

WARRANT FOR THE SPECIAL TOWN MEETING

Topsham, Maine

September 5, 2013

Sagadahoc, ss

To: Police Chief Christopher Lewis, Constable of the Town of Topsham

Greeting:

You are hereby required in the name of the State of Maine to notify and warn the Inhabitants of the Town of Topsham, qualified to Vote on Town Affairs, to assemble in the Commons at Mt. Ararat High School on the 25th of September, AD 2013 at 7:00 p.m. then and there to act on Article 1 thru 6 to wit:

ARTICLE 1- To elect a Moderator to preside at said meeting.

ARTICLE 2 -

Shall the voters of the Town of Topsham, Maine designate an affordable housing development districts to be known as the “29 Elm Street Affordable Housing Development District” and adopt the Development Program for the District such designation and adoption to be pursuant to the following findings, terms and provisions?

WHEREAS, the Town of Topsham (the “Town”) is authorized pursuant to Chapter 206, Subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the Town as Affordable Housing Development Districts and to adopt a development program for such Districts; and

WHEREAS, it has been proposed that the Town designate certain land located at 29 Elm Street as the “29 Elm Street Affordable Housing Development District” (the “District”) and adopt a development program for the District (the “Development Program”); and

WHEREAS, the Town has held a public hearing on the question of establishing the District and adopting the Development Program, in accordance with the requirements of 30-A M.R.S.A. Subsection 5250, upon at least ten (10) days prior notice published in the [Brunswick Times Record], a newspaper of general circulation within the Town; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine State Housing Authority (the Authority) approving the designation of the District and the adoption of the Development Program for the District; and

WHEREAS, at least 25% of the property within the District is suitable for residential use, and in need of rehabilitation or redevelopment; and

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE TOWN:

1. The designation of the District and pursuit of the Development Program will create affordable, livable housing within the Town of Topsham, and therefore constitutes a good and valid public purpose.
2. Pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates the 29 Elm Street Affordable Housing Development District as more particularly described in the documents presented to the Town Meeting in the form attached hereto.
3. Pursuant to the provisions of 30-A M.R.S.A., Subsection 5250-A, the percentage of captured assessed value to be retained in accordance with the Development Program is to be established as set forth in the Development Program.
4. The Town Manager be and is hereby authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the Maine State Housing Authority for review and approval pursuant to the requirements of 30-A M.R.S.A. Chapter 206, subchapter 3.
5. The Town Manager be and is hereby authorized and empowered at his discretion from time to time to make such revisions to the Development Program for the District as he deems reasonably necessary or convenient in order to facilitate the process of review and approval of the District by the Maine State Housing Authority, or for any other reason so long as such provisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.
6. The foregoing designation of the District and the adoption of the Development Program shall automatically become final and shall take full force and effect upon receipt by the Town Board of Selectmen of approval of the designation of the District and adoption of the Development Program by the Maine State Housing Authority, without requirements of further action by the Town, the Board of Selectmen or any other party. Upon approval of the District and Development Program by Maine State Housing Authority, the Town Manager is further authorized to execute and deliver a Credit Enhancement Agreement between the Town and the owner of all land in the District in form and substance substantially identical to that attached as an exhibit to the Development Program.
7. The Town Manager be and is hereby authorized to create a Municipal Project Cost Account, as contemplated by the Development Program in the name of and on behalf of the Town, such Account to be in such form and to contain such terms and provisions, not inconsistent with the

Development Program and this Order, and a percentage of the proceeds of the Municipal Project Cost account, as specified in the Development Program, shall be used to defray operating expenses for eligible projects within the District, consistent with the Development Program. Said Development Program and Account to be reviewed and approved by the Town Solicitor or his/her designee.

8. The Town Manager is authorized to file the yearly reports required by 30-A M.R.S.A. § 5250-E and otherwise to take all lawful actions required in the administration of the District and Development program.

Board of Selectmen recommendation:

Ought to Pass

ARTICLE 3 -

Shall the voters of the Town of Topsham, Maine designate a municipal tax increment financing district to be known as the “Downtown and Transit-oriented Municipal Development and Omnibus Tax Increment Financing District” and adopt the Development Program for the District such designation and adoption to be pursuant to the following findings, terms and provisions?

WHEREAS, the Town of Topsham (the “Town”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the Town of Topsham as the Downtown and Transit-oriented Municipal Development and Omnibus Tax Increment Financing District (the “District”) and to adopt a development program for the District (the “Development Program”); and

WHEREAS, designation of the District and implementation of the Development Program will help to provide new employment opportunities within the Town, provide opportunities for economic development in the Town and the surrounding region, improve and broaden the tax base in the Town and improve the economy of the Town and the State of Maine; and

WHEREAS, the Town has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. Section 5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, the Town shall vote whether to designate a municipal tax increment financing district to be known as the Downtown and Transit-oriented Municipal Development and Omnibus Tax Increment Financing District, and to adopt the Development Program for the District; and

WHEREAS, it is expected that approval will be sought and obtained from the State of Maine Department of Economic and Community Development, approving the designation of the District and the adoption of the Development Program for the District.

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE TOWN:

Section 1. The Town hereby designates the Downtown at Transit-oriented Municipal Development and Omnibus Tax Increment Financing District and adopts the Development Program for said District; such designation and adoption to be pursuant to the following findings, terms and provisions:

Section 2. The Town hereby finds and determines the following, demonstrating the District's compliance with State statute:

- a. The provisions of Title 30-A M.R.S.A. § 5223(A)-(D) do not apply to downtown tax increment financing districts or transit-oriented development districts.
- b. The designation of the District and pursuit of the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The Town has considered all evidence, if any, presented to it at the required public hearing with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates the District described more particularly in the "Downtown and Transit-oriented Municipal Development and Omnibus Tax Increment Financing District Development Program" presented to Town Meeting in the form attached hereto and such Development Program is hereby incorporated by reference into this vote as the Development Program for the District.

Section 4. Pursuant to the provisions of 30-A M.R.S.A. Section 5227, the percentage of captured assessed value to be retained in accordance with the Development Program is to be established as set forth in the Development Program.

Section 5. The Town Manager or his duly-appointed representative, be and hereby is authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. Section 5226.

Section 6. The Town Manager or his duly-appointed representative, be and hereby is authorized and empowered, to make such revisions to the Development Program for the District as the Town Manager, or its duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with these articles or the basic structure and intent of the Development Program.

input concerning these issues; and

WHEREAS, the presentation entitled “Elm & Green Street Neighborhood Revitalization Plan” dated August 6, 2013 (the “Elm-Green Plan”) assesses the nature of the buildings, structures and infrastructure of the Green Street-Elm Street neighborhood and sets forth detailed policy goals and implementation time lines to address the concerns raised by the omission of the neighborhood from the Town’s comprehensive plan and the lack of an effective municipal plan for the Green Street and Elm Street neighborhood; and

WHEREAS, the Elm-Green Plan is not addressed within any portion of the Town’s comprehensive plan;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN:

1. That the Elm-Green Plan be and is hereby adopted in its entirety.
2. That the Selectmen shall oversee implementation of the Elm-Green Plan.
3. That the Selectmen may delegate to the Town’s Planning Board and Planning staff specific tasks relating to the implementation of the Elm-Green Plan.
4. However, that the Elm-Green Plan is not hereby made part of the Comprehensive Plan.

Board of Selectmen recommendation: **Ought to Pass**

ARTICLE 5 - Shall the Voters Adopt an Ordinance Entitled “An Ordinance to Amend the Topsham Zoning Ordinance Regarding Light Manufacturing Uses”

225-6 Definitions

MANUFACTURING, LIGHT 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, which must operate within the minimum performance standards of this chapter and is compatible in scale to other uses in the zone.

Table of Land Use Regulations

	R1	R2	R3	CC	RCU	MUL	MUC	MUC-1	BP	CC196	I	BP2	R4	LI	VC	MV	LV
Light Manufacturing	X	X	X	C	C	C	C	C ¹¹	P	P	P	<u>C</u> ²⁴	X	P	X	X	C

Notes:

²⁴ No outdoor storage of any raw materials, work product or finished products.

Planning Board recommendation: **Ought to Pass**

ARTICLE 6 -

Shall the Town of Topsham vote to authorize the municipal officers to submit a Community Development Block Grant application for the following program and dollar amount:

Program: Economic Development Program Amount: \$270,000

and to submit same to the Department of Economic and Community Development and if said program is approved, to authorize the municipal officers to accept said grant funds, to make such assurances, assume such responsibilities, and exercise such authority as are necessary and reasonable to implement such programs.

Furthermore, the Town of Topsham is cognizant of the requirement that should the intended National Objective of the CDBG program not be met, all CDBG funds must be repaid to the State of Maine CDBG program.

Board of Selectmen recommendation: **Ought to Pass**

Donald Russell, Chairman

David Douglass, Jr., Vice Chair

Ronald Riendeau

Marie Brilliant

James Trusiani

