



TOWN OF TOPSHAM

PLANNING OFFICE

100 Main Street, Second Floor

Topsham, Maine 04086

Phone: (207) 725-1724 • Fax: (207) 725-1737

| APPLICATION: REQUEST FOR WAIVER | | | | | | | | | |
|---------------------------------|--|---|--|-----|-----------------------------------|-----------------|-----|-----------------|--|
| PROPERTY DESCRIPTION | Parcel ID | Map | | Lot | | Zoning District | | Total Land Area | |
| | Physical Address | | | | | | | | |
| | Subdivision/Site Plan Name | | | | | | | | |
| APPLICANT'S INFORMATION | Name | | | | Date of preliminary plan approval | | | | |
| | Email | | | | Phone | | Fax | | |
| DESCRIPTION | Ordinance Section | CLEARLY Describe why this request is being made. | | | | | | | |
| | ***EXAMPLE*** CHP 175, SEC. 10 – ADDITIONAL LANDSCAPING STANDARDS. | ***EXAMPLE*** Requesting a waiver of this ordinance since the existing landscaping meets the requirements of this section. | | | | | | | |
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SITE PLAN: CHAPTER 175, SECTION 13 - WAIVERS

The Planning Board may modify or waive any of the above application requirements or performance standards when the Planning Board determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the town.

STREET DESIGN AND ACCEPTANCE: CHAPTER 185, ARTICLE IV WAIVER PROCEDURE

A. The provisions of this chapter are the minimum standards for the protection of the public welfare. The Planning Board may grant a **waiver** from literal compliance with the mandatory provisions of this chapter if the applicant can demonstrate either 1) that compliance would cause hardship as it applies to a particular property, or 2) that an alternative proposal will allow for equal or better results than those stated in the standards above.

B. The approval of a **waiver** shall not have the effect of making null and void the intent and purpose of this chapter. In the approval of a **waiver**, the Planning Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this chapter.

C. Procedure for **waiver**. All requests for waivers shall be processed in accordance with the following:

- (1) A request for a **waiver** shall be submitted to the Town of Topsham Planning Office on any business day. The request shall be made in writing and identify a) the specific section of this chapter which is requested for **waiver**; b) the proposed alternative to the requirement, when applicable; and c) justifications for an approval of the **waiver** or appeal.
- (2) The Planning staff shall a) schedule the request for consideration by the Planning Board at a public meeting within sixty (60) days of receipt and b) provide adequate notice to the applicant and any other involved parties of the meeting to which consideration of the request is scheduled.
- (3) The Planning staff or Planning Board at their discretion shall refer the matter to the Town Peer Review Engineer for recommendations.
- (4) The Planning Board shall, following the consideration of the request, take such public action as it shall deem advisable.

SUBDIVISION: CHAPTER 191, SECTION 20 – VARIATION AND EXCEPTIONS

- 1) Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Planning Board may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but so at the same time the public welfare and interests of the Town are protected and that the intent and spirit of these regulations, Chapter 225, Zoning, and the Comprehensive Plan are preserved.
- 2) When a variation or exception is granted to any of the improvements required by these regulations, the final plan shall indicate variances or exceptions granted and the date on which they were granted.

ZONING: CHAPTER 225, SECTION 27 – WAIVERS FOR PARKING PERFORMANCE STANDARDS

- (1) Waiver. The Planning Board may modify or waive any of the above performance standards when the Planning Board determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the Town.
- (2) The approval of a waiver shall not have the effect of making null and void the intent and purpose of this chapter. In the approval of a waiver, the Planning Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this chapter.
- (3) Procedure for waiver. All requests for waivers shall be processed in accordance with the following:
 - (a) A request for a waiver shall be submitted to the Town of Topsham Planning Office on any business day. The request shall be made in writing and identify a) the specific section of this chapter which is requested for waiver; b) the proposed alternative to the requirement, when applicable; and c) justifications for an approval of the waiver or appeal.
 - (b) The Planning staff shall a) schedule the request for consideration by the Planning Board at a public meeting within 60 days of receipt and b) provide adequate notice to the applicant and any other involved parties of the meeting at which consideration of the request is scheduled.
 - (c) The Planning staff or Planning Board at their discretion shall refer the matter to the Town Peer Review Engineer for recommendations.
 - (d) The Planning Board shall, following the consideration of the request, take such public action as it shall deem advisable.