the areas designated can accommodate buildings meeting the regulations. Building plans and elevations meeting the building type regulations are not required for the MPD approval; however, building and parking footprints are encouraged.

**2.140.4 STREETS & BLOCK LAYOUT**

An interconnected system of streets and blocks is required for all MPD sites. Refer to [Figure 2.140-A](#) for an illustration of one example layout of these regulations.

- A. Block Size.** Block length must be no more than 600 feet, with a maximum perimeter of 1800 feet, except as follows:
  - (1)** Blocks with natural or existing site constraints, such as those abutting rail corridors, utility easements, highways, steep grades, and waterways, may be longer.

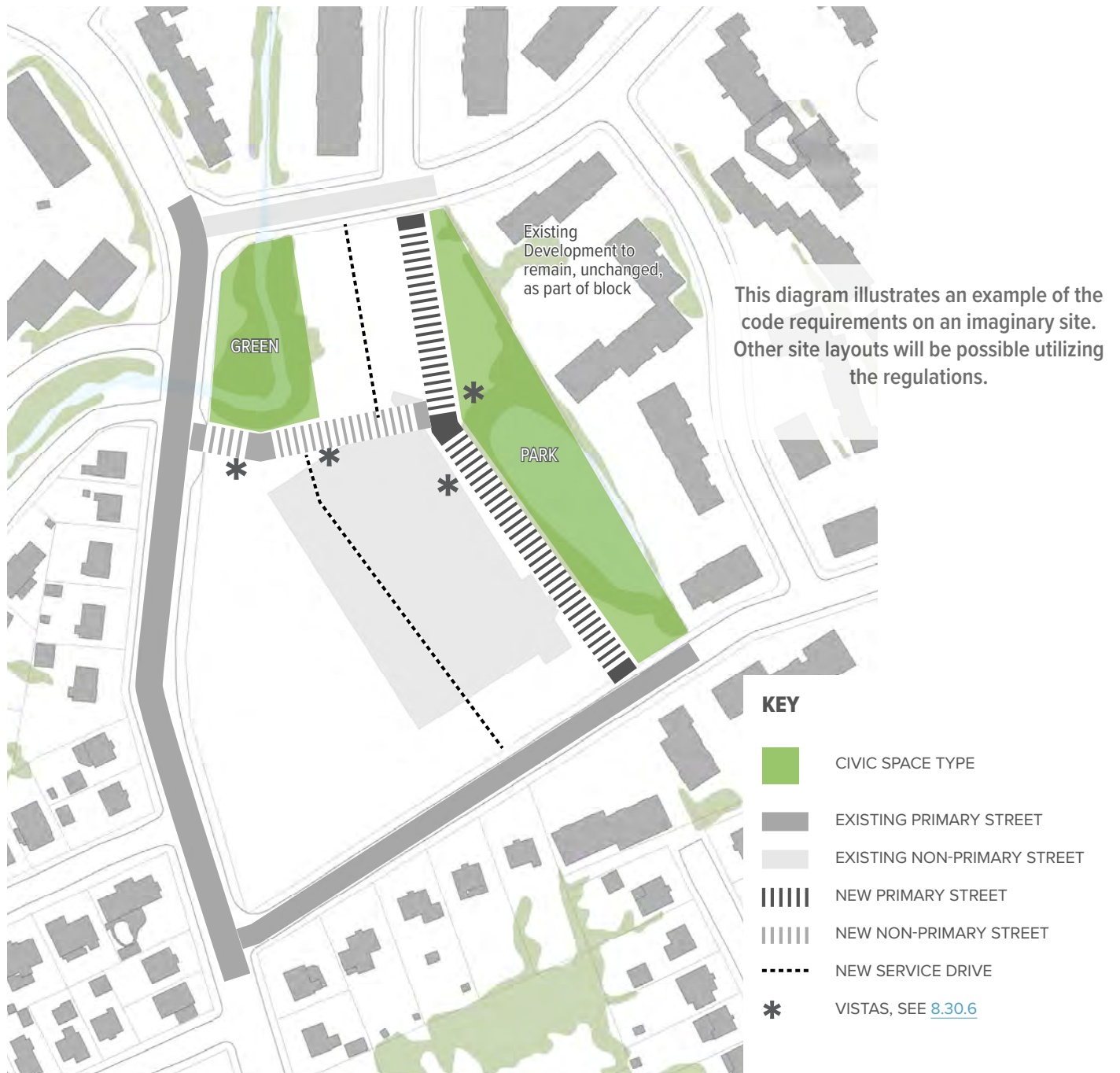


Figure 2.140-A. Example MPD Plan with Blocks, Streets, and Open Space

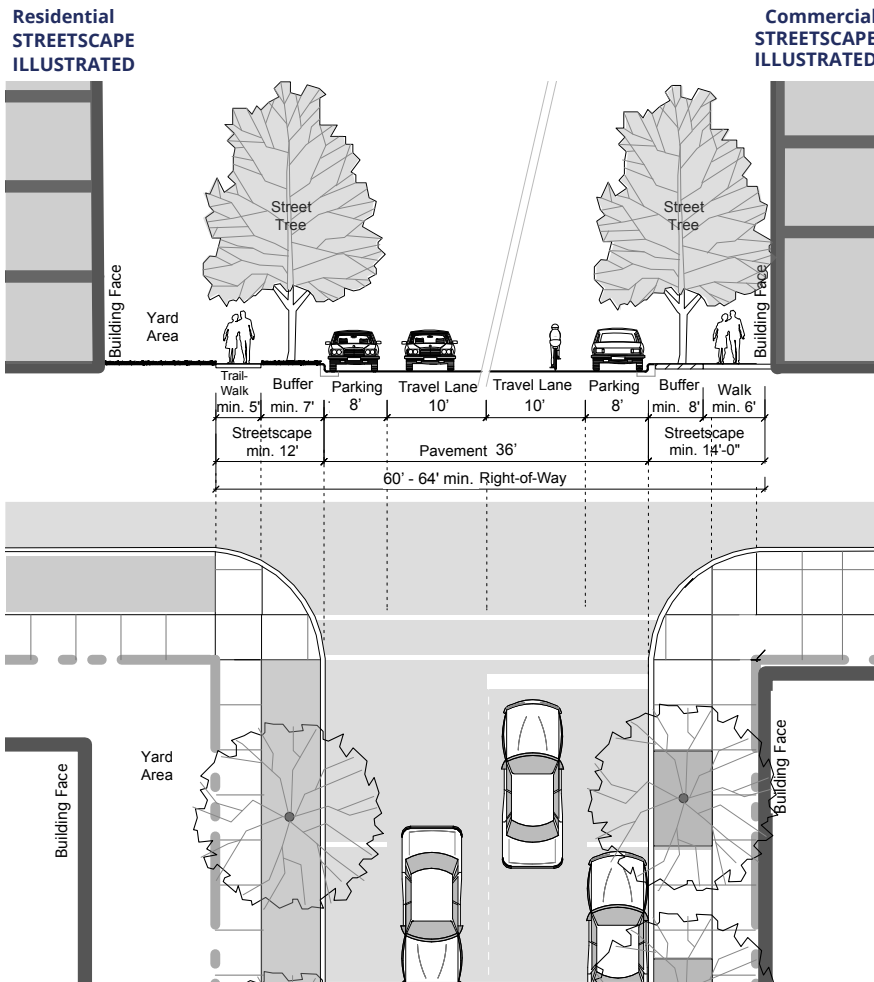
## 2.140 Master Plan Development (MPD)

- (2) Where the parcel shape or size is limited and will not accommodate multiple blocks, a different configuration may be approved, provided the result allows for clear circulation and an appropriate organization of building frontages.
  - (3) Where blocks are longer than 800 feet, pedestrian access easements, minimum 20 feet in width with minimum 5-foot sidewalks, must be located approximately mid-block, effectively reducing the resulting pedestrian blocks to dimensions less than the block sizes defined. The pedestrian easement may be incorporated into an open space per [2.140.8](#).
- B. Access Points.** An access point is a new street connecting to an existing street. A minimum of two access points must be provided for the MPD, with a minimum of one per every 1,500 feet of boundary, except where natural or existing man-made site constraints prevent access.
- C. Extend Existing Streets.** Streets must connect and continue existing streets from adjoining areas. Future connections must be considered and temporary dead-end streets may be supplied for future extension with planning board approval.
- D. Shape of Blocks.** The shape of the blocks should be designed to accommodate typically rectilinear buildings, but may vary due to natural features or other site constraints.
- E. Open Space Frontage.** Refer to [2.140.9](#) for open space requirements, including street frontage requirements. Open space, existing and new, should be fronted with streets to provide more visibility and access.
- F. Cul-de-Sacs and Dead-End Streets.** Cul-de-sac and permanent dead-end streets are not allowed, except when approved and necessitated by natural features or site constraints, including but not limited to waterways or highways. If approved, pedestrian connections and landscape plantings may be required.
- G. Lot Configuration.** All lots must have frontage along a street per the building type requirements, unless otherwise specified.
- (1) Lots must front at least 2 street faces of any block, preferably the longest faces, with the exception of blocks containing open space or open space. See [2.140.7](#) for building regulations regarding through-lots.
  - (2) Flag lots, located on the interior of the block with street frontage only for driveway access, are not allowed.
  - (3) Regulations for anticipated building types shall be considered when setting block depth and width to avoid the need for future variances.
  - (4) Consider lot and block orientation for maximum energy efficiency, depending on the building type. For example, block orientation along an east-west longitudinal axis will encourage development of long mixed-use buildings oriented along an east-west axis, with smaller east and west facing facades, able to take advantage of passive solar technology.
- H. Service Access.** The configuration of the lots and blocks must include consideration of parking, garage, and service access to accommodate refuse and recycling pickup, and utilities.
- I. Vistas.** Views down streets that terminate at parcels (referred to as "vistas" in these regulations), including where a street might angle at less than 90 degrees, must be considered when laying out streets and blocks, and locating open space, parking, and buildings. See [8.30.6](#) for vista regulations.

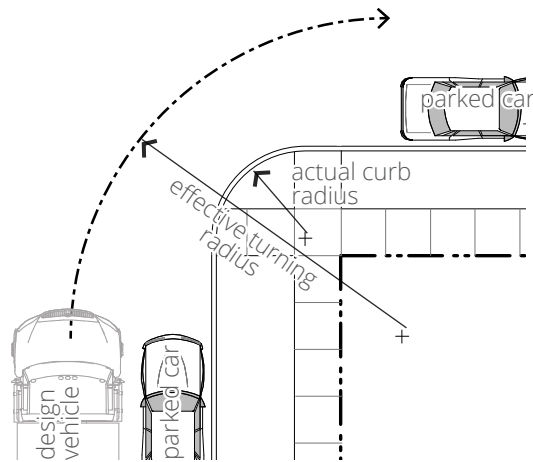
### 2.140.5 STREET CONFIGURATION

Complete streets provide for multiple modes of access throughout the town. All new streets, whether publicly dedicated or privately held, must meet the following requirements.

- A. Base Street Requirements.** The base street type is illustrated in [Figure 2.140-B](#). Additional street right-of-way or configuration may be required based on existing context and circulation needs. The base street defines the minimum components of any new street on the interior of the development and includes the components outlined in this section, [2.140.5](#). Alternate street configurations may be approved by the planning board.
- B. Streetscape.** The minimum dimension required for streetscapes along non-residential ground stories is 12 feet, with a clear sidewalk width of at least 5 feet and a minimum 7-foot street tree buffer zone. See [175-10](#) for street tree requirements.
- C. Travel Lanes & Pavement Width.** Pavement width must accommodate travel lanes, on-street parking, and any on-street bicycle accommodations.



**Figure 2.140-B. Typical Base Street**



**Figure 2.140-C. Illustration of Effective Turning Radius vs. Curb Radius**

**2.140 Master Plan Development (MPD)**

- (1) **Travel Lanes.** Two-way travel lanes of 10 to 11 feet should be provided for active areas. A single shared, 14-foot two-way travel lane may be approved for local residential streets with appropriately spaced pull-offs to allow vehicles to pass.
  - (2) **On-Street Parking.** On-street parking provides convenient parking for businesses and for parks and open space users, decreases the need for off-street parking, and buffers pedestrians on the sidewalk from vehicular traffic on the street.
    - (a) On-street parking should be provided on both sides of the street.
    - (b) Minimum width of on-street parking is 8 feet.
    - (c) ~~Back-in or~~ Head-in angled parking is acceptable in lieu of parallel parking with additional width to the right-of-way.
  - (3) **Maximum Pavement Width.** The maximum crossing width for all streets internal to the development is 38 feet. Wider pavement widths must include a median in the middle to provide pedestrian refuge and/or bulb-outs on corners to reduce the crossing widths to less than 38 feet.
- D. Curb Radii.** Intersections should be designed for effective turning radius of the typical design vehicle as opposed to the maximum design vehicle. Small curb radii at intersections, such as 5 to 10 feet, shorten pedestrian crossing distances and reduce vehicle turning speeds, increasing pedestrian safety. See [Figure 2.140-C](#) for illustration.
- E. Bicycle Accommodations.** New streets within the development should accommodate bicycle access per the town's most recent planning documents.

**2.140.6 SERVICE DRIVES**

Service drives provided through blocks provide vehicular access, refuse and recycling, and service access to lots. Service drives may be parking lots drives, alleys, or other driveways without building frontages. Ideally, service drives should extend through a block with at least 2 points of access, serving multiple buildings and/or lots.

**2.140.7 FRONT STREET DESIGNATION**

The orientation and location of buildings on lots is determined by the front street designation. Many building type requirements are specific to front and non-front street orientation, determining where the front of the building should be located.

- A. Minimum Designation.** A minimum of 45% of a combination of the new streets on the MPD and existing streets fronting the development should be designated as front streets.
- B. Building Frontage.** Front streets must be designated so that a majority of buildings front a front street.
- C. Open Space Frontage.** Where practicable, streets along open space, required per [2.140.8](#), must be designated as front streets to ensure buildings face and front the open space.
- D. Driveways and Service Access.** Driveways and service access to lots should not be located off a front street; however, when no other option is available, driveway and service access may be located off a front street with site plan approval. See [2.50](#) for front streets as related to building types.
- E. Major Streets.** When the development abuts a major street, such as Main Street, 196/Lewiston Road, or Topsham Fair Mall Road, one of the following layouts may be utilized to create slower, more accessible, and more walkable streets for fronting commercial or mixed-use buildings than the major street might provide:
  - (1) **Perpendicular.** A new front street located generally perpendicular to the existing major street.
  - (2) **Frontage Street.** A new front street located essentially parallel to the major street with a landscape buffer island or boulevard median of at least 8 feet separating the streets.

**2.140.8 OPEN SPACE REQUIRED**

All developments where a master plan development (MPD) is required must provide the following open space. The following minimum amount of open space must be provided:

- A. Overall Minimum.** A minimum of 10% of the total master plan development must be provided as one or more of the open space types.
- B. Distance from Principal Entrances.** One type of open space is required within a 500-foot distance, as measured continuously along a sidewalk, from the principal entrance of all buildings and any units with entrances on the street. The intent is to provide usable open space within a short walkable distance for all occupants and visitors.
- C. Mix of Open Space Types.** A mix of types is required, with not more than 2 of any one type utilized.

2.140 Master Plan Development (MPD)

D. Existing Open Spaces. Existing open space may be counted towards the open space required proximate to entrances in 2.140.8.B, provided the existing spaces meet the regulations of one of the types in 2.140.9 and the space is publicly accessible.

2.140.9 TYPES OF OPEN SPACE

The following types of open space are allowed. Refer to Figure 2.140-D for example images.

- A. **Plaza.** A plaza is a generally hardscaped area (minimum 60 percent coverage), minimum 5,000 square feet in size, with either street, pedestrian, or river right-of-way or building frontage on all sides and at least one side the equivalent of 25 percent of the perimeter fronting a primary street. A single plaza may not fulfill the minimum open space requirements; if a plaza is utilized to meet the distance requirement, another open space must be incorporated in another location on the site.
- B. **Square.** A square is a combination of hardscape and landscape (approximately 50% and 50% respectively), minimum 1/4 acre in size, and surrounded by street frontage on all sides.
- C. **Green.** A green is a generally landscaped space (minimum 70 percent), minimum 1/2 acre with street right-of-way on at least 50 percent of the perimeter.
- D. **Greenway.** A greenway is a linear landscape space, minimum 2 acres in total, minimum 30 feet wide and a minimum 70-foot average width, and with street right-of-way on at least 30 percent of the perimeter.
- E. **Park.** A park is a larger, generally landscaped space, a minimum of 1 acre in size, with at least 25 percent of the perimeter on a street right-of-way.
- F. **Conservation Area.** A conservation area includes sensitive landscape areas, such as wetlands, forests, waterways, or steep slopes, and occupies at least 2 acres of contiguous land at least 50 feet in dimension in any direction.

2.140.10 TRAILS

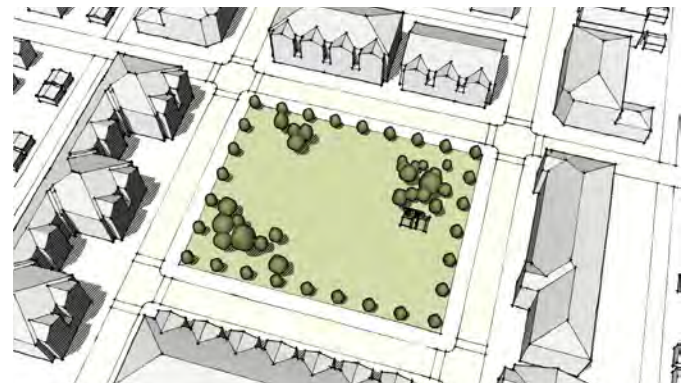
Refer to any town open space and/or trail plans, and any existing trails surrounding the site, to provide connections through and within the site for continuous trails.

2.140.12 TRAILS

Refer to any City open space and/or trail plans, and any existing trails surrounding the site, to provide connections through and within the site for continuous trails.



Example of a PLAZA



Example of a GREEN



Example of a GREENWAY

Figure 2.140-D. Examples of Open Space Types

**2.140 Master Plan Development (MPD)****2.140.11 BUILDING TYPE LOCATIONS**

The MPD must designate locations of building types to meet the following requirements. Refer to [Figure 2.140-E](#) for illustrations of site layouts fulfilling these regulations

**A. Mix of Building Types.** The mix of building types in Master Plan Development (MPD) is determined by the existing zoning designation on the parcel on the zoning map.

- (1) Crooker District.** The building types allowed in the Crooker District zone are not subject to any minimum mix, except that the use of the Suburban Storefront Building is limited to no more than a 20,000 square foot footprint by right, with additional footprint allowed with approval by the Planning Board.
- (2) Annex.** The Annex zone is intended to be a primarily residential area. The use of the Village Building for commercial or mixed-use is limited to no more than 10,000 square feet within any MPD, and must be located within 50 feet of Canam Drive, unless otherwise approved by the planning board. See [Table 6-1](#) for uses allowed within an Annex MPD.

**B. General Layout of Building Types.** The following general layout requirements apply:

- (1)** Similar building types should generally face each other across streets, including existing buildings, e.g. General and Row Buildings should be across the street from other General or Row Buildings.
- (2)** More intense building types located on blocks with less intense building types should be located on block ends or corners. More intense building types include those allowing taller, bigger buildings or buildings that include relatively more intensive uses, e.g. commercial uses are more intensive than residential uses.
- (3)** Changes in building types should generally occur at a rear lot line or at corner parcels or corner sets of parcels (creating a node).

**C. Specific Layout of Zones.** The following layout guidance is applicable to these specific building types when applied to a site.

- (1)** Multiple Village Buildings and Traditional Storefront Buildings should be clustered into areas or nodes at street intersections or linearly along a street corridor.

- (2)** Village Building and Traditional Storefront Building nodes should be located in close proximity to active streets, such as Main Street, Monument Place, or Topsham Fair Mall Road. A new street perpendicular to Highway 196/Lewiston Road is another option.
- (3)** Similar building types may be mixed together in nodes, such as a mix of Village and Traditional Storefront Buildings, or a mix of General and Row Buildings.
- (4)** A single or small node of Village Building(s) may be located on a corner in a residential neighborhood, serving as a corner store or other service/retail destination.
- (5)** General and Row Buildings may be used as transitions between Village and Storefront Buildings and residential houses.



Figure 2.140-E. Example MPD Plan with Building Types

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## **ARTICLE 6. PRINCIPAL USES**

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6.40	Civic & Institutional Use Group .....	6-6
6.50	Commercial Use Group .....	6-9
6.60	Manufacturing & Industry Use Group .....	6-13
6.70	Other Uses .....	6-17

## 6.10 Allowed Uses

### 6.10 ALLOWED USES

#### 6.10.1 PRINCIPAL USE TABLE

Principal uses are allowed in accordance with [Table 6-1](#).

#### 6.10.2 INTERPRETING THE USE TABLE

- A. Use Classification System.** Uses are listed in the first column of [Table 6-1](#). This code classifies uses into categories and subcategories, as explained in [6.20](#).
- B. Permitted Uses.** A “●” indicates that the respective use is permitted as-of-right in the subject zone, subject to compliance with all other applicable regulations of this code.
- C. Permitted with a Master Plan Development (MPD).** A “◐” indicates that the respective use is permitted only when approved by the planning board as part of an MPD per [2.140](#).
- D. Conditional Uses.** A “○” indicates that the respective use is allowed in the subject zone only if reviewed and approved in accordance with the conditional use procedures of [12.30](#).
- E. Prohibited Uses.** A “—” indicates that the respective use is expressly prohibited. Uses that are not listed in the use table and that cannot be interpreted to fall within any defined use category or subcategory (as stated in [6.20](#)) are also prohibited.
- F. Reference.** The final (“Reference”) column of [Table 6-1](#) includes a cross-reference to the use category description and, in some cases, references to supplemental (use-specific) regulations that apply to the subject use.
- G. Accessory Uses.** Many customary accessory uses and structures are allowed in conjunction with principal uses. See [Article 7](#) for accessory use and structure regulations.

### 6.20 USE CLASSIFICATIONS GENERALLY

This section establishes and describes the use classification system used to categorize principal uses in this code.

#### 6.20.1 USE GROUPS

This code classifies principal land uses into 5 major groupings. These are referred to as “use groups.” The use groups are as follows:

- A.** Residential (see [6.30](#));
- B.** Civic & Institutional (see [6.40](#));
- C.** Commercial (see [6.50](#));
- D.** Manufacturing & Industry (see [6.60](#)); and

- E.** Other Uses (see [6.70](#)).

#### 6.20.2 USE CATEGORIES

Each use group is further divided into more specific categories. Use categories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, or relevant building or site conditions.

#### 6.20.3 USE SUBCATEGORIES

Some use categories are further broken down to identify specific subcategories of uses.

#### 6.20.4 CLASSIFICATION OF USES

The code enforcement officer is authorized to classify individual uses on the basis of the use group, category, and subcategory descriptions of this article. When a use cannot be reasonably classified into a use group, category, or subcategory, or appears to fit multiple groups, categories, or subcategories, the code enforcement officer is authorized to assign the use to the most similar and thus most appropriate group, category, or subcategory based on the actual or projected characteristics of the principal use or activity in relationship to the use group, category, or subcategory descriptions. In making such determinations, the code enforcement officer must consider:

- A.** The types of activities that occur in conjunction with the use;
- B.** The types of equipment and processes to be used;
- C.** The existence, number and frequency of residents, customers or employees;
- D.** Parking demands associated with the use; and
- E.** Other factors deemed relevant to a use determination.
- F.** If a use can reasonably be classified in multiple groups, categories, or subcategories, the code enforcement officer is authorized to categorize each use in the category, subcategory that provides the most exact, narrowest, and appropriate “fit.”
- G.** Appeals of use classification determinations may be taken to the board of appeals in accordance with the appeal procedures of [12.50](#).

Table 6-1. Principal Use Table

	ZONES																Reference		
	TOPSHAM CENTER							RESIDENTIAL				COMMERCIAL/INDUSTRIAL							
	LOWER VILLAGE	MIDDLE VILLAGE	UPPER VILLAGE	TOPSHAM FAIR MALL 1	TOPSHAM FAIR MALL 2	ANNEX	CROOKER DISTRICT	R-1	R-2	R-2B	R-3	RCU	MUL	MUC-1	BP	CC-196		LI	—
<b>RESIDENTIAL</b>																			
Household Living, 1 unit per building	●	●	●	○	○	○	○	●	●	●	●	●	●	○	-	●	●	-	<a href="#">6.30.1</a>
Household Living, 2 units per building	●	●	●	○	○	○	○	●	●	●	●	●	●	○	-	●	●	-	<a href="#">6.30.1</a>
Household Living, 3–4 units per building	●	●	●	●	●	●	●	●	●	●	●	●	●	○	-	-	●	-	<a href="#">6.30.1</a>
Household Living, 5+ units per building	●	-	●	●	●	●	●	●	●	●	●	●	●	○	-	-	●	-	<a href="#">6.30.1</a>
Group Living	●	●	●	●	●	●	●	○	○	○	○	●	●	○	-	-	●	-	<a href="#">6.30.2</a>
<b>CIVIC &amp; INSTITUTIONAL</b>																			
Community Assembly	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	-	<a href="#">6.40.1</a>
Cultural Facility	●	●	●	●	●	●	●	○	○	○	○	●	●	-	-	-	●	●	<a href="#">6.40.2</a>
Hospital	-	-	○	○	○	-	○	○	○	○	○	●	●	○	-	-	●	-	<a href="#">6.40.3</a>
Parks and Open Space	-	-	●	●	●	●	●	○	○	○	○	-	-	-	-	-	-	-	<a href="#">6.40.4</a>
School	●	●	●	●	●	●	●	●	●	●	●	●	○	○	○	○	○	-	<a href="#">6.40.5</a>
Utilities & Services, Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	<a href="#">6.40.6</a>
Utilities & Services, Major	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	<a href="#">6.40.6</a>
Solar Energy Conversion System																		<a href="#">6.40.7</a>	
Small-Scale	-	-	-	-	-	-	-	-	●	-	●	●	●	●	●	●	●	●	<a href="#">6.40.7</a>
Large-Scale	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	●	●	<a href="#">6.40.7</a>
Utility-Scale	-	-	-	-	-	-	-	-	-	-	●	●	-	●	●	●	●	●	<a href="#">6.40.7</a>
<b>COMMERCIAL</b>																			
Adult Entertainment	-	-	-	-	-	-	⊖	-	-	-	-	-	-	○	-	-	-	-	<a href="#">6.50.1</a>
Animal Care, Indoor	●	●	●	●	●	=	●	-	-	-	●	●	○	-	-	-	-	-	<a href="#">6.50.2</a>
Animal Care, Outdoor	-	-	-	-	-	=	-	-	-	-	●	●	○	-	-	-	-	-	<a href="#">6.50.2</a>
Child Care Center	●	●	●	●	●	●	●	○	○	○	○	●	●	○	●	●	●	○	<a href="#">6.50.3</a>
Consumer Service	●	●	●	●	●	●	●	-	-	-	-	●	●	○	●	●	●	●	<a href="#">6.50.4</a>
Entertainment Venue, Large Indoor	-	-	●	●	●	=	●	-											<a href="#">6.50.5</a>
Entertainment, Outdoor	●	=	●	●	●	=	●	○	○	○	○	●	○	○	●	●	●	-	<a href="#">6.50.6</a>
Funeral & Mortuary Service	●	-	●	●	●	=	●	-	-	-	-	○	○	○	○	○	○	-	<a href="#">6.50.7</a>
Lodging (except as below)	●	●	●	●	●	=	●	○	○	○	○	●	○	○	-	○	○	-	<a href="#">6.50.8</a>
B&B or Short-Term Rental	●	●	●	●	●	●	●	○	○	○	○	●	○	○	●	●	●	-	<a href="#">6.50.8</a>
Office	●	●	●	●	●	●	●	-	-	-	-	○	○	○	-	○	●	●	<a href="#">6.50.9</a>
Retail & Entertainment (except as below)	●	-	●	●	=	●	●	-	-	-	-	●	●	-	●	●	●	●	<a href="#">6.50.10</a>
Neighborhood Grocery Store	=	-	=	=	=	=	=	○	○	○	○	●	○	○	-	-	●	●	<a href="#">6.50.10</a>

Symbols: ● Permitted | ● Allowed only within a Master Plan Development (MPD) | ○ Requires Conditional Use Approval | — Prohibited

Table 6-1. Principal Use Table	ZONES																	Reference	
	TOPSHAM CENTER							RESIDENTIAL				COMMERCIAL/INDUSTRIAL							
	LOWER VILLAGE	MIDDLE VILLAGE	UPPER VILLAGE	TOPSHAM FAIR MALL 1	TOPSHAM FAIR MALL 2	ANNEX	CROOKER DISTRICT	R-1	R-2	R-2B	R-3	RCU	MUL	MUC-1	BP	CC-196	LI		—
Self-Service Storage	-	-	-	-	-	-	-	-	-	-	-	○	-	○	○	○	○	●	<a href="#">6.50.11</a>
Vehicle Sales & Service	-	-	▣	●	▣	-	○	-	-	-	-	○	-	○	-	○	○	●	<a href="#">6.50.12</a>
<b>MANUFACTURING &amp; INDUSTRY</b>																			
Manufacturing, Artisan	●	-	●	●	●	▣	●	-	-	-	-	●	●	○	●	●	●	●	<a href="#">6.60.1</a>
Manufacturing, General	-	-	-	-	-	-	●	-	-	-	-	○	○	○	●	●	●	●	<a href="#">6.60.2</a>
High-Impact Industry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	<a href="#">6.60.3</a>
Waste-Related Use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	○	<a href="#">6.60.4</a>
Wholesale, Warehousing & Distribution	-	-	-	-	-	-	●	-	-	-	-	○	-	○	○	○	○	●	<a href="#">6.60.5</a>
Extractive Industry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	○	<a href="#">6.60.6</a>
<b>OTHER</b>																			
Addiction Treatment Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	○	-	-	-	<a href="#">6.70.1</a>
Agriculture	-	-	-	-	-	-	-	-	●	●	●	●	○	○	○	○	○	○	<a href="#">6.70.2</a>
Animal Husbandry	-	-	-	-	-	-	-	-	○	○	●	-	○	-	-	-	○	-	<a href="#">6.70.3</a>
Drive-in or Drive-Through Facility	-	-	-	●	-	-	●	-	-	-	-	●	●	●	-	-	●	●	<a href="#">6.70.4</a>
Marijuana Cultivation	-	-	-	-	-	-	-	-	-	-	-	●	-	-	●	●	-	●	<a href="#">6.70.5</a>
Marijuana Product Manufacturing	-	-	-	-	-	-	-	-	-	-	-	●	-	-	●	●	-	●	<a href="#">6.70.6</a>
Marijuana Testing Facility	-	-	-	-	-	-	-	-	-	-	-	●	-	-	●	●	-	●	<a href="#">6.70.7</a>
Registered Caregiver Store	-	-	-	-	-	-	-	-	-	-	-	●	-	-	-	●	-	●	<a href="#">6.70.8</a>
Rural Entrepreneurial Activity	-	-	-	-	-	-	-	-	○	○	○	-	-	-	-	○	●	○	<a href="#">6.70.9</a>
Water-Dependent Use	●	-	-	-	-	-	-	●	●	-	●	-	-	-	-	-	●	●	<a href="#">6.70.10</a>

Symbols: ● Permitted | ● Allowed only within a Master Plan Development (MPD) | ○ Requires Conditional Use Approval | - Prohibited

**6.30 RESIDENTIAL USE GROUP**

The residential use group includes uses that provide for long-term residential occupancy by individual households or by groups of people living together in a non-household setting.

**6.30.1 HOUSEHOLD LIVING**

**A. Description.** The household living use category is characterized by a single household occupying a dwelling unit that is self-contained, with facilities for cooking, eating, sleeping, and hygiene. Tenancy must be 30 days or longer. Examples of household living uses include living in houses, residential buildings containing multiple dwelling units, mixed-use buildings, and other buildings containing self-contained dwelling units. Housing that includes shared facilities (e.g., assisted living facilities, co-housing, and intentional communities) is considered household living if residents occupy self-contained dwelling units. A "community living arrangement," as defined in 30-A MRSA §4357-A, is considered a household living use under this zoning ordinance and is permitted by right wherever one-unit household living uses are allowed.

**B. Supplemental Use Regulations.** The supplemental use regulations of this section apply to all household living uses in which 3 or more dwelling units occupy a single building:

- (1) Applications for approval must include a map of the area; dimensions, boundaries and principal elevations of the land for which approval is sought; the names of all property owners within 200 feet of the proposed site, as found on the most recent tax list; building layout and general construction plans; a site plan of all driveways and parking areas proposed to be constructed; and other information that addresses all applicable town regulations.
- (2) The development must be connected to a Brunswick-Topsham water supply and distribution system, at no expense to the town, unless the applicant can demonstrate that a suitable on-site water supply is available. The applicant must demonstrate by a signed letter from an authorized representative of the water district that an adequate water supply can be provided to the development at an adequate pressure for fire-fighting purposes.
- (3) If the public water supply is to be utilized, fire hydrants must be located so that they are not more than 300 feet from any building, as hose is laid on the street.

- (4) All residential buildings must be connected to a public sewer system unless the applicant can demonstrate that soils are suitable for individual subsurface wastewater disposal. If the public sewer system is to be utilized, the applicant must submit a letter from the Superintendent of the Topsham Sewer District to the reviewing authority indicating that service is available and the sewage from the development can be adequately treated.
- (5) The property owner is responsible for providing for rubbish disposal, snow removal and site maintenance. All outdoor storage areas for waste collection must be enclosed by a wooden or masonry screen at least 6 feet in height. ~~A fifty-foot landscaped buffer shall be provided along all property boundaries.~~
- (6) The proposed development may not have an unreasonable adverse impact on the public road system and must assure safe interior circulation within its site by separating pedestrian and vehicular traffic and by providing adequate parking and turnaround areas.
- (7) The planning board is authorized to require that developments containing 15 or more dwelling units have more than one street access (for emergency and safety purposes). No more than 2 vehicular access drives are allowed on any single street.

**6.30.2 GROUP LIVING**

**A. Description.** The group living use category is characterized by residential occupancy of all or a portion of a building by persons who do not qualify for categorization as a household. Individuals within a group living use typically occupy rooms or areas that do not include separate cooking, eating, or bathroom facilities necessary to provide for self-contained living. Group living uses typically have a common eating area for residents. Residents of a congregate living use may or may not receive services, care, or supervision of any type as a condition of residency. Tenancy is typically arranged on a month-to-month or longer basis.

**B. Subcategories.** Examples of uses in the group living use category includes the following subcategories:

- (1) Rent-by-the-room configurations, such as rooming and boarding houses;

**6.40 Civic & Institutional Use Group**

- (2) Group homes other than those that meet the definition of "community living arrangements," as defined in 30-A MRSA §4357-A;
- (3) Dormitories, convents, fraternities, and sororities;
- (4) Emergency or protective shelters; and
- (5) Nursing homes and similar congregate care facilities.

**6.40 CIVIC & INSTITUTIONAL USE GROUP**

The civic and institutional use group includes public, quasi-public, and institutional uses that provide services that benefit the public at-large.

**6.40.1 COMMUNITY ASSEMBLY**

**A. Description.** The community assembly use category includes facilities for hosting public or private meetings including senior centers, community centers, and religious institutions. It also includes fraternal organizations and similar not-for-profit clubs restricted to use by dues-paying members and their guests. It does not include uses classified as "large entertainment venues" or "general entertainment uses" (see [6.50.5](#) and [6.50.10](#)).

**6.40.2 CULTURAL FACILITY**

**A. Description.** Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials operated by a public or quasi-public agency.

**6.40.3 HOSPITAL**

**A. Description.** The hospital use category includes state-licensed public, private, and non-profit facilities providing inpatient medical, surgical, mental health, or emergency medical services. Hospitals may also provide outpatient treatment.

**6.40.4 PARKS & OPEN SPACE**

**A. Description.** The parks and open space use category includes recreational, social, or multi-purpose uses associated with public parks, public open spaces, public play fields, public or private golf courses, or other outdoor open space or recreation areas. It also includes urban agriculture uses, such as community gardens, outdoor urban farms and beekeeping.

**B. Subcategories.** The parks and open space use category includes the following subcategories:

- (1) **Cemetery.** Land or structures used for burial or permanent storage of the dead or their cremated remains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.
- (2) **Community Garden.** An area of land managed and maintained by a public or non-profit organization or a group of individuals to grow and harvest food crops and/or ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. Community gardens may be principal uses or accessory to other public or semi-public uses, such as parks, schools, community centers, or community assembly uses. This classification does not include gardens that are accessory to residential uses when access is limited to those who reside on the subject property. Sales of products produced in association with a community garden is permitted as an accessory use in zones in which retail sales & entertainment uses are allowed.
- (3) **Natural Resource Preservation.** Undeveloped land left in a natural state for passive open space or environmental purposes. Typical uses include wildlife or nature preserves.
- (4) **Parks and Recreation.** Parks, playgrounds, recreation facilities, and related open spaces that are open to the general public. This subcategory also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, as well as related food concessions or clubhouses within a principal structure or in an accessory structure on the same site.

**6.40.5 SCHOOL**

**A. Description.** Public and private schools at the primary, elementary, middle school or high school level that provide basic, compulsory, state-mandated education.

**6.40.6 UTILITIES & SERVICES**

**A. Description.** The utilities and services use category includes utilities and essential public service uses and facilities.

**B. Subcategories.** The utilities & services use category includes the following subcategories:

6.40 Civic & Institutional Use Group

- (1) **Utilities & Services, Minor.** Facilities that need to be located in or close to the area where the service is provided. Minor utilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; gas regulating stations; underground electric distribution substations; electric distribution lines and transformers; bus turnarounds and on-street transit stops, water conveyance systems; stormwater storage and conveyance systems; and emergency communication warning/broadcast facilities. Also includes establishments that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles.
- (2) **Utilities & Services, Major.** Facilities that typically have substantial visual or operational impacts on nearby areas. Typical uses include water and wastewater treatment facilities, high-voltage electric substations, regional electrical transmission lines, regional gas or oil pipelines, utility-scale power generation facilities and sanitary landfills.

6.40.7 SOLAR ENERGY CONVERSION SYSTEM

- A. **Description.** A system that converts solar energy to electric or thermal energy. Solar energy conversion systems are further categorized into three types based on the size of the facility Facility size is measured by calculating the square footage of the projection of solar panels at maximum tilt on the ground below (see diagram). See also the accessory solar energy system regulations of [7.60](#).
- B. **Subcategories.** The solar energy conversions system use category includes the following subcategories:
  - (1) **Small-Scale Systems.** A system with a facility size of no more than 40,000 square feet.
  - (2) **Large-Scale Systems.** A system with a facility size of more than 40,000 square feet but no more than 400,000 square feet.
  - (3) **Utility-Scale Systems.** A system with a facility size or more than 400,000 square feet.
- C. **Supplemental Use Regulations.** The supplemental use regulations of this section apply to all new and expanded solar energy conversion system uses.
  - (1) **Approvals.** Solar energy conversion system uses require site plan approval, building permits, and

any other applicable town or state approvals before installation.

- (2) **Information Required.** In addition to the information required for site plan approval under Chapter 175, the following plans and supporting materials must be submitted:
  - (a) An operations, maintenance, and decommissioning plan, providing:
    - i. Descriptions of the regular operation and maintenance of the facility, including the frequency and scope of regular inspections and the frequency and method of vegetation management.
    - ii. The time line and process of decommissioning of the system.
    - iii. An engineer's estimate for the cost of decommissioning of the system.
  - (b) Solar system specifications, including manufacturer, model, and facility size.
  - (c) Certification that layout, design, and installation conform to and comply with all applicable industry standards, such as the National Electrical Code (NEC/NFPA-70), the American National Standards Institute (ANSI), the Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), the Institute of Electric and Electronic Engineers (IEEE), the Solar Rating and Certification Corporation (SRCC), the Electrical Testing Laboratory (ETL), and other similar certifying organization, the Maine Uniform Building and Energy Code (MUBEC), fire and life-safety codes (NFPA 1 and NFPA 101), and any other standards applicable to solar energy conversion systems.
  - (d) Certification that the project complies with the utility notification requirements contained in Maine law and accompanying regulations through the Maine Public Utility Commission, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.
  - (e) An emergency action plan approved by the town fire chief.

**6.40 Civic & Institutional Use Group****(3) Dimensional Regulations**

- (a) Solar energy conversion systems are subject to the building height limits of the zone in which they are located.
- (b) Solar energy conversion systems are subject to the minimum building setback requirements of the zone in which they are located.
- (c) Solar energy conversion systems are not subject to open space, building coverage, or impervious surface regulations.

**(4) Siting and Impact**

- (a) Solar panels are designed to absorb (not reflect) sunlight; and, as such, solar panels are generally less reflective than other varnished or glass exterior housing pieces. However, solar energy conversion systems must be sited to avoid solar glare onto nearby properties or roadways, without unduly affecting the functionality or efficiency of the solar energy conversion system.
- (b) Preference should be given to locating the system on previously developed, degraded, or marginally productive portions of the property. No topsoil or prime agricultural soil may be removed from the site for the installation of the system, except as necessary to comply with this section or other applicable laws.

**(5) Design**

- (a) Reasonable efforts, as determined by the approval authority, must be made to place all utility connections underground, depending on appropriate soil conditions, shape and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be aboveground if required by the utility provider.
- (b) Site lighting is limited to that required for safety and operational purposes.
- (c) If the facility is fenced, fencing must be elevated at least 6 inches to allow for the passage of small terrestrial animals.
- (d) Solar energy conversion systems must maintain a clear area of at least 10 feet around the perimeter of the facility.

- (6) **Vegetation Management Plan.** Operators must submit a vegetation management plan approved by the town fire chief . The plan must indicate that vegetation growth will be maintained under and around the installation at levels needed to reduce the risk of ignition from the electrical system while minimizing mowing to the extent practicable. Native, pollinator- friendly seed mixtures must be used. Herbicide and pesticide application is prohibited.

**(7) Habitat Mitigation Fee**

- (a) Solar energy conversion systems located within the low-medium and medium rated areas of the "Town of Topsham Natural Areas Evaluation Matrix Analysis with Community Values" map (Map 12 within the Topsham Natural Areas Plan adopted by Town Meeting) must pay a mitigation fee of 15% of the average value per acre of disturbed area or facility size (whichever is greater), in accordance with § 191-18C. Such funds must be deposited into an account for the purposes of natural resource conservation.
- (b) Solar energy conversion systems located within the medium-high and high rated areas of the "Town of Topsham Natural Areas Evaluation Matrix Analysis with Community Values" map (Map 12 within the Topsham Natural Areas Plan adopted by Town Meeting) must pay a mitigation fee of 25% of the average value per acre of disturbed area or facility size (whichever is greater),

**(8) Abandonment, Decommissioning, and Surety**

- (a) **Removal.** Any solar energy system that has reached the end of its useful life or has been abandoned consistent with this section must be removed. The owner or operator must physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator must notify the approval authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning must consist of:
  - i. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.

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- ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- iii. Stabilization of the site to minimize erosion. The approval authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to extant vegetation.
- iv. Revegetation of the site with native, pollinator-friendly seed mixtures.

**(b) Abandonment.** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy system will be considered abandoned when it fails to operate for more than one year without the written consent of the approval authority. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town retains the right to enter and remove an abandoned, hazardous, or decommissioned solar energy system. As a condition of site plan approval, the applicant and landowner must agree to allow entry to remove an abandoned or decommissioned installation.

**(c) Surety**

- i. The applicant must provide financial assurance for the decommissioning costs, in the form of a performance bond, surety bond, or evergreen letter of credit, for the total cost of decommissioning. The financial assurance mechanism must be effective prior to the commencement of construction.
- ii. The value of the surety must be based on a professional engineer's estimate submitted by the applicant and approved by the planning board. The town may hire, at the applicant's expense, a qualified professional to review the engineer's estimate.
- iii. Every 5 years after the initial effective date of the surety, the owner must submit an updated engineer's estimate

and surety to the planning office for review and approval. The town may hire, at the applicant's expense, a qualified professional to review the engineer's estimate.

- iv. The planning board may modify or waive the requirement for surety when the planning board determines that because of the special circumstances of the site or project, such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the general health, safety and welfare of the town.

**6.50 COMMERCIAL USE GROUP**

The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public.

**6.50.1 ADULT ENTERTAINMENT**

**A. Description.** The adult entertainment use category includes uses involved in selling, renting, leasing, exhibiting, displaying, or otherwise dealing in activities or materials that depict or describe specified sexual activities and that are restricted by law to access by persons 18 years of age or older.

**B. Supplemental Use Regulations.** The supplemental use regulations of this section apply to all adult entertainment uses.

- (1) No adult entertainment establishment may be located closer than 1,000 feet from any public or private school, religious institution, library, dwelling unit, day-care center, public park or recreational area or other adult entertainment establishment.
- (2) The required separation distance must be measured in a straight line without regard to intervening structures or objects, from the customary entrance of the adult entertainment establishment to the nearest point on the boundary of the property occupied by the public or private school, religious institution, library, dwelling unit, day-care center, public park or recreational area or other adult entertainment establishment.
- (3) No entrance to an adult entertainment establishment may come from any establishment or business in which minors are permitted. In

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such circumstances a separate entrance must be provided.

- (4) Individual, enclosed viewing booths are prohibited in all adult entertainment establishments. All viewing areas, for all types of materials, must be well lit and open.

### 6.50.2 ANIMAL CARE

**A. Description.** Establishments that keep and care for pets and companion animals for remuneration or profit.

**B. Examples.** Examples of animal care uses include boarding kennels, pet resorts/hotels, doggy or pet day care facilities, pet training centers, animal rescue shelters, veterinary offices and animal grooming businesses.

**C. Supplemental Use Regulations.** The supplemental use regulations of this section apply to all animal care uses. They do not apply to the keeping of animals as a customary residential or agricultural accessory use.

- (1) Structures or pens for housing or containing animals must be enclosed.
- (2) All pens, runs or kennels and other facilities must be designed, constructed and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors to be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties and other similar factors.
- (3) The owner or operator of a kennel must maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces or other waste material may be allowed to accumulate on the premises. The premises must be maintained in a manner that it will not provide a breeding place for insects, vermin or rodents.
- (4) Temporary storage containers for any kennel or veterinary wastes containing or including animal excrement must be kept tightly covered at all times, and emptied at least once every 4 days. Such containers must be made of steel or plastic to facilitate cleaning.
- (5) Outdoor dog runs must be completely fenced in, and must be paved with cement, asphalt or a similar

material to provide for cleanliness and ease of maintenance.

- (6) Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains must meet applicable air emissions standards. The applicant must also provide evidence of approval from MeDEP for the proposed incinerator, and that it meets state standards for particulate emissions, flue gas temperature and duration of required flue temperatures.

### 6.50.3 CHILD CARE CENTER

**A. Description.** The child care use category includes establishments licensed by the state that provide non-medical care to more than 12 children under 16 years of age who are not residents of the child care center.

**B. Exceptions.** Home-based child care for 12 or fewer children is allowed as a home occupation (see [7.30](#)).

### 6.50.4 CONSUMER SERVICE

**A. Description.** The consumer service use category includes establishments that provide personal or small business-oriented services to individuals or small businesses.

**B. Subcategories.** Examples of uses included in the consumer service use category include the following use subcategories:

- (1) **Personal Improvement Service.** Establishments that provide personal grooming, cosmetic or health and well-being-related services. Typical uses include barbers, hair and nail salons, tanning salons, day spas, health clubs, body art services and fortune telling services.
- (2) **Studio, Artist or Instructional Service.** Establishments that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, artist studios and photography studios.
- (3) **Business Support Service.** Establishments that provide personnel services, printing, copying, package (delivery) drop-off, photographic services or communication services to businesses or consumers. Examples include employment agencies, copy and print shops, delivery/courier service drop-off location for consumers, and photo developing labs.

(4) **Business Training.** Establishments and facilities, including classrooms, providing vocational, trade, business or professional training services.

(5) **Consumer Maintenance & Repair Service.** Establishments that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Examples include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, gunsmiths, locksmiths, vacuum repair shops, electronics repair shops and similar establishments.

**6.50.5 ENTERTAINMENT VENUE, LARGE INDOOR**

**A. Description.** Large indoor entertainment venue uses are characterized by activities and structures that draw large numbers of people to specific events or shows and in which the size of the venue is 10,000 square feet or more. Activities are generally of a spectator nature.

**B. Examples.** Examples of uses in the large entertainment venue use category include sports arenas, auditoriums, multiplex cinemas, and meeting and exhibition areas.

**C. Exceptions.** Venues with less than 10,000 square feet of total gross floor area are classified as "general entertainment" uses (see [6.50.10](#)).

**6.50.6 ENTERTAINMENT VENUE, OUTDOOR**

**A. Description.** Outdoor entertainment venue uses are participant or spectator-oriented activities for commercial recreation or entertainment conducted outside of enclosed buildings.

**6.50.7 FUNERAL & MORTUARY SERVICE**

**A. Description.** The funeral and mortuary service use category includes establishments that provide services related to the death of a human or domestic, household pets, including funeral homes and mortuaries.

**6.50.8 LODGING**

**A. Description.** Establishments that provide temporary lodging for less than 30 days to transient guests who maintain a permanent place of residence elsewhere.

**B. Subcategories.** The lodging use category include hotels and motels and the following:

(1) **Bed and Breakfast Inn (B&B).** A detached house in which a full-time resident and owner/operator offers up to 3 sleeping rooms and meal service to overnight guests for compensation.

(2) **Short-Term Rental.** All or a portion of a residential dwelling unit offered for rent to overnight guests for fewer than 30 consecutive days.<sup>1</sup>

**6.50.9 OFFICE**

**A. Description.** The office use category includes workplaces of private companies, organizations (for-profit and non-profit), and public agencies providing professional, executive, management, medical, administrative, or design services.

**B. Subcategories.** The office use category includes the following use subcategories:

(1) **Business & Professional Office.** Workplaces of firms, organizations, or agencies providing professional, executive, management, administrative, financial, accounting, or legal services, but excluding walk-in offices. Examples of business and professional offices include accounting, architecture, computer software design, engineering, graphic design, interior design, investment, insurance, and law offices.

(2) **Broadcast or Recording Studio.** Establishments that provide for audio or video production, recording or broadcasting.

(3) **Financial Service.** Federally regulated establishments involved in the exchange, lending, borrowing, and safe-keeping of money. Examples include banks and credit unions. Automatic teller machines, kiosks and similar facilities that do not have on-site employees or amplified sound are not classified in the financial service subcategory if they meet the criteria for classification as an accessory use.

(4) **Medical or Dental Office.** Workplaces of medical doctors, dentists, and similar practitioners of medical and healing arts licensed for such practice by the state. This subcategory includes outpatient clinics, but excludes hospitals providing inpatient care. Does include "addiction treatment facilities," as described in [6.70.1](#).

(5) **Research Service.** Establishments engaged in scientific research and testing services leading to the development of new products and processes. Uses that involve the mass production, distribution or sale of products or that produce odors, dust, noise, vibration or other external impacts that are

<sup>1</sup> Renting rooms and apartments is currently allowed under § 225-54.

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detectable beyond the property lines of the subject lot are classified in the limited manufacturing use category (see [6.60](#)).

- (6) **Walk-In Office.** Workplaces primarily providing direct services to patrons or clients, typically not requiring appointments. This subcategory classification includes employment agencies, insurance agencies, real estate agent offices, travel agencies, utility company offices, and offices for elected officials. It does not include medical or dental offices or uses more specifically classified as financial services.

**C. Supplemental Use Regulations.** ~~The supplemental use regulations of this section apply to office uses in R-1, R-2, R-2B, and R-3 zones.~~

- (1) ~~New office uses may be established only in buildings in existence on or before May 19, 1993, provided that the planning board may approve plans to replace an existing residential building with a proposed new building whose scale and design would be appropriate to the site and the neighborhood when the existing building is extremely dilapidated and structurally unsound and when reuse is therefore not practicable or economically feasible, or when the existing building is not judged to be a significant component of the neighborhood's overall architectural and historic character. In making such determination, the planning board is authorized to seek the recommendation of a recognized architectural authority.~~
- (2) ~~Parking must be located to the side or rear of the building and must be screened from view from all streets and abutting residential properties.~~
- (3) ~~All outdoor lighting must be directed in such a manner as to avoid overspill onto abutting residential properties or glare into the street.~~
- (4) ~~Exterior alterations must be kept to a minimum and be similar to the original architectural style of the existing building and the overall neighborhood.~~

### 6.50.10 RETAIL & ENTERTAINMENT

- A. Description.** The retail and entertainment use category includes establishments involved in the sale, lease or rental of products or goods to the ultimate consumer and those that provide food, beverage, or entertainment services.

- B. Subcategories.** The retail & entertainment use category includes the following subcategories:

- (1) **Retail Sales.** Establishments that sell or otherwise provide pharmaceuticals, groceries, sundry goods, convenience goods, consumer shopping goods, household goods, plants and flowers, or hardware.
- (2) **Eating and Drinking Places.** Establishments that prepare and serve food or beverages for on- or off-premise consumption. Includes full-service restaurants, take-out and fast-food restaurants, brewpubs, banquet halls, bars, taverns, and off-street mobile food truck venues.
- (3) **Entertainment, General.** Establishments that provide gathering places for participant or spectator entertainment and that have no more than 10,000 square feet of total gross floor area. Typical general entertainment uses include cinemas, theaters, bowling centers, pool halls, and similar uses.
- (a) **Exceptions.** Entertainment-related uses with more than 10,000 square feet of total gross floor area are classified as "large entertainment venues" (see [6.50.5](#)). Senior centers, community centers, religious institutions and similar facilities are classified as "community assembly" uses (see [6.40.1](#)).
- (4) **Neighborhood Grocery Store.** A store with less than 3,000 square feet of retail floor area, not including storage, food preparation, or service areas, and not exceeding 4,000 square feet of total gross floor area, that is primarily intended to serve the convenience of a residential neighborhood or area of the community with such items as, but not limited to, basic foods, prepared foods, newspapers, fuel for motor vehicles, emergency home repair articles and other household items. A neighborhood grocery store does not include state agency liquor sales. The sale of motor fuels accessory to a neighborhood grocery store does not constitute a fueling station, provided that the following supplemental use regulations are met.

- C. Supplemental Use Regulations.** The supplemental use regulations of this section apply to all new and expanded neighborhood grocery stores.

- (1) If an existing neighborhood grocery store is being expanded, or if a new building is being constructed or if an existing building is being converted to a neighborhood grocery store, a landscaped buffer

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strip must be established and maintained in accordance with XXX, and the exterior design must be compatible with the architectural characteristics of the neighborhood.

- (2) If any fuel-dispensing facilities are located in a yard that abuts a residential use, the landscaped buffer strip must be at least 20 feet in depth and must include a solid fence or other barrier at least 8 feet in height.
- (3) The sale of motor fuels is allowed only if the lot on which the neighborhood grocery store is located is in an R-2 or R-3 zone within the designated growth area of the adopted comprehensive plan and the lot has its primary vehicular access from Route 196, Route 201, or Route 24.
- (4) The sale of motor fuels must be accessory to the principal neighborhood grocery store use and comply with the following requirements:
  - (a) All facilities for the dispensing of fuel must be located to the side or rear of the principal building unless the planning board finds that such a location is not practical given the size, shape, and characteristics of the lot and/or the location of the existing improvements on the parcel, or that such a location will have a significant adverse impact on one or more neighbors.
  - (b) The dispensing of motor fuels is limited to not more than 2 pumps or dispensing stations each with a maximum of 2 fueling hoses located on not more than one pump island.
  - (c) Exterior lighting, including canopy lighting, must be discontinued by at least 10:00 p.m.
  - (d) The site must be designed in accordance with all applicable state and local stormwater management regulations.

6.50.11 SELF-SERVICE STORAGE

A. Description. The self-service storage facility use category includes enclosed, climate-controlled establishments providing separate, small-scale, self-service storage area leased or rented to individuals or small businesses. Such facilities are designed and used to accommodate only interior access to storage lockers or drive-up access only from passenger vehicles and two-axle non-commercial vehicles. Self-storage facilities with external entrances to storage spaces and outdoor

storage areas for consumers or small businesses are classified under the warehouse and distribution use category (see 6.60.2).

6.50.12 VEHICLE SALES & SERVICE

- A. Description. The vehicle sales and service use category includes uses that provide for the sale, rental, maintenance, or repair of new or used passenger vehicles.
- B. Subcategories. The vehicle sales & service use category includes the following subcategories:
  - (1) Vehicle Repair and Maintenance. Establishments providing general maintenance, repair, rebuilding or reconditioning of engines, vehicles, and trailers. Servicing and repair of heavy trucks is classified as a high-impact industry use (see 6.60.3).
  - (2) Personal Vehicle Sales and Rentals. Establishments that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes or recreational vehicles, including recreational watercraft. Typical examples include automobile dealers and car rental agencies. Car-share vehicles that are parked or stored when not being used by members of a car-share program are not regulated as personal vehicle sales and rental uses, but are instead considered accessory parking. Personal vehicle sales and rental establishments that occur in completely enclosed buildings with no outdoor storage or display are classified as retail sales uses in the retail and entertainment use category (see 6.50.10).
  - (3) Fueling Station. Establishments engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops. Fueling stations may dispense conventional vehicle fuels and/or alternative vehicle fuels. Fleet vehicle fueling facilities and truck stops are classified in the high-impact industry use category (see 6.60.3)

6.60 MANUFACTURING & INDUSTRY USE GROUP

The manufacturing and Industry use group includes established involved in the manufacturing, processing, fabrication, packaging or assembly of goods. Natural, human-made, raw, secondary or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they

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are a subordinate part of the principal use. Relatively few customers come to the site.

**6.60.1 MANUFACTURING, ARTISAN**

**A. Description.** Indoor work spaces used by artists for creation of art or the practice of their artistic endeavors or by craftspeople that produce consumer goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading. Typical uses include woodworking; custom furniture shops; cabinet-making; ceramic studios; jewelry manufacturing; confections and custom-made food items; and artwork including painting, printmaking and sculpture.

**6.60.2 MANUFACTURING, GENERAL**

**A. Description.** A use engaged in the production of products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of products, including, but not limited to, biotechnology, medical technology, composite materials, precision manufacturing, and other similar businesses.

**6.60.3 HIGH-IMPACT INDUSTRY**

**A. Description.** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or large-scale manufacturing processes using flammable or dangerous materials, or storage or manufacturing processes that potentially involve hazardous conditions. Examples include sawmills, batch plants, and concrete product manufacturing. The following uses are not permitted: chemical manufacturing, commercial tannery, explosive manufacturing, rendering plants, petroleum refinery, slaughterhouse, storage of hazardous and biomedical waste and nuclear power.

**6.60.4 WASTE-RELATED USE**

**A. Description.** Uses that collect, sort, store, or process wastes or recyclable materials for the purpose of reusing the materials. Examples include commercial composting, commercial recycling, and automobile salvage. Landfills are not considered waste-related uses, but are instead classified as major utility and service uses (see [6.40.6](#)).

**6.60.5 WHOLESALE, WAREHOUSING & DISTRIBUTION**

**A. Description.** The warehousing and distribution category includes wholesale sales establishments and other

uses that store or distribute goods in large quantities, principally to other commercial, manufacturing, or industrial businesses (rather than the general public). It also includes self-service storage facilities (mini-warehouses) with external entrances to storage spaces and outdoor storage areas for consumers or small businesses. Indoor-only self-service storage facilities are classified and regulated as self-service storage facilities (see [6.50.11](#)).

**6.60.6 EXTRACTIVE INDUSTRY**

- A. Description.** The extraction of minerals, liquids, or gases. Examples include mining, quarrying, and well operations. Also includes crushing, screening, washing and other preparation customarily conducted at an extraction site.
- B. Supplemental Use Regulations.** The supplemental use regulations of this section apply to all extractive industry uses:
- (1) Soil (including topsoil), peat, loam, clay, rock, sand, gravel and similar earth and/or inert materials may be removed from or transferred to locations where permitted under the terms of this chapter; otherwise a site plan review for such operations is required from the planning board.
  - (2) The following earthmoving are allowed without site plan review from the planning board:
    - (a) The removal or transfer of less than 50 cubic yards of soil (including topsoil), peat, loam, clay, rock, sand, gravel and similar earth and/or inert material from any lot in any 12-month period.
    - (b) The removal or transfer of soil (including topsoil), peat, loam, clay, rock, sand, gravel and similar earth and/or inert material incidental to construction, alteration or repair of a building or in the grading and landscaping incidental thereto.
    - (c) The removal or transfer of soil (including topsoil), peat, loam, clay, rock, sand, gravel and similar earth and/or inert material incidental to construction, alteration or repair of a public or private way or essential service.
    - (d) All other earthmoving, processing and storage requires a site plan review and approval from the planning board.
  - (3) Applications to the planning board for a site plan review for the excavation, screening or storage

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of soil (including topsoil), peat, loam, clay, sand, gravel, rock and similar earth and/or inert material or other mineral deposits must be accompanied by a plan conforming to all applicable town regulations and in compliance with applicable state laws and accompanied by all required state permits or licenses.

- (4) The applicant must submit plans of the proposed extraction site showing the property lines and names of abutting owners and ways, indicating by not greater than five-foot contour intervals, related to United States Geodetic Survey date, the location and slope of the grades, existing and as proposed upon completion of the extraction operation; and detailing proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits; together with a written statement of the proposed method, regularity, working hours and total proposed rehabilitation and restoration of the site upon completion of the operation.
- (5) The planning board may require the additional submission of a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality within the general area.
- (6) No part of any extraction operation may occur within 300 feet of any property or street line, except that drainageways to reduce runoff into or from the extraction area may be allowed up to 100 feet of such line. Natural vegetation must be left and maintained on the undisturbed land.
- (7) If any standing water accumulates, the site must be fenced in a manner adequate to keep children out. Measures must be taken to prevent or halt the breeding of insects.
- (8) No slopes steeper than 3 feet horizontal to one foot vertical are permitted at any extraction site unless a fence at least 6 feet in height is erected to limit access to such locations (note: Slopes within the shoreland zone are limited to 2:1).
- (9) Before commencing removal of any earth materials, the owner or operator of the extraction site must present evidence to the planning board of adequate insurance against liability arising from the proposed extraction operations, and such insurance must be maintained throughout the period of operation.
- (10) Any topsoil and subsoil suitable for purposes of revegetation must, to the extent required

for restoration, be stripped from the location of extraction operations and stockpiled for use in restoring the location after extraction operations have ceased. Such stockpiles must be protected from erosion, according to the erosion prevention performance standards of this section.

- (11) Sediment must be trapped by diversions, silting basins, terraces and other measures designed by a professional engineer.
- (12) The sides and bottom of cuts, fills, channels and artificial watercourses must be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to the Maine Soil and Water Conservation Commission, Technical Guide, Standards and Specifications.
- (13) Lagooning must be conducted in such a manner as to avoid creation of fish trap conditions. The applicant must submit written approval from the Department of Marine Resources and Department of Inland Fisheries and Wildlife as applicable, prior to consideration by the planning board.
- (14) The planning board is authorized to limit the hours of operation at any extraction site as it deems advisable to ensure operational compatibility with residents of the town.
- (15) Where loads may be prone to blowing or spills, loaded vehicles must be suitably covered to prevent dust and contents from spilling or blowing from the load, and all trucking routes and methods the planning board be subject to approval by the director of public works.
- (16) All access/egress roads leading to/from the extraction site to public ways must be treated with suitable materials to reduce dust and mud for a distance of at least 100 feet from such public ways.
- (17) No equipment debris, junk or other material is permitted on an extraction site except those directly related to active extraction operations, and any temporary shelters or buildings erected for such operations and equipment used in connection therewith must be removed within 30 days following completion of active extraction operations.
- (18) Within 6 months of the completion of extraction operations at any extraction site or any one or more locations within any extraction site, ground levels and grades must be established in accordance with

**6.60 Manufacturing & Industry Use Group**

the approved plans filed with the planning board so that:

- (a) All debris, stumps, boulders and similar materials must be removed and disposed of in an approved location or, in the case of inorganic materials, buried and covered with a minimum of 2 feet of soil.
- (b) The extent and type of fill must be appropriate to the use intended. The applicant must specify the type and amount of fill to be used.
- (c) Storm drainage and watercourses must leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.
- (d) At least 4 inches of topsoil or loam must be retained or obtained to cover all disturbed areas, which must be reseeded and properly restored to a stable condition adequate to meet the provisions of the Environmental Quality Handbook, Erosion and Sediment Control, as amended or revised, published by the Maine Soil and Water Conservation Commission.

**(19)** All plans and supporting material must be submitted for consideration with respect to the effect of the proposed operation upon existing and foreseeable traffic patterns within the town, upon existing or approved land uses which may be affected by the operation and implementation of comprehensive plan policies.

**(20)** Groundwater may be extracted and/or bulk stored as part of a commercial, industrial or extractive operation subject to the approval of the planning board. The planning board shall grant approval if it finds that the proposal, with any reasonable conditions, will conform to the requirements of this section.

- (a) The application to permit groundwater extraction together with site plan must include the following additional information:
  - i. Statement of the quantity of groundwater to be extracted, expressed as the annual total, the maximum monthly rate by month and the maximum daily rate.
  - ii. A letter from the Maine Department of Human Services approving the facility

as proposed where the Department has jurisdiction over the proposal.

- iii. Where appropriate, letters from the Department of Environmental Protection when the Site Location Law is applicable or a discharge permit is required.
- iv. Applicants must present a written report of a hydrogeologic investigation conducted by a certified professional geologist or registered professional engineer, except for springwater extraction facilities which met the following conditions: the spring enhancement will not increase the combined spring's catchment capacity by removing more than four cubic yards of earth and not increase this spring's depth by more than four feet, where the discharge drain is no lower than the existing springwater level, where gravity alone (without the aid of a siphon) is used to withdraw the springwater to other facilities on site and where other improvements do not threaten groundwater levels. This report must include the following information:
  - A map of the aquifer tributary to the spring(s) or well(s) from which water is to be extracted in sufficient detail to support a calculation of sustained yield during a drought with a probability of one (1) in ten (10) years, as well as an estimate of any potential interaction between this aquifer and adjacent aquifers.
  - The results of the investigation must establish the aquifer characteristics, the rates of drawdown and rebound, the sustainable yearly, monthly (by month) and daily extraction rates, the cone of depression which may develop about the proposed facility and other impacts on the water table in the tributary aquifer and such other private or public wells within one thousand (1,000) feet of the proposed extraction facilities must be assessed.

- Nothing in this procedure and no decision by the planning board is deemed to create groundwater rights other than those rights which the applicant may have under Maine law.
- (b) The quantity of water to be taken from groundwater sources will not substantially lower the groundwater table, cause saltwater intrusion, cause undesirable changes in groundwater flow patterns or cause unacceptable ground subsidence, based on the conditions of a drought with a probability of occurrence of once in every 10 years.
- (c) The proposed facility may not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.
- (d) Safe and healthful conditions must be maintained at all times within and about the proposed use.
- (e) The proposed use may not cause sedimentation or erosion.
- (f) The proposed facility may not be located within the defined aquifer recharge area of a public water supply, unless notice is given to the operator thereof and the planning board has considered any information supplied by the operator and find that no adverse affect on a public water supply will result.
- (g) The operator must make monthly operating records of the quantity of water extracted, stored and removed from the site available to the code enforcement officer or a designee.

not limited to, forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

**6.70.3 ANIMAL HUSBANDRY**

**A. Description.** The care and keeping of domesticated animals for commercial purposes.

**6.70.4 DRIVE-IN OR DRIVE-THROUGH FACILITY**

**A. Description.** Any use with drive-through windows or drive-through lanes or that otherwise offers service to the occupants of motor vehicles. Typical uses include drive-through restaurants, drive-through pharmacies, drive-in restaurants, and drive-through banks. Uses that provide curbside customer pick-up of online or phone orders are not classified as drive-through facilities.

**B. Supplemental Use Regulations.** The regulations of this section apply to drive-through service windows associated with drive-through facilities.

**(1) Siting and Location**

- (a) Within the Topsham Fair Mall 1 zone, drive-through service windows are permitted on lots occupied by a Suburban Storefront building. Such facilities are allowed only on the side or rear of the building.
- (b) Within the Crooker District zone, drive-through service windows are permitted on lots occupied any building type, subject to the following:
  - i. The facility may be used only for a financial institution or pharmacy (retail sales use).
  - ii. New drive-through service windows in the Crooker District zone are prohibited within 200 feet of a lot or building with another drive-through facility.
  - iii. Drive-through service windows in the Crooker District zone must be located to the rear of the building and be completely screened from view of the primary street by the principal building.
- (c) Within the CC, RCU, MUL and MUC zones, drive-through service windows are allowed only on the side or rear of the building.

**6.70 OTHER USES**

**6.70.1 ADDICTION TREATMENT FACILITY**

**A. Description.** A facility for outpatient detoxification and treatment of narcotic-dependent persons which administers or dispenses drugs used to alleviate adverse physiological or psychological effects incident to withdrawal from continuous or sustained use of a narcotic drug, including but not limited to clinics that dispense methadone in such a treatment regimen.

**6.70.2 AGRICULTURE**

**A. Description.** The production, keeping or maintenance for sale or lease of plants or animals, including, but

**6.70 Other Uses**

- (d) Within the MUC-1 zone, drive-through service windows are allowed only on the side or rear of the building or, as approved in master plan if part of a Master Plan Development (MPD).
- (e) Within the LI zone drive-through service windows must be placed such that more than a single drive-through lane or window is visible from Route 201. Drive-through service windows may not be placed on the side of the building facing Route 201.

**(2) Vehicle Stacking.**

- (a) Stacking spaces must be provided for drive-through facilities in accordance with a traffic study provided by the applicant and reviewed by the town peer review engineer.
- (b) Vehicle stacking lanes must be located on the side or rear of the building.
- (c) Each lane of stacking spaces must be at least 8 feet in width and at least 18 feet in length. Stacking lanes for drive-up windows must be delineated with pavement markings.
- (d) Stacking lanes must be located on the subject property. They may not be located within required driveways, drive aisles, parking spaces, or loading areas and may not interfere with access to parking and ingress and egress from the street.

- (e) The principal pedestrian access to the entrance of the use from a public sidewalk may not cross stacking lanes.

- (3) **Accessory Structures/Signs.** The menu board and speaker must be located on the side or rear of the building.
- (4) **Rear Buffer.** When a drive-through facility is located on a lot that abuts an R zone to the rear, the drive-through facility, including the window, any canopy, and any stacking area for vehicles, must be set back at least 50 feet from the rear lot line.
- (5) **Structure.** Drive-through canopies and roofs must match the roof of the principal building. Materials used for the drive-through supports or other features must be repeated from the principal building design.

**6.70.5 MARIJUANA CULTIVATION**

- A. **Description.** A facility licensed to cultivate, prepare and package adult use and/or medical marijuana and to sell adult use and medical marijuana to marijuana manufacturing facilities, marijuana stores, and other cultivation facilities. A marijuana cultivation facility is not authorized as an accessory use, and only where expressly allowed as a permitted use

**6.70.6 MARIJUANA PRODUCT MANUFACTURING**

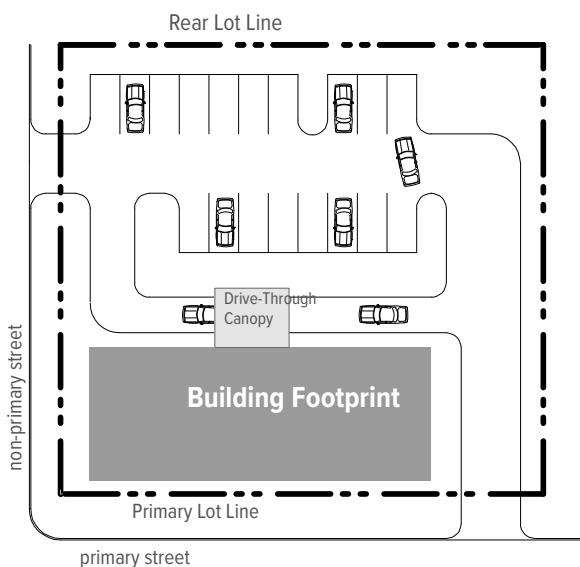
- A. **Description.** A facility licensed to purchase adult use and/or medical marijuana from a marijuana cultivation facility or another marijuana products manufacturing facility; to manufacture, label and package adult use and/or medical marijuana products; and to sell adult use and/or medical marijuana products to other marijuana products manufacturing facilities and to marijuana stores. A marijuana product manufacturing facility is not authorized as an accessory use.

- B. **Supplemental Use Regulations.** Marijuana product manufacturing facilities are subject to the Marijuana licensing regulations of Chapter 150.

**6.70.7 MARIJUANA TESTING FACILITY**

- A. **Description.** A medical marijuana testing facility or adult use marijuana testing facility. A marijuana testing facility is not authorized as an accessory use.
- B. **Subcategories.** The marijuana testing facility use category includes the following subcategories:

- (1) **Adult Use Marijuana Testing Facility.** A facility licensed under Chapter 150 of the Topsham Code



**Figure 6.70-A. Drive-Through Facility**

to develop, research and test adult use marijuana, marijuana products and other substances.

- (2) **Medical Marijuana Testing Facility.** A public or private laboratory that:
  - (a) Is authorized in accordance with 22 MRSA § 2423-A, Subsection 10, to analyze contaminants in and the potency and cannabinoid profile of samples; and
  - (b) Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the State of Maine.

C. **Supplemental Use Regulations.** Marijuana testing facilities are subject to the Marijuana licensing regulations of Chapter 150.

**6.70.8 REGISTERED CAREGIVER STORE**

- A. **Description.** A facility operated by a single medical marijuana registered caregiver and licensed to sell harvested marijuana to qualifying patients for the patients' medical use and may include an area for consultation with patients. A registered caregiver retail store is not authorized as an accessory use.
- B. **Supplemental Use Regulations.** Registered Caregiver Stores are subject to the Marijuana licensing regulations of Chapter 150.

**6.70.9 RURAL ENTREPRENEURIAL ACTIVITY**

- A. **Description.** A low-impact nonresidential activity such as, but not limited to, lab/research facilities, light manufacturing, professional offices, service businesses, wholesale businesses, and warehousing, storage, and distribution businesses.
- B. **Supplemental Use Regulations.** Rural entrepreneurial activities are subject to the following supplemental use regulations.
  - (1) Rural
  - (2) Rural entrepreneurial activities are limited to low-impact nonresidential activities such as, but not limited to, lab/research facilities, light manufacturing, professional offices, service businesses, wholesale businesses, and warehousing, storage, and distribution. Retail sales of goods is allowed only as an accessory use to an allowed rural entrepreneurial activity.

- (3) Any use or activity that produces sustained noise, odors, fumes, vibrations, or electrical interference at the boundaries of the parcel that significantly exceed the levels produced by typical household living uses in a rural area are prohibited as Rural entrepreneurial activities even if such operating characteristics comply with applicable performance standards of this zoning ordinance.
- (4) Rural entrepreneurial activities are permitted only on lots with an area of at least 2 acres.
- (5) In the R-2 zone, the total gross floor area for all buildings and structures used as part of the rural entrepreneurial activity (not including any part of a basement used solely for storage or mechanical uses), may not exceed 2% of area of the subject lot or 5,000 square feet, whichever is less. In all other zones, the total gross floor area for all buildings and structures used as part of the rural entrepreneurial activity (not including any part of a basement used solely for storage or mechanical uses), may not 4% of the area of the subject lot or 5,000 square feet, whichever is less.
- (6) A nonresidential building that existed as of April 1, 2006, that does not conform to this 2-acre minimum lot area requirement may be used for a rural entrepreneurial activity if it complies with the applicable maximum building area requirement of paragraph C and all of the other requirements of this section.
- (7) The primary vehicular access to the subject lot must come from a public street that is classified as an arterial or collector street or from a local street that is not an internal street within a residential subdivision.
- (8) The total number of peak hour trip ends generated by the use based upon the ITE *Trip Generation Manual* may not exceed one trip end per 200 square feet of gross floor area occupied by the rural entrepreneurial activity use unless the primary vehicle access is from an arterial or collector street.
- (9) The rural entrepreneurial activity must occur within a building. Any outside storage of materials, equipment, or products must not be located within required yard setbacks and must be screened from abutting streets and residential properties by landscaping, fencing, and/or berms in accordance with XXX. (currently § 225-29A(1))

**6.70 Other Uses**

**(10)** Parking associated with the rural entrepreneurial activity use may not be located in any required setback. If the building is located within 50 feet of the front lot line, no parking is permitted between the front lot line and the front wall of the building extending the full width of the lot. Parking must be screened from public streets or abutting properties in residential use through landscaping, fencing, or topography in accordance with XXX. (currently § 225-29A(1))

**C.** The hours of operation of the rural entrepreneurial activity must be compatible with surrounding uses and may be limited by the planning board as part of the approval of the conditional use or site plan to ensure compatibility.

**6.70.10 WATER-DEPENDENT USE**

**A. Description.** A use that is dependent on a location on or abutting water, such as marinas, piers and boathouses.

## **ARTICLE 7. ACCESSORY USES AND STRUCTURES**

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## 7.10 General

### 7.10 GENERAL

#### 7.10.1 USES AND STRUCTURES AUTHORIZED

Accessory uses and structures are allowed only in connection with lawfully established principal uses and principal structures. Allowed accessory uses and structures are limited to those expressly identified in this ordinance as well as those that, in the determination of the code enforcement officer, satisfy all of the following criteria:

- A. They are customarily found in conjunction with the subject principal use and structure;
- B. They are subordinate and clearly incidental to the principal use of the property;
- C. They are operated and maintained by the owners or lessees of the principal use; and
- D. They serve a necessary function for or contribute to the comfort, safety or convenience of the owners or lessees of the principal use.

#### 7.10.2 GENERALLY APPLICABLE REGULATIONS

The regulations of this section apply to all accessory uses and structures unless express provisions of this ordinance establish more specific regulations for a particular type of accessory use or accessory structure.

- A. **Location.** Accessory uses and structures must be located on the same lot as the principal use and principal structure to which they are accessory.
- B. **Time of Establishment.** No accessory building or structure other than a fence or temporary construction office may be placed on a lot before construction of the principal building.
- C. **Building Setbacks**
  - (1) **Setbacks from Streets.** Accessory buildings are prohibited in street yards in all zones. Additionally, the side of any accessory building that includes a vehicle entrance must be set back at least 20 feet from the back of the sidewalk or right-of-way line, whichever results in a greater setback.
  - (2) **Side and Rear Setbacks.** In R zones, accessory buildings must be set back at least 5 feet from interior side and rear lot lines.

### 7.20 ACCESSORY DWELLING UNITS<sup>1</sup>

#### 7.20.1 PURPOSE

The accessory dwelling unit (ADU) regulations of this section are intended to help advance the town's housing and land

<sup>1</sup> New (significant update to existing § 225-54); ADUs must be allowed

use goals and policies by:

- A. Accommodating additional housing units while also preserving the physical form of existing neighborhoods;
- B. Allowing efficient use of the town's existing housing stock and infrastructure;
- C. Providing housing options and choices that respond to varying income levels, household sizes, and lifestyle choices;
- D. Providing a means for residents to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and assistance; and
- E. Promoting a broader range of accessible and more affordable housing.

#### 7.20.2 WHERE ALLOWED

Accessory dwelling units are permitted by-right on lots occupied by a single detached house containing a single dwelling unit. A permit must be obtained from the code enforcement officer before construction or occupancy of an accessory dwelling unit.

#### 7.20.3 ZONE REGULATIONS

Accessory dwelling units are subject to all applicable regulations of the zone in which they are located, unless otherwise expressly stated in this ordinance. No additional lot area is required beyond the minimum lot area requirement that applies to the principal detached house.

#### 7.20.4 NUMBER

No more than one accessory dwelling unit is allowed per lot.

#### 7.20.5 METHODS OF CREATION

An accessory dwelling unit may be created through any of the following methods:

- A. Converting existing floor area within the interior of a principal dwelling unit (e.g., attic or basement) to an accessory dwelling unit;
- B. Adding floor area to an existing dwelling unit to accommodate an accessory dwelling unit;
- C. Constructing a new detached accessory building on a parcel with an existing principal dwelling unit;
- D. Converting space within an existing accessory building to accommodate an accessory dwelling unit; or
- E. Constructing a new principal dwelling unit with an internal or detached accessory dwelling unit.

pursuant to LD 2003.

**7.20.6 SIZE**

The floor area of an accessory dwelling unit must be at least 190 square feet and may not exceed 49% of the gross floor area of the principal dwelling unit on the subject lot (excluding any attached garage), or ~~500-1,000~~ square feet, whichever is less. For purposes of this provision, the following are excluded from the definition of gross floor area:

- A. Garage areas;
- B. Basement areas where the ceiling height is less than 7 feet; and
- C. Any other non-living space within the principal building.

**7.20.7 PARKING**

No additional parking is required for an accessory dwelling unit. Any existing required parking for the principal dwelling unit must be maintained or replaced on-site.

**7.20.8 WATER AND WASTEWATER**

The owner of an accessory dwelling unit must provide written verification that the accessory dwelling unit is connected to adequate water and wastewater services before occupancy of the accessory dwelling unit. The written verification must be provided to the code enforcement officer and address the criteria established in MRSA §4364-B.7.

**7.20.9 BUILDING REGULATIONS**

New detached accessory dwelling units and building additions to accommodate accessory dwelling units are subject to compliance with all applicable building code regulations.

**7.20.10 SHORT-TERM RENTALS**

Accessory dwelling units may not be used as short-term rentals and may not be rented for periods of less than 30 consecutive days.

**7.30 HOME OCCUPATIONS<sup>2</sup>**

**7.30.1 APPLICABILITY**

The regulations of this section apply to home occupations, which are jobs or professions conducted as an accessory use to an allowed household living use.

**7.30.2 PURPOSE**

The home occupation regulations of this section are intended to allow residents to engage in customary home-based work activities, while also helping to ensure that neighbors are not subjected to adverse operational and land use impacts (e.g., noise levels, traffic patterns or public safety hazards) that are

<sup>2</sup> Blends existing "home occupation" and "major home occupation" regulations into a single set of regulations.

not typical of in-town or rural neighborhoods.

**7.30.3 EXEMPTIONS**

Nonresidential uses that are expressly allowed in conjunction with residential uses (e.g., bed and breakfast inns and short-term rentals) are not subject to the home occupation regulations of this section.

**7.30.4 REGULATIONS**

Home occupations are allowed as of right as an accessory use to a household living use in all zones that allow household living as a principal use. Home occupations are subject to the following regulations:

- A. The following uses are expressly prohibited as home occupations:
  - (1) Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
  - (2) Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
  - (3) Equipment or supply rental businesses;
  - (4) Taxi, limo, van or bus services;
  - (5) Tow-truck services;
  - (6) Restaurants;
  - (7) Funeral or interment services;
  - (8) Animal care, shelter or boarding establishments;
  - (9) Any use involving the use or storage of commercial vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
  - (10) Any home-based work activity that does not comply with regulations of this section.
- B. Home occupations must be accessory and subordinate to the principal residential use of the property.
- C. A home occupation must be carried on by a residents of the dwelling unit. No more than 2 people who do not reside on the premises may be present at the site of any home occupation at any time.
- D. If people who do not reside on the premises work in the home occupation, off-street parking must be provided for the maximum number of nonresident workers expected to be on the premises at any time

## 7.40 Parking Structures

excluding outside employees who are not regularly on the premises. If additional parking spaces are provided to serve the home occupation, they may not be located within any required 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 4 feet in height.

- E. Home occupations that change the physical form of the residential building they occupy or that adversely affect the surrounding neighborhood are prohibited. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood. Home occupations must be operated so as not to create or cause a nuisance.
- F. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of signs.
- G. Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
- H. Home occupations may not generate more than 25 motor vehicle trips per day unless the primary vehicle access for the home occupation is from a collector or arterial street or from a local street with a preexisting traffic volume of more than 1,000 vehicles per day.
- I. On-site sales of products is limited to those crafted, assembled or substantially altered on the premises or items that are accessory and incidental to a service provided on the premises.
- J. No outdoor display of any material or merchandise is allowed in conjunction with a home occupation.
- K. Home occupations and all related activities must be conducted entirely within the principal residential building or an allowed accessory structure.
- L. Deliveries or pickups of supplies or products associated with a home occupation are allowed only between 8:00 a.m. and 8:00 p.m. Vehicles used for delivery and pickup are limited to those normally serving residential neighborhoods.

## 7.40 PARKING STRUCTURES<sup>3</sup>

### 7.40.1 APPLICABILITY

The regulations of this section apply in Topsham Center zones to stand-alone, accessory structures occupied by decked, multi-level motor vehicle parking.

### 7.40.2 BUILDING TYPE REGULATIONS

Accessory parking structures may occur only on lots with General or Traditional Storefront buildings in the Topsham Fair Mall, Crooker District, and Annex zones.

### 7.40.3 LOCATION

Accessory parking structures must be located in the rear yard and be screened from view of any primary street by the principal building. Parking structures on lots with multiple primary street frontages must be screened from view of all primary streets.

### 7.40.4 ADDITIONAL REGULATIONS

- A. **Setbacks.** Parking structures may not be located closer to any street or interior side lot line than the principal structure.
- B. **Height.** The overall height of a parking structure must be at least one story lower than the tallest principal structure.
- C. **Facade Design.** ~~On non-primary street frontages, accessory parking structures must meet the facade regulations of a principal parking structure (See XXX).~~

## 7.50 DRIVE-THROUGH FACILITIES<sup>4</sup>

See [6.70.4](#) for regulations associated with drive-through facilities.

## 7.60 FUEL PUMPS<sup>5</sup>

### 7.60.1 APPLICABILITY

The regulations of this section apply to motor vehicle fuel pumps and canopies in Topsham Center zones. They do not apply to electric vehicle charging equipment.

### 7.60.2 BUILDING TYPE & ZONE

Fuel pumps are allowed only in the Topsham Fair Mall 1 and Crooker District zones and are limited to properties directly abutting Route 196. Fuel pumps may occur only on a lot with a Suburban Storefront building.

<sup>3</sup> New. Proposed.

<sup>4</sup> New; proposed.

<sup>5</sup> New; proposed.

**7.60.3 PRINCIPAL BUILDING**

Fuel pumps must be accessory to a principal building. Fuel pumps on sites without a principal building may be approved in accordance with the conditional use approval procedures of 12.30.

**7.60.4 ADDITIONAL REGULATIONS**

- A. Height.** Fuel pump canopies may not exceed 18 feet in height.
- B. Materials.** The roof of the canopy must match the principal building in type and material. Columns and supports must be clad in a major material used on the principal building facade.
- C. Car Wash Facility.** Accessory car wash facilities are considered and regulated as accessory buildings.

**7.70 SOLAR ENERGY SYSTEMS<sup>6</sup>**

**7.70.1 APPLICABILITY**

The regulations of this section govern accessory solar energy systems. See Article 6 for regulations governing solar energy conversions systems as a principal use.

**7.70.2 GENERAL**

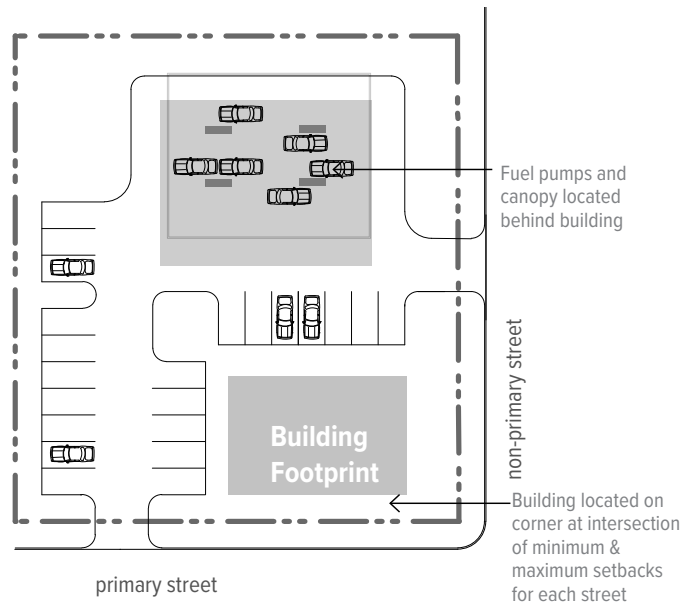
- A.** Solar energy systems are permitted as an accessory use to all lawfully established principal uses in all zones.
- B.** Accessory solar energy systems must comply with all applicable building and electrical code requirements.

**7.70.3 BUILDING-MOUNTED SYSTEMS**

- A.** Building-mounted solar energy systems may be mounted on principal or accessory structures.
- B.** Building-mounted solar energy systems may not encroach into required street setbacks. Systems mounted on principal structures may encroach into interior side setbacks by up to 2 feet and into rear building setbacks by up to 5 feet.
- C.** Only building-integrated or flush-mounted solar energy systems may be installed on street-facing building elevations.
- D.** Solar energy systems may not extend more than 3 feet above the applicable maximum building height limit for the subject building type or more than 5 feet above the highest point of the roof line, whichever is less.

**7.70.4 GROUND-MOUNTED SYSTEMS**

- A.** In residential zones, ground-mounted solar energy systems may not be located in a street yard area.



**Figure 7.90-A. Fueling Station**

- B.** Ground-mounted solar energy systems may be located within interior and rear yard areas but must be set back at least 2 feet from all lot lines.

**7.80 SEASONAL RETAIL SALES**

**7.80.1 PURPOSE**

The regulations of this section are intended to support and promote local farmers and agricultural practices by allowing local agricultural producers to sell their products in farmer's markets throughout the town.

<sup>6</sup> New. Proposed.

**7.90 Small Wind Energy Conversion Systems (SWECS)****7.80.2 LICENSES AND REGULATIONS**

Seasonal retail sales licenses may be approved by the zoning enforcement officer in any zone, after consulting with other relevant town officials, subject to compliance with the following regulations:

- A.** A seasonal retail may not be issued for a lot of less than 30,000 square feet in area.
- B.** A seasonal retail sales license may not be issued for any lot in a Historic Overlay zone.
- C.** A seasonal retail use must provide at least 10 off-street on-site parking spaces and not conflict with parking demands for the principal use of the property. Off-street parking surfaces must be gravel or paved.
- D.** A seasonal retail sales operation may not include permanent buildings, structures, signs, or other permanent features.
- E.** A seasonal retail license is limited to a maximum of 90 consecutive days.
- F.** A seasonal retail license may not be issued for the same location for more than 183 days per year, and at least 21 days must pass between the effective dates seasonal retail licenses issued for the same location.
- G.** Operations are allowed to occur 7 days per week.
- H.** Hours of operation are limited to between the hours of 9:00 a.m. and 8:00 p.m.
- I.** All temporary lighting must comply with applicable regulations of Chapter 175.

**7.80.3 LICENSE APPLICATIONS**

Applications for seasonal retail sales licenses must include sufficient information for the code enforcement officer to determine compliance with applicable regulations. In addition, all applications must include assurances of site clean up and restoration following license expiration.

**7.90 SMALL WIND ENERGY CONVERSION SYSTEMS (SWECS)****7.90.1 PURPOSE AND INTENT**

The small wind energy conversion regulations of this section are intended to protect the public health and safety, promote the general welfare of the community and conservation of the environment, wildlife habitat, fisheries and unique natural areas; and to fit small wind energy conversion systems (SWECS) harmoniously into the fabric of the community.

**7.90.2 APPLICABILITY**

The requirements of this section apply to all small wind energy conversion systems with a power-rated capacity of more than 500 watts. Systems with a power-rated capacity of 500 watts or less are exempt from these regulations.

**7.90.3 APPROVAL AUTHORITY**

- A.** The code enforcement officer is vested with the authority to review and approve or reject or send to the planning board any application for a single SWECS up to 60 feet in height.
- B.** The Topsham planning board is vested with the authority to review and approve, conditionally approve or reject any application for a SWECS over 60 feet in height. A public hearing is required.

**7.90.4 DEFINITIONS**

The following definitions apply in administering and interpreting the regulations of this section:

- A. HABITABLE BUILDING (OR STRUCTURE).** Places likely to be occupied on a continuous or temporary basis. This includes, but is not limited to, dwellings, commercial businesses, places of worship, nursing homes, schools or other places used for education, day-care centers, motels, hotels, correctional institutions or barns.
- B. LINE OF SIGHT.** The direct view of the object from selected locations.
- C. NEGATIVE VISUAL IMPACT.** A change in the appearance of the landscape as a result of a small wind energy conversion system development that is both out-of-character with a significant designated resource and that significantly diminishes the scenic value of the significant resource. Mere visibility of a small wind energy conversion system does not in and of itself constitute a negative visual impact.
- D. SIGNIFICANT DESIGNATED RESOURCE.** A specific location, view or corridor identified as a scenic resource in the Topsham Comprehensive Plan or by a state or federal agency. Significant designated resources include, but are not limited to, National Register of Historic Places buildings, locales or views of same. This includes the five designated Topsham Historic Districts.
- E. SITE.** The parcel of land where a small wind energy conversion system is to be placed. The site can be publicly or privately owned and is a single lot.
- F. SMALL WIND ENERGY CONVERSION SYSTEM.** A wind energy conversion system consisting of a wind turbine, a tower, footings, electrical infrastructure, fence and any

7.90 Small Wind Energy Conversion Systems (SWECS)

other associated equipment or structures. An individual small wind energy conversion system is limited to a maximum rated capacity of no more than 100 kilowatts.

- G. **TOTAL HEIGHT.** The vertical distance measured from a point on the ground at the original grade to the highest point of the wind turbine blade (or other component) when the tip is at full vertical.
- H. **VIEWSHED MAP.** A map that shows the geographic area from which a small wind energy conversion system may be seen.
- I. **WIND GENERATOR.** Same as "small wind energy conversion system."

7.90.5 REVIEW AND APPROVAL PROCEDURES

A. General Preapplication.

- (1) The applicant must complete and submit to the planning office a site plan application. The project should be reviewed informally with the code enforcement officer and planning director to determine if it generally conforms to applicable ordinance requirements. If the project appears to conform to applicable ordinance requirements, the applicant must complete a building permit application, provide supporting documents and pay only the wind generator application fee and submit it with the wind generator ordinance application.
- (2) To be placed on the planning board agenda for preapplication sketch plan review, the applicant must contact the planning office at least 21 days prior to a meeting. If the agenda for said meeting is full, the planning director must place the project on the agenda of the next available meeting. Refer to preapplication procedures below for required documents. To submit an application for review, ~~18-~~ 3 copies of a completed application and supporting documents and plans (each in a bound, stapled or otherwise attached report), along with the wind generator fee, must be submitted to the town Office no later than 21 business days prior to the next regularly scheduled planning board meeting. If the agenda for said meeting is full, the project must be placed on the agenda of the next available meeting.

B. Preapplication procedures. The following procedures and requirements apply to all applications for wind generator reviews:

- (1) Prior to submitting an application for approval of the proposed project, the applicant may meet informally

with the planning board at a regular meeting to present a sketch plan and generally discuss the proposal and to obtain guidance in development of the plan. The sketch plan must include:

- (a) The outline of the tract or parcel with estimated dimensions, road rights-of-way and existing easements.
- (b) North arrow.
- (c) The proposed layout of the wind generator equipment, related features of the project and existing or planned building(s), identification of general areas of steep slopes, wetlands, streams, and floodplains.
- (d) Other information pertinent to the project.

- (2) Upon written request by the applicant, the planning board, at its discretion, may waive certain submission requirements specified in Subsection 7E due to the nature or size of the project.
- (3) The planning board is authorized to specify any additional studies and other agency approvals required to be submitted by the applicant. Letters from any such agencies must be included as a part of the application and/or review.
- (4) The planning board may, at its discretion, make an inspection of the site prior to submission of the application.
- (5) Within 30 days of submission of a preapplication and sketch plan and following an on-site inspection, if applicable, the planning board must submit in writing to the applicant a checklist of the specific information which must be included in the formal application to the planning board.

C. Application Procedures. All applications for wind generator review must be made in writing to the planning board on the forms provided for this purpose. The application must be made by the owner of the property or his agent, as designated in writing by the owner; and must be accompanied by the payment of an application fee to cover the administrative costs of processing the application which will include notification of a newspaper of general circulation in the community. The planning director must review all applications for completeness and other permitting requirements prior to giving them to the planning board.

D. Submission Requirements. The application must include ~~18-~~ 3 copies of all of the following:

**7.90 Small Wind Energy Conversion Systems (SWECS)**

- (1) A fully executed and signed copy of the application for wind generator review.
  - (2) Evidence of right, title or interest in the property, such as deed, option to purchase, lease, or agreement.
  - (3) A site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards but not at more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
    - (a) Names and addresses of all abutters within 250 feet on the plan and names and addresses of all abutters on a separate listing.
    - (b) Sketch map showing general location of the site within the town.
    - (c) Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
    - (d) The bearings and distances of all property lines and the source of this information. The planning board may waive the requirement of a formal boundary survey when sufficient information is available to clearly establish, on the ground, all property boundaries.
    - (e) Classification(s) of the property and the location of zoning boundaries as applicable.
    - (f) The location of all existing and proposed buildings, easements. Copies of any proposed or existing easements, covenants, deed restrictions or other legal matters related to the deed.
  - (4) Evidence that the applicant's roof-mounted wind generator meets the manufacturer's standards and is certified by a structural engineer that the applicant's roof is sufficiently sturdy to hold a roof-mounted wind generator in winds below 100 miles an hour for at least one hour.
  - (5) The planning board will require a scenic assessment consisting of one or more of the following:
    - (a) A visual analysis composed of elevation drawings of the proposed wind power generator and any other proposed structures, showing height above ground level. The analysis may include a computerized photographic simulation demonstrating the visual impacts from nearby strategic vantage points and also indicate the color treatment of the system's components and any visual screening incorporated into the site that is intended to lessen the system's visual prominence.
    - (b) A landscaping plan indicating the proposed placement of the facility on the site; location of existing trees and other significant site features; the type and location of plants proposed in the screening plan for the facility and the method of fencing, if any.
    - (c) Photo simulations of the proposed facility may include those taken from perspectives determined by the planning board, or its designee, during the preapplication conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
    - (d) A brief narrative discussing the extent to which the proposed facility would be visible from or within a designated scenic resource or scenic viewshed, the tree line elevation of vegetation within 100 feet of the facility, and the distance to the proposed facility from the designated scenic resources noted viewpoints.
  - (6) A signed statement that the owner of the wind generator facility and his or other successors and assigns agree to pay for the costs of removing the facility if it is abandoned.
- E. Notification and Hearings.** The applicant must notify all abutting property owners by certified mail, return receipt requested, for all requests for a wind generator. If two or more abutters, or 5 residents of the town, object in writing and such objection is received by the planning board or postmarked within 15 days after a public notice of the request for a wind generator, the planning board must schedule a public hearing on the proposal. Such hearing must be scheduled within 30 days of acceptance of an application as complete.
- F. Board Review.**
- (1) Within 45 days of the acceptance of a complete application, the planning board must act upon the

**7.90 Small Wind Energy Conversion Systems (SWECS)**

application. This period may be extended by mutual written agreement.

- (2) The planning board must inform the applicant in writing of its decision within 7 days of its action.
- (3) One copy of the approved wind generator application must be retained in the planning office.
- (4) The planning board may attach reasonable conditions to approvals to ensure conformity with the purposes and provisions of this section.
- (5) If the application is for property located in whole or part is within any Shoreland Overlay zone, compliance with applicable Shoreland Overlay zoning regulations must be reviewed concurrently with the wind generator application.
- (6) All approvals expire within one year of the date of issuance unless work thereunder is substantially commenced within one year of the date of approval. If work is not substantially completed within 2 years of the date of issue, a new application may be required by the planning board.

**7.90.6 LOCATION**

Small wind conversion systems are either permitted or conditionally permitted in zones. When wind generators meet all the other requirements of this section, they may be placed on a lot if they do not individually exceed the following capacities:

**Table 7-1. Allowed SWECS Locations/Capacities**

ZONE	CAPACITY (KW)
R-1	2.5
R-2	2.5
R-3	100
Lower Village	2.5
Middle Village	2.5
CC-196	10
MUC-1	10
BP	100
RCU	100
<u>I and LI</u>	100

**7.90.7 DIMENSIONAL REQUIREMENTS.**

- A. **Setbacks.** All small wind energy conversion systems must be set back a minimum horizontal distance of 110% of the total height of the system or per manufacturer specifications, whichever is greater, from property lines,

public rights-of-way, easements and habitable buildings. New habitable buildings may not be constructed within the setback area after a small wind energy conversion system has been constructed and is operating.

- B. **Rotor Clearance.** The minimum required distance between the ground and any part of the rotor blade is 30 feet.
- C. **Height.** The total height may not exceed the following limits for either freestanding or roof-mounted wind conversions systems. The allowable height may be further reduced if necessary to comply with Federal Aviation Administration requirements.

**Table 7-2. Maximum SWECS Height**

ZONE	MAXIMUM TOTAL HEIGHT (FEET)
R-1	75
R-2	<u>75</u>
R-3	150
Lower Village	75
Middle Village	75
CC-196	75
MUC-1	75
BP	150
RCU	150
<u>I and LI</u>	150

**7.90.8 DEVELOPMENT STANDARDS**

If a project includes construction other than a wind generator project, it may also need to comply with other applicable town ordinances.

- A. The system's tower and blades must be a nonreflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates nonreflective surfaces to minimize any visual disruption.
- B. The system must be designed and located in such a manner to minimize negative visual impacts on significant designated resources. The application must include a visual impact analysis of the small wind energy conversion system(s) as installed.
- C. Exterior lighting on any tower or turbine associated with the small wind energy conversion system is prohibited unless specifically required by the Federal Aviation Administration.

**7.90 Small Wind Energy Conversion Systems (SWECS)**

- D.** All on-site electrical wires associated with the system must be installed underground except for tie-ins to a public utility company transmission poles, towers and lines. This standard may be modified by the planning board if the project terrain is determined to be unsuitable due to the reasons of need for excessive grading or similar factors.
- E.** The system must be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated that the system is causing disruptive interference beyond the site, the system operator must promptly eliminate the disruptive interference or cease operation of the system.
- F.** Towers (but not applying to pole-mounted wind generators) must be constructed to provide one of the following means of access control or another appropriate method of access control as approved by the planning board:
  - (1)** Tower climbing apparatus located no closer than 12 feet from the ground.
  - (2)** A locked anti-climb device installed on the tower.
  - (3)** A locked, protective fence at least 6 feet in height that encloses the tower.
- G.** Anchor points for any guy wires for a system tower must be located within the site. Guy wires and other system components must be located so as not to block access by emergency vehicles. The Fire Department must be afforded the ability to cut electricity going into the house or other habitable building.
- H.** All small wind energy conversion systems must comply with applicable Federal Aviation Administration (FAA) rules and regulations. The applicant must present proof of compliance with FAA rules and regulations prior to the planning board's final decision.
- I.** Small wind energy conversion systems must be installed and operated to avoid interference with the operation of any aviation facility including helicopter pads.
- J.** The conformance of rotor and over-speed control design and fabrication with good engineering practices must be certified by the manufacturer.
- K.** Except during short-term events including utility outages and severe wind storms, the audible noise due to wind generator operations may not exceed the following noise levels (at the property boundary line of the proposed site): 45 dBA at the lot line abutting residential properties; or 55 dBA at the lot line abutting

nonresidential properties. Certification must be provided before construction demonstrating compliance with this requirement. When the abutting property is undeveloped, the sound level must be equal to or less than the most restrictive other abutting use. When there are no uses on abutting properties, the sound level at the property line must be equal to or less than the least stringent use allowed in the zoning district.

**7.90.9 ABANDONMENT OF USE**

A small wind energy conversion system that is not generating electricity for 18 consecutive months is deemed abandoned and must be dismantled and removed from the property at the expense of the property owner.

**7.90.10 WAIVERS AND MODIFICATIONS**

- A.** The planning board is authorized to review and act on all wind generator applications over 60 feet in height. In considering wind generator plans under this section, the planning board may act to approve, disapprove or approve with conditions as authorized by these provisions. No municipal permit may be issued nor construction work begun on any wind generator project until the wind generator plan has been approved by the planning board. All work must be carried out in accord with the documentation submitted and approved by the planning board.
- B.** The planning board may attach reasonable conditions to approvals to ensure conformity with the regulations of this section. The planning board may condition final approval on receipt of copies of all state or federal permits required by the project, including, but not limited to, the Topsham Floodplain Management Ordinance or the Federal Aviation Administration (FAA) permits.
- C.** If the application concerns property which in whole or in part is within any Shoreland Overlay zone, the criteria included in the Shoreland Zoning Ordinance must be reviewed concurrently with wind generator review.
- D.** All approvals expire within one year from the date of issuance unless work thereunder is substantially commenced within one year from the date of approval. If work is not substantially completed within 2 years from the date of issue, a new application may be required by the planning board.
- E.** The owner of a wind generator tower is responsible for recording the fall zone of the tower on her/his deed, site plan or subdivision plan at the Sagadahoc County Registry of Deeds. The recorded plan must be certified by a registered Maine surveyor.

**ARTICLE 8. BUILDING DESIGN**

8.10 Generally ..... 8-2

8.20 Facade Materials ..... 8-2

8.30 Facade Elements ..... 8-6

8.40 Mechanical Equipment ..... 8-8

## 8.10 Generally

### 8.10 GENERALLY

#### 8.10.1 APPLICABILITY

The regulations of this article apply to all buildings in the Topsham Center zones, unless otherwise stated.

#### 8.10.2 HISTORIC DISTRICT REGULATIONS

Buildings located in a historic district are required to meet any standards and guidelines defined for the historic district. The building design regulations of [Article 8](#) are intended to support the historic district; however, if there is a conflict between the historic district standards and these building design regulations, the historic district standards and any ruling of the historic district commission rules.

#### 8.10.3 PLANNING BOARD

Unless otherwise noted, modifications to design regulations in this article may be approved by the Planning Board provided the modification meets the intent language in [8.10.4](#) and the vision in the most recent comprehensive plan.

#### 8.10.4 INTENT

The regulations of this [Article 8](#), along with the zone and building regulations in [Article 2](#), are intended to improve the physical quality of buildings, improve the long-term value and durability of buildings, enhance the pedestrian experience, and protect the historic scale of the town.

- A. Durable, High Quality.** Ensure the use of well-tested, high quality, durable, weather-resistant, exterior grade materials on the majority of finished building surfaces, while permitting a wider range of materials for details. High quality materials can improve how well buildings weather, reduce material failure rate, require lower maintenance, have a longer life cycle and sense of permanence, and maintain longer term value.
- B. Human-Scaled Facades.** Promote clearly articulated, well-organized facades that are easy to understand, have a clear hierarchy, and yield building proportions and details comfortable to and in line with the scale of people and the character of the town.

### 8.20 FACADE MATERIALS

#### 8.20.1 APPLICABILITY

All facades on all buildings in any Topsham Center zone must meet the regulations for facade materials in this section.

#### 8.20.2 OTHER MATERIALS

Materials not listed in this section as allowed major, minor, accent/detail, or roof materials may not be installed on any facade or roof unless approved by the planning board.

#### 8.20.3 MAJOR FACADE MATERIALS

Major facade materials are intended to serve as the primary surface material of facades.

- A. Minimum Amount.** Allowed major facade materials, listed in [Table 8-1](#), must be applied to a minimum of 65% of all facades, not including window and door areas.
- B. Simplicity of Facade Materials.** A single major facade material must be used for each building facade segment, as defined per building type.
- C. Side and Rear Facades.** With approval of the code enforcement officer, side and rear facades not visible from any street or civic space may use an approved minor facade material as a major material.

#### 8.20.4 MINOR FACADE MATERIALS

- A. Maximum Minor Materials.** A maximum of 35% facades, not including window and door areas, may be composed of minor facade materials per [Table 8-2](#).
- B. Accents and Details.** Additional materials are allowed for trim, accents, and details per [Table 8-3](#), not included in the maximum surface area.

#### 8.20.5 PITCHED ROOF MATERIALS

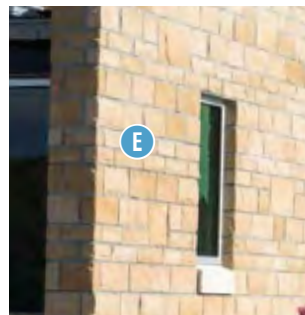
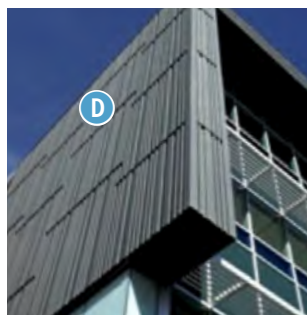
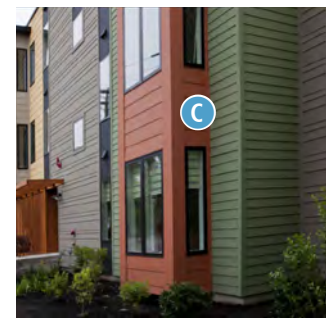
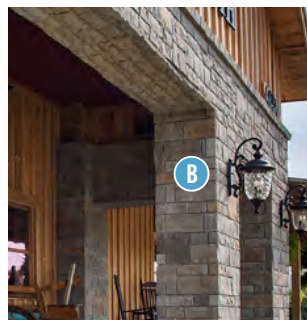
Allowed pitched roof materials include dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, ceramic tile, engineered wood or slate.

#### 8.20.6 APPROPRIATE GRADE OF MATERIALS

All doors, windows, and hardware must be of commercial grade quality with the exception of those on Village and Row buildings.

**Table 8-1. Allowed Major Facade Materials**

		BUILDING TYPES & ZONES				
MAJOR FACADE MATERIAL (alphabetical)		VILLAGE BUILDING, TRADITIONAL STOREFRONT, GENERAL BUILDING, ROW BUILDING	SUBURBAN STOREFRONT	WORKSHOP- WAREHOUSE	CIVIC BUILDING	
<b>A</b>	<b>Brick</b> full dimensional, economy, unit, face brick	●	●	●	●	
<b>B</b>	<b>Concrete Masonry Units</b> architectural, minimum 3” depth, “artisan stone” look, varied sizes, (Eschelon Masonry or approved equal), “stone” face, “hewn stone”, rock cut	–	●	●	●	
<b>C</b>	<b>Fiber Cement Board</b> finished lap siding or shingles	●	●	●	●	
<b>D</b>	<b>Metal, Architectural</b> architectural panel, cladding system (steel, titanium, zinc)	–	–	●	–	
<b>E</b>	<b>Stone</b> natural, units	●	●	●	●	
	<b>Stucco</b> cement-based, 2-3 layer hard coat	–	●	●	–	
<b>F</b>	<b>Wood</b> treated, painted or stained lap siding, shingles, board & batten	●	●	●	●	



**8.10 Generally**

**Table 8-2. Allowed Minor Facade Materials**

All major facade materials allowed on the building type in the zone per [Table 8-1](#) may be used for minor facade materials, unless otherwise listed as prohibited.

MINOR FACADE MATERIAL (alphabetical)	ALLOWED ON BUILDING TYPES	OTHER LIMITATIONS	MAXIMUM AMOUNT ON EACH FACADE
<b>Concrete Surfaces finished, stained, painted, treated</b>	Workshop-Warehouse	–	35%
<b>B Concrete Masonry Units architectural, minimum 3” depth, “artisan stone” look, varied sizes,</b> (Eschelon Masonry or approved equal), “stone” face, “hewn stone”, rock cut	All	Below ground story & first 3 feet of ground story only	35%
<b>G Concrete Masonry Units minimum 3” depth, split-faced, burnished/ground face, glazed, or honed</b>	Workshop-Warehouse	–	35%
<b>H Glass curtain wall</b>	General Building, Workshop-Warehouse, & Civic Buildings only	–	15%
<b>E Metal Architectural architectural panel, cladding system</b> (steel, titanium, zinc)	General Building, Workshop-Warehouse, & Civic Buildings only	Allowed major masonry material is required at grade up to 2 feet and adjacent to entrances	35%
<b>I Stucco</b> cement-based, 2-3 layer hard coat, synthetic, or with elastomeric finishes	All	Only 2nd or higher stories	35%
<b>Terra Cotta or Ceramic tiles or panels</b>	All	–	20%
<b>Vinyl &amp; PVC Siding</b> minimum .040 inch thickness	All	–	35%
<b>J Wood, Composite lap siding, shingles, board &amp; batten, rainscreen system</b>	All	–	35%



**Table 8-3. Allowed Detail & Accent Materials**

All allowed major and minor facade materials may be used for details, trim, and accents.

<b>K</b>	<b>Concrete Details</b> precast stone ornamentation, lintels, sills, banding, columns, beams
	<b>Fiber Cement Details</b> trim, soffits
<b>L</b>	<b>Metal Details</b> trim, ornamentation, lintels, beams, columns
	<b>Wood and Wood Composite Details</b> painted/treated trim, soffits, other approved details
<b>M</b>	<b>Vinyl Details</b> limited to soffits, window trim; minimum .04 inches thick

**8.20.7 MATERIALS INSTALLATION**

The following materials installation requirements are intended to advance the quality of construction, durability, and aesthetics of new buildings, specifically related to application and detailing of facade materials.

- A. Changes in Facade Materials.** Changes in facade materials, whether major materials or minor materials, should occur mainly at concave (inner) corners or changes in facade planes.
- B. Materials Hierarchy.** A hierarchy of materials must be maintained on the building facade, where "heavier", articulated unit materials (brick, concrete masonry units, stone) are located at the base of the facade and "lighter", constant surface materials with fewer seams (stucco, panels) are located above those on the facade.
- C. Shadow Lines on Surfaces.** Shadow lines must delineate changes in materials with solid materials of a thickness that is greater than 1 inches. For example, cast stone elements or brick may be offset or wood trim may be layered and offset to create a shadow.



## 8.30 FACADE ELEMENTS

### 8.30.1 WINDOWS

Windows on all street and other front facades of all buildings shall be constructed consistent with the following requirements:

- A. **Amount.** Each building must meet the transparency requirements per the building regulations. See [Article 2](#).
- B. **Recessed.** All windows, with the exception of ground story storefront systems and glass curtain wall systems, shall be recessed with the glass a minimum of 2 inch from the masonry facade surfaces material or adjacent trim or 1 inch on other materials.
- C. **Vertically Oriented.** A minimum of 70% of street facade windows must be vertically oriented. A series of individually vertically oriented windows abutting to create a bank of windows is acceptable.
- D. **Visibility Through Glass.** Reflective glass and glass block are prohibited on street and other front facades. Windows shall meet the transmittance and reflectance factors established in the transparency definition (see [15.10.13](#)).
- E. **False Windows.** The use of false or faux windows, where the window is visible from the exterior with no opening from the interior is not allowed on a street facade and does not fulfill any building regulation window requirement.

### 8.30.2 AWNINGS & CANOPIES

Removable awnings and canopies attached to buildings shall be constructed consistent with the requirements of this section. See [Figure 8.40-B](#) for examples of awnings.

- A. **Material.** All awnings and removable canopies shall be canvas or metal. Plastic awnings are prohibited.
- B. **Lighting.** Backlighting is allowed only on metal awnings.
- C. **Structures.** Frames must be metal and wall mounted. Support poles from the ground are prohibited except where the awning is over 8 feet in depth and utilized for outdoor eating areas or lobby entrances.
- D. **Canopies & Light Shelves.** Permanent canopies, projections, or overhangs used as architectural features, light shelves, or shading devices are allowed and not intended to be regulated by this subsection [8.30.2](#).
- E. **Clearance.** All portions of any awning or canopy shall provide at least 8 feet of clearance over any walkway and 15 feet of clearance over vehicular areas.



Figure 8.40-A. Vertically Oriented Windows or Series of Windows



Metal Awning



Canvas Awning

Figure 8.40-B. Examples of Awnings

**F. Signs.** Refer to [Article 10](#) for signs on awnings and canopies.

**8.30.3 SHUTTERS**

When shutters, whether functional or not, are utilized on a street or other front facade of any building type except a House building type, the shutters shall meet the following requirements. See [Figure 8.40-D](#).

- A. Size.** All shutters must be sized for the windows, so that, if the shutters were to be closed, they would not be too small for complete coverage of the window.
- B. Materials.** Shutters must be wood, metal, composite or engineered woods, or fiber cement.

**8.30.4 SECURITY GRILLS & BARS**

- A.** Exterior bars and security grills are prohibited on any street facade opening.
- B.** Security grills must be fully retractable and completely located within the interior of the building. When retracted, the grills must not be visible from the exterior of the building.

**8.30.5 PRINCIPAL ENTRYWAY**

See [Figure 8.40-C](#) for examples of defined principal entryways. Principal entrances to all buildings or units, except storefronts, must be clearly delineated through one or more of the following design features:

- A. Roof or Canopy.** The entryway is covered by a roof or canopy differentiating it from the overall building roof type.
- B. Porch.** The entryway is through a porch.
- C. Sidelights and Transom.** Sidelights or transom windows are included around the entryway.
- D. Extended Articulation.** The entryway is included in a separate bay of the building that extends up at least 2 stories.
- E. Other.** Other methods of articulating the principal entryway may be approved by the planning board.

**8.30.6 VISTAS**

Views down streets must be considered when locating buildings, parking, and open space on sites; and designing building facades. [Figure 8.40-E](#).

- A. Rears of Buildings.** Civic open space and street frontages must be occupied by building fronts. Views



Inappropriately Scaled Shutters.



**Figure 8.40-D. Examples of Shutters**



**Figure 8.40-C. Examples of Defined Principal Entryways**

## 8.40 Mechanical Equipment

of the rear service areas must not be visible from open spaces or streets.

- B. Parking.** Garages and surface parking lots are not permitted at the termination of a street vista.
- C. Street Termini.** When a street terminates at a parcel, the parcel shall be occupied by one of the following:
  - (1) Courtyard or Open Space.** A landscaped courtyard or open space may terminate a street vista on a parcel.
  - (2) Building Facade.** The facade of a building, whether facing a front street or not, may terminate the street vista. That portion of the facade shall be treated as a front facade. .



Figure 8.40-E. Examples of Vistas at Street Termini

### 8.40 MECHANICAL EQUIPMENT

Mechanical and utility equipment and appurtenances are necessary for any building design, but can have a negative visual impact and detract from the quality of the design of a building. The purpose of the regulations of this section, [8.40](#), is to ensure that the visual impact of mechanical and utility equipment and appurtenances is minimized.

#### 8.40.1 "MECHANICAL EQUIPMENT" DEFINED

When the following regulations refer to "mechanical equipment", any mechanical equipment or utility appurtenance, such as but not limited to HVAC systems, boilers, condensers, transformers, vents, meters, ducts, are being referenced, except the following:

- A.** Solar and wind energy systems.
- B.** Rainwater cisterns.

#### 8.40.2 MECHANICAL EQUIPMENT IN BUILDING

Ideally, the mechanical equipment should be located within the building, unless the applicant demonstrates that locating the equipment within the building would conflict with the equipment's function or the scale of the building is such that the equipment cannot be accommodated inside.

#### 8.40.3 ROOFTOP MECHANICAL EQUIPMENT

Any rooftop mechanical equipment, such as but not limited to vents, ducts, condensers, and ventilators, and not including solar panels or wind turbines, shall be:

- A.** Incorporate equipment into the roof design consistent with the applicable standards of roof types in [8.20](#).
- B.** Set the equipment back a minimum of 10 feet from any street or public way facade.
- C.** Painted to blend with the structural roof and limit its visibility, to the extent practicable.

#### 8.40.4 MECHANICAL EQUIPMENT ON STREET FACADES

Mechanical equipment and utility appurtenances shall not be located on any street facade unless the applicant demonstrates that locating the equipment in a different location would conflict with the equipment's function. Any equipment or appurtenance approved on a facade shall be located consistent with the following standards:

- A. Street Facade.** The mechanical equipment may be located on a street facade only if the following requirements are met:
  - (1)** The equipment is located on a surface perpendicular (and not parallel) to the adjacent street. The code

enforcement officer may approve the location of appurtenances on surfaces parallel to the street if all other requirements of this subsection, [8.40.4](#), are met and no other option is available.

- (2) The equipment extends from the facade surface no more than 3 inches; and
  - (3) The equipment is screened from the sidewalk by landscape, railings, other facade walls, or other designs.
- B. Air Vents or Grills.** Air vents and grills may be successfully incorporated into storefront window systems, provided the transparency requirements are met by the actual windows in the system.
- C. Alignment.** Multiple pieces of mechanical equipment must be organized on the facade in a regular pattern and aligned. Compliance with this standard must be illustrated on the drawing elevations submitted as part of the application.
- D. Material Coordination.** To the extent practicable, facade-mounted mechanical appurtenances shall be located on a material that limits their visibility. For example, dark colored vents will be more visible on light colored fiber cement panels than a textured, darker surface such as brick.

**8.40.5 MECHANICAL EQUIPMENT ON OTHER HORIZONTAL SURFACES**

Mechanical equipment, such as electrical transformers and air conditioners, located on the ground, decks, or horizontal surfaces other than the roof shall be located consistent with the following standards:

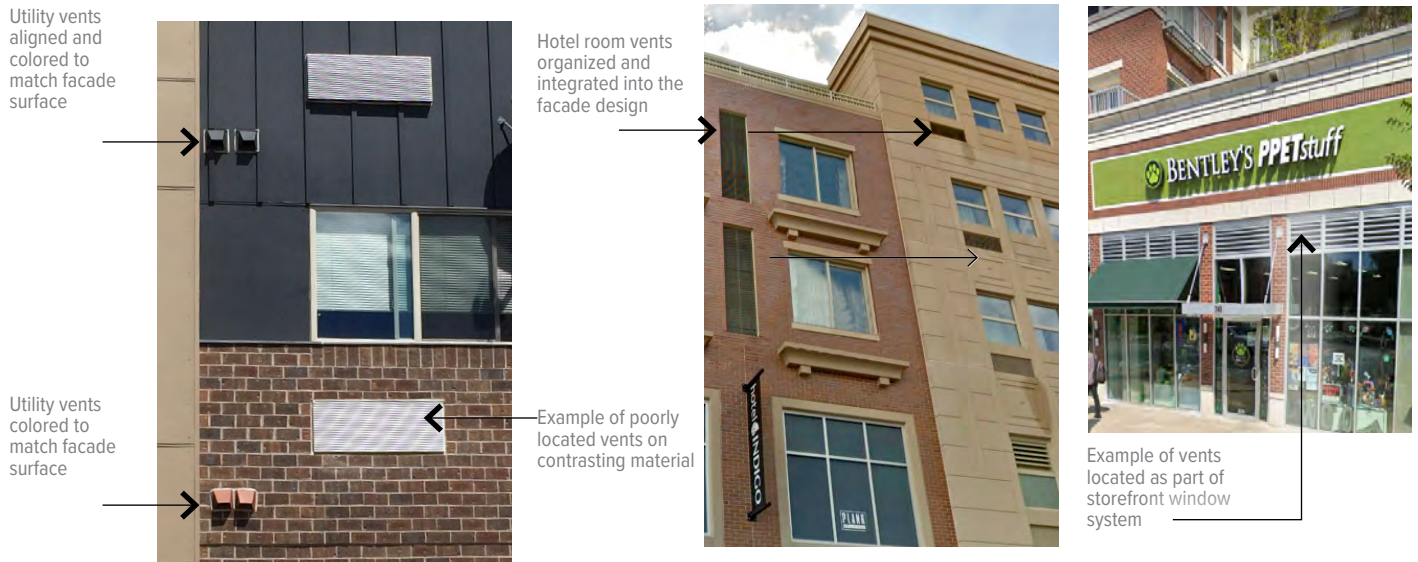
- A. No Encroachment.** Mechanical equipment shall not extend into any right-of-way or easement, unless otherwise approved by the planning board.
- B. Allowed Yard Location.** See [15.20](#) for definition of yards.
  - (1) **Front (Street) Yard.** Mechanical equipment and appurtenances shall not be located in the front street yard, except when no other option exists, with approval of the code enforcement officer, and meeting all regulations of this section [8.20](#) without additional mechanical equipment location exceptions.
  - (2) **Non-Front Street Yard.** Mechanical equipment may be approved in the non-front street yard, provided

the equipment is screened from the street per the following regulations.

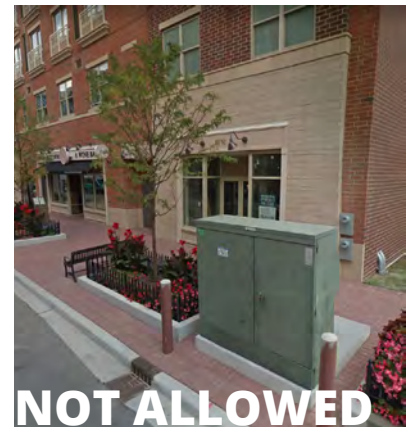
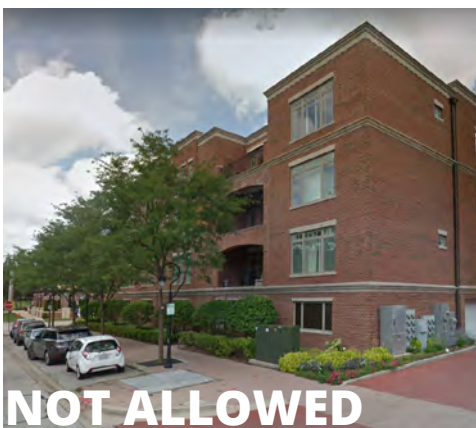
- (3) **Rear and Side Yard.** Mechanical equipment may be located in any rear or side yard.
- C. Screening from streets, open spaces, or civic spaces.** All equipment must be screened from view from any streets, open space, or civic space per the following:
- (1) Walls for screening must be consistent with the building design, colors, and materials, faced with an allowed major facade material.
  - (2) Where landscaping only is employed, the following must be met:
    - (a) Where landscaping only is employed, the utility must be located in a larger landscape area and the landscape screen must be designed as part of the large planting bed design.
    - (b) A single row of evergreen shrubs shall fully screen the equipment within 1 year of installation.
    - (c) The code enforcement officer may require additional landscape materials.
- D. Street Frontage or Front Yard Location.** Equipment located in a street yard or other front yard may approved only if all of the following are met:
- (1) The applicant demonstrates that the equipment cannot be located in a rear or interior side yard.
  - (2) Equipment may be located in a front street yard only if the applicant demonstrates that the equipment cannot be located in a non-front street yard.
  - (3) No other utility cabinets, boxes, or other appurtenances are within 200 feet along the same side of the street as the proposed utility appurtenance.
  - (4) The appurtenance is located a minimum of 35 feet from a street intersection, measured from the intersection of the curb line, and does not impact the sight vision clearance at intersections per 175-10.
  - (5) The appurtenance is fully screened in a manner that is consistent with the building design, colors, and materials and of a height that is the minimum to adequately screen the appurtenance and that does not prevent the facade from fulfilling any transparency requirements. See [Figure 5.03\(8\)](#) for examples of poorly located, unscreened equipment on front streets.



**Figure 8.40-H. Rooftop Utilities Screened from the Public Way by a Parapet**



**Figure 8.40-G. Utility Appurtenances located on Facades**



**Figure 8.40-I. Examples of Poorly Located Utility Appurtenances on Primary Streets**