WARRANT FOR SPECIAL TOWN MEETING

Topsham, Maine
May 25, 2022
Sagadahoc, ss

TO: Marc Hagan, a Constable for the Town of Topsham
FROM: Municipal Officers of Topsham

GREETINGS: You are hereby required in the name of the State of Maine to notify and warn the Inhabitants of the Town of Topsham, qualified to vote on Town Affairs, to assemble at the Topsham Orion Center on Wednesday, the 25th day of May 2022 A.D. at 7:00 o'clock p.m. in the evening, with a back- up date on May 26th and then and there to act on Articles 1 thru 28 to wit:

Article 1: To elect a Moderator to preside at said meeting.

Article 2: To see if the Town will ratify the change in the date for the Special Town Meeting from May 18, 2022 to May 25, 2022, with a back-up date of May 26, 2022 due to a change of venue availability.

Article 3: To see if the Town will ratify the change to allow the Select Board, by a two-thirds majority, to waive the interest penalty on property taxes for up to six months beyond the due date during a declared state of emergency within the past six months.

Article 4: (Budgetary Article- Public Hearing April 21, 2022)

Article 5: (Budgetary Article- Public Hearing April 21, 2022)

Article 6: (Budgetary Article- Public Hearing April 21, 2022)

Article 7: (Budgetary Article- Public Hearing April 21, 2022)

Article 8: (Budgetary Article- Public Hearing April 21, 2022)

Article 9: To see what sum the Town will vote to increase the maximum property tax levy limit established by State Law (L.D. 1) in the event that the municipal budget approved at this Town Meeting results in a tax commitment in excess of the maximum property tax levy otherwise applicable such that the increased maximum property tax levy hereby established will equal the amount committed: (By State Law, the vote on this article must be by written ballot).

Select Board Recommendation: **No Recommendation**
Finance Committee Recommendation: **No Recommendation**

Article 10: To see if the voters will adopt an Ordinance to Amend the Topsham Zoning Ordinance to Amend Chapter 225-50, Apartment Buildings and Multifamily Developments to allow an increased density for multifamily units within the Mixed-Use Commercial (MUC) zoning district

Underlined text are additions; Stuck out text is proposed to be removed

§ 225-50 ~~Apartment, buildings and m~~Multifamily Dwelling Dimensional Requirements ~~developments~~. **[Amended 5-21-1997 STM, Art. 42; 5-19-1999 STM, Art. 13]**

A. Purpose: It is the purpose of this section to provide for multiple-family dwelling structures which are in the moderate to higher density range in centrally located areas near supporting transportation facilities, utility infrastructure and commercial facilities, in areas adjoining institutional or employment centers, and in locations which are suitable and appropriate when taking into consideration existing conditions, sustainable development practices, and including present use of land and future land use needs.

~~A.~~B. All proposals to construct ~~apartment, buildings and~~ multifamily ~~developments~~ shall be in conformance with the general ~~perofrmance~~performance standards of Article **VII**, Chapter **191**, Subdivision of Land, and/ or Chapter **175**, Site Plan Review, and the design requirements listed below. ~~Apartment, buildings and multifamily~~ Multifamily ~~housing~~dwellings, ~~including dwelling units~~ within a mixed-use building, ~~that are part of a planned mixed-use development~~ shall be exempt from the requirements of § **225-50**, provided that they are served by public water and public sewerage ~~and are consistent with the approved master plan for the development~~. **[Amended 5-24-2007 STM, Art. 15; 5-16-2018 STM, Art. 10]**

B. ~~Applications for approval shall 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 which addresses all appropriate performance standards and design requirements and all appropriate factors to be considered in evaluating proposals.~~

C. Design requirements.

(1) Density. The ~~net~~ residential density shall not exceed the density required for single-family dwellings in the zone or district in which the ~~apartment, buildings or~~ multifamily ~~development~~ dwellings is proposed except that: **[Amended 5-17-2000 STM, Art. 6; 11-13-2008 STM, Art. 8; 5-20-2009 STM, Art. 15; 5-16-2018 STM, Art. 10]**

(a) Any dwelling in the R-1 Zone existing prior to enactment of this chapter shall require 10,000 square feet for the first unit plus 2,000 square feet for each additional unit.

(b) ~~New multifamily developments built on lots vacated by the demolition of a single-family dwelling which existed prior to the enactment of this chapter shall not exceed the density required for single-family dwellings in the zone, except in the LV, VC and LI Zones in accordance with § 225-50C(1)(i).~~

(c) New multifamily dwellings built in the R-1 Zone and connected to public sewer and water shall require 30,000 square feet of usable land for each two dwelling units.

(d) New multifamily dwellings built in the R-2 Zone and connected to public sewer and water shall require 40,000 square feet of usable land for each two dwelling units.

(e) New multifamily dwellings or ~~apartment s~~ built in the Mixed Use Limited (MUL) Zone and connected to public sewer and water must have a minimum of 12,500 square feet of lot for each dwelling unit.

(f) New multifamily dwellings built in the CC, RCU, ~~MUC~~, LV, MV, VC, and LI Zones shall be connected to public sewer and water and shall have a minimum lot area of at least the minimum lot size for the first unit plus 1/2 of the minimum lot size of usable land for each additional unit.

(g) ~~(Reserved)~~ New multifamily dwellings built in the MUC, Zone shall have a Maximum density of 18 units per acre.

(h) New multifamily developments located in the R4 Zone shall be connected to public sewer and water and shall be allowed at the density specified in the Topsham Annex Reuse Master Plan, in the areas so identified. In those areas of the R4 not included in the Topsham Annex Reuse Master Plan, new multifamily dwellings may be constructed at a density of four (4) units per acre.

(i) In the LV, VC and LI Zones, the first two dwelling units do not count towards the maximum density calculations in mixed-use developments. Each additional unit shall have 1/4 the minimum lot size for the zone and shall meet all other applicable dimensional and performance standards.

(2) All ~~apartment buildings and all~~ dwellings in a multifamily ~~development~~dwelling shall be connected to ~~a~~ the Brunswick ~~&~~ Topsham Water District public 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 shall 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 shall 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 shall 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 shall 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) It shall be the responsibility of the owner to provide for rubbish disposal, snow removal and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six feet in height. ~~A fifty-foot landscaped buffer shall be provided along all property boundaries.~~

(6) Stormwater management and surface drainage systems shall be designed in accordance with § **225-34**, Stormwater management. **[Amended 5-17-2017 STM, Art. 13]**

(7) Access, circulation and parking.

(a) The proposed development shall provide for safe access to and from public or private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight distances, intersections, schools and other traffic generators. All corner lots shall be kept clear from visual obstructions higher than three feet above ground level, for a distance of 25 feet, measured along the intersecting street lines.

(b) The proposed development shall not have an unreasonable adverse impact on the public road system and shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic and by providing adequate parking and turnaround areas.

(c) All developments containing 15 or more dwelling units may be required by the Planning Board to have more than one street access (for emergency and safety purposes). No more than two accesses shall be allowed on any single street or roadway.

Planning Board Recommendation: Ought to Pass

Article 11: To see if the voters will adopt an Ordinance to Amend the Topsham Zoning Ordinance to Amend Chapter 225-60.19.D, Solar energy conversion systems- dimensional standards, to allow for zero lot line setbacks on one owner multi parcel internal lot lines.

Underlined text are additions; Stuck out text is proposed to be removed

§ 225-60.19 **Solar energy conversion systems.**
[Added 7-2-2020 ATM, Art. 11]

D. Dimensional standards.

(1) Height. Solar energy conversion systems shall be subject to the building height limitations of § **225-17**.

(2) Setbacks. Solar energy conversion systems shall be subject to the setbacks of § **225-17**, except that the setback requirements set forth in § 225-17 and the Table of Dimensional Requirements shall not be applicable to the internal property lot lines within a solar energy conversion system located on contiguous lots under common control of the developer by virtue of ownership, lease, or easement.

(3) Open space ratio and impervious calculations. Solar energy conversion systems shall not be included in calculations for open space or impervious cover.

Planning Board Recommendation: Ought to Pass

Article 12: To see if the voters will adopt an Ordinance to Amend the Topsham Zoning Ordinance to Amend Chapter 225-33, Signs to remove the 10 year sunset clause associated with non-conforming signs.

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§ 225-33 Signs.

F. Nonconformance.

(1) The eventual elimination of nonconforming signs is an objective of the Town. Such elimination of nonconforming signs shall be brought about over a period of time and in such a manner as to avoid the invasion of vested rights of the sign's owner and the infliction of unnecessary hardship.

(2) A nonconforming sign is an otherwise legally erected sign that does not comply with the provisions of § **225-33**, including location, structure, size, dimension, setback, or type, or any other provision

of this section upon adoption by Town Meeting.

(3) Nonconforming signs may be retained and maintained until the earlier of any of the following criteria are met:

(a) No later than two (2) years following the close of a business that uses a nonconforming sign to advertise its name, location or any other feature of the business, unless a new business occupies the building before the end the two (2) year period;

(b) Upon the change of use of a structure utilizing a nonconforming sign, when such change in use requires a site plan review by the Planning Board;

(c) Changes made to the braces, poles or any portion of the system used to affix the sign to the ground or wall or structure.

(d) Upon the sale of the property when the use on the property is also nonconforming at the time of the sale which results in any change in signage.

~~(e) No later than ten years following the adoption of a sign ordinance amendment that results in a sign being made nonconforming;~~

(4) Temporary and/or portable signs shall be removed within 60 days of the adoption of this section.

(5) Exceptions:

~~(a) Off-premises signs that do not pose a hazard to the travelling public (either pedestrian or vehicular) may continue in that location, until there is a change to the braces, uprights, poles or any portion of the system used to affix the sign to the ground, wall or structure.~~

~~(b)~~(a) Any signs that have been determined by the Topsham Historic Commission, the State Historic Preservation Office, or the National Park Service to be of historic value.

Article 13: To see if the voters will adopt an Ordinance to Amend the Topsham Zoning Ordinance to Amend Chapter 225-18, Historic Overlay District to remove the public hearing requirement and replace with regular meeting notification requirements.

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§ 225-18 Historic Overlay District.
[Amended 6-1-1993 STM, Art. 19; 6-1-1993 STM, Art. 20; 5-18-1994 STM, Art. 13; 5-17-2000 STM, Art. 21; 5-16-2012 STM, Art. 9]

D. Process for obtaining a certificate of appropriateness.

(1) Application procedure.

(a) An application for a CoA may be obtained from the Planning Office. A completed application shall be submitted to the Town Planner, who shall review the application for completeness. If the application is complete, he/she shall transmit it to the Historic Commission for action. If the application is incomplete, he/she shall notify the applicant and indicate the additional information

that is required.

(b) Public Notice. The Commission shall hold a ~~public hearing~~regular meeting on the application. Notice of the ~~public hearing~~meeting shall be posted ~~and published~~ at least seven (7) days prior to the ~~hearing~~meeting. Written notice of the consideration of the application ~~and public hearing~~ shall be mailed to all property owners within two hundred (200) feet of the parcel at least seven (7) days prior to the date of meeting.

(c) The Commission shall act on the application within forty-five (45) days of the receipt of a completed application. The Commission shall make written findings of fact detailing the application's compliance with the standards of approval and the Secretary of the Interior's standards if applicable. When the Commission acts on the application, the action and related findings shall be forwarded to the Code Enforcement Officer, who shall then issue or deny permits, as appropriate.

Article 14: To see if the voters will adopt an Ordinance to Amend the Topsham Zoning Ordinance to Amend Chapter 225-17.G.9, Dimensional Requirements, Chapter 185-11, Administration, Chapter 185-15, Construction and Subdivisions to change the term from 'office of the assessor' to 'addressing officer'.

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§ 225-17 Dimensional requirements.
G. Back lots. One back lot may be created from any lot of record which conforms to the lot requirements of § **225-17A** and **B**, and which existed prior to May, 2004, provided that:

(9) Street numbering, as assigned by the ~~Tax Assessor~~Addressing Officer, is clearly visible at the public street in accordance with Chapter **185**, Article **II**, of the Town Code.

§ 185-11 Administration.
This article shall be administered by the Town of Topsham Addressing Officer, who is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in §§ **185-12** and **185-13**. The ~~Office of the Assessor~~Addressing Officer shall be responsible for maintaining the following official records of this article:

A. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.

B. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

§ 185-15 Construction and subdivisions.
All new construction and subdivisions shall be named and numbered in accordance with the provisions of this article and as follows:

A. New construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the ~~Office of the Assessor~~Addressing Officer. This shall be done at the time of the issuance of the building permit.

B. New subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system with the preliminary plan submission to the Planning Board. Approved by the Planning Board, after consultation with the addressing officer, the plan shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan lines or dots in the center of the streets every fifty (50) feet to aid in assignment of numbers to structures subsequently constructed.

Planning Board Recommendation: **Ought to Pass**

Article 15: To see if the voters will adopt an Ordinance to Amend the Topsham Code to Amend Chapter 91 Building Construction, Chapter 115 Electrical Standards, Chapter 124 Fire Prevention to update these codes to current State standards.

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(See Exhibit 15)

Article 16: To see if the voters will accept Mountain Road (to be named Canam Drive) as a Town owned way.

(See Exhibit 16)

Planning Board Recommendation: **Ought to Pass**
Select Board Recommendation: **Ought to Pass**

Article 17: To see if the voters will authorize the Select Board to accept, on behalf of the Town, any Coronavirus Local Fiscal Recovery Funds (aka American Rescue Plan or ARPA funds) received by the Town from the federal government, enter into agreements or other documentation required in connection therewith, and appropriate and expend such funds for any eligible ARPA "infrastructure project" or "lost public sector revenue to the extent of the reduction in revenue experienced due to the pandemic" as the Select Board deems in the best interest of the Town. These expenditures may be reflected outside of the Town's approved budget.

Select Board Recommendation: **Ought to Pass**

Article 18: To see if the voters will adopt the provisions of 5 M.R.S. § 18252- C (PL 2021, Chapter 286) as allowed by MainePERS Rule Chapter 803.

The Town of Topsham agrees:

1) To adopt the provisions of 5 M.R.S. §18252-C as enacted by PL 2021, Chapter 286 as allowed by MainePERS Rule Chapter 803 for its non-participating employees with optional membership who previously declined to participate in MainePERS ("eligible employees") and to comply with the following requirements:

    a. To offer by June 30, 2022 the opportunity to join MainePERS prospectively to all its eligible employees who have been employed for more than 5 years as of November 1, 2021, to advise these employees that this will be their only opportunity to join, and to provide MainePERS with documentation of each

eligible employee's election; and

b. Beginning in 2022, to annually offer eligible employees who have been employed for less than 5 years, and in 2022 to eligible employees who had reached 5 years of employment between November 1, 2021 and November 1,2022, the opportunity to join MainePERS on a prospective basis during an open enrollment period from September 1st through November 1st and to provide MainePERS with documentation of each election made by eligible employees under this provision; and

c. To withhold employee contributions for employees who join under this provision on an after-tax basis and to remit them to MainePERS.

Select Board Recommendation: **Ought to Pass**

Article 19: To see if the voters will vote to pay for tax abatements and applicable interest granted during the fiscal year of 2022/2023 from Overlay. (Explanation: The Assessor is authorized to raise Overlay under 36 MRSA, Section 710, but voter authorization is required to spend Overlay. Overlay cannot be more than 5% of the Tax Commitment).

Article 20: To see if the Town will fix the date of Wednesday May 24, 2023 for the Special Town Meeting.

Select Board Recommendation: **Ought to Pass**

Article 21: To see if the Town will fix the dates when taxes are due and payable, Monday, October 17, 2022 and Tuesday, April 18, 2023 and to see if the Town will fix a rate of interest to be charged on taxes after said date at 4% or the maximum amount determined by the State Treasurer.

Select Board Recommendation: **Ought to Pass**

Article 22: To see if the Town will establish a **maximum interest rate** to be paid on abated taxes

4% or the maximum rate established by the State Treasurer

For delinquent taxes the interest rate to be paid by the Town reduced by 2%

Select Board Recommendation: **Ought to Pass**

Article 23: To see if the Town will authorize the Treasurer, with the approval of the Select Board, to waive foreclosure on any tax lien during the course of the fiscal year, leaving the Tax Lien Mortgage in full force and effect as provided for in 36 M.R.S.A. Sec. 944(1).

Select Board Recommendation: **Ought to Pass**

Article 24: To see if the Town will authorize the Select Board to dispose of town-owned property the Select Board determines not to be needed for Town use upon such terms and conditions as the Select Board may deem to be in the best interests of the Town as otherwise allowed by law.

Select Board Recommendation: **Ought to Pass**

Article 25: To see if the Town will authorize the Select Board to convey by deeds of quit-claim title or other titles as appropriate any real estate acquired by the Town to such persons for such considerations as the Select Board may in each case determine.

Select Board Recommendation: **Ought to Pass**

Article 26: To see if the Town will authorize the Select Board: (1) to accept gifts, real estate and certain funds on behalf of the Town under such terms as they deem advisable, spend for the purposes intended or establish reserve funds as allowed by law: and (2) spend previously established reserve funds for the purposes intended as allowed by law.

Select Board Recommendation: **Ought to Pass**

Article 27: To see if the Town will authorize the Select Board to establish reserve accounts for capital or other statutorily authorized purposes, spend such reserves for the purposes intended as allowed by law and transfer the current balances of the existing capital accounts into the corresponding reserve account.

Select Board Recommendation: **Ought to Pass**

Article 28: To see if the Town will authorize the Select Board to apply for grants, approve the acceptance of grants, receive grants, appropriate the Town's share of the grant from funds raised at a Town Meeting, expend the grants for the purpose stated in the grant and enter into agreements or other documentation required in connection therewith. These expenditures may be reflected outside of the Town's approved budget.

Select Board Recommendation: **Ought to Pass**