



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
AGENDA

MONDAY

DECEMBER 7, 2009

7:00 P.M.

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. September 8, 2009
- b. September 23, 2009

3. COMMUNICATIONS

- a. Time Warner – Notice of Channel Negotiations
- b. Employee Christmas Party – 12/17/2009
- c. Pine Tree Landfill – License for Disposal of Soils
- d. Warren Miller – Resignation from Pool Board

4. REPORTS

- a. Library Trustee Minutes
- b. Host Community Benefit – October 2009
- c. Rapid Renewal – November 2009
- d. Pool Trustee Minutes – 10/13/09 & Fuel Usage
- e. Finance Committee Minutes – 11/16/09
- f. Infrastructure Committee Minutes – 11/23/09
- g. Landfill Complaints – October 2009
- h. Landfill Special Waste Activity Report – October 2009

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. Application for Renewal of a Victualer's License received from Carroll Crew, LLC d/b/a Pat's Pizza at 662 Main Road North
- b. Application for Renewal of a Victualer's License received from Kliton Xhemali d/b/a Angelo's Pizza at 102 Main Road South

**NOTE: The Council will take a 5-minute recess at 8:00 pm.**

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

3. UNFINISHED BUSINESS

- a. Shoreland Zoning Draft – Introduce for Public Hearing on 1/4/2010
- b. Goals & Objectives Draft
- c. VFW Bingo & Games of Chance License Authorization

4. NEW BUSINESS

- a. Street Light Locations: - Dunton Circle/Western Avenue  
- Dunton Circle/Silver Drift Trail
- b. Glacial Energy – Infrastructure Committee Recommendation to Authorize Town Manager to Switch from Standard Offer (See Infrastructure Committee Minutes of 11/23/09)
- c. Vivian Gresser’s Retirement Reception – 1/4/2010

D. COMMITTEE REPORTS

E. MANAGER’S REPORT

F. COUNCILORS’ COMMENTS

G. ADJOURNMENT

**TOWN COUNCIL MINUTES**

**September 8, 2009**

Due to the Labor Day holiday, the regularly scheduled meeting of the Hampden Town Council was held on Tuesday, September 8, 2009. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:03 p.m.

**Attendance: Councilors:** Mayor Matthew Arnett, Andre Cushing, Thomas Brann, William Shakespeare, Janet Hughes, Shannon Cox and Jean Lawlis

**Town Manager:** Susan Lessard

**Town Counsel:** Thomas Russell

**Department Heads/Staff:** None

Goodwill Riders Snowmobile Club Trail Master Steve Eyles

**A. CONSENT AGENDA**

Treasurer's Warrants were reviewed and signed by the Finance Committee. Motion by Councilor Cox, seconded by Councilor Cushing to accept the balance of the Consent Agenda – unanimous vote in favor.

**B. PUBLIC COMMENTS**

There were none.

**C. POLICY AGENDA**

**1. PUBLIC HEARINGS**

There were none.

**2. NOMINATIONS-APPOINTMENTS-ELECTIONS**

There were none.

**3. UNFINISHED BUSINESS**

**a. REQUEST FOR PROPOSAL – BEAR PROGRAM – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION**

Councilor Cushing reported that the Planning & Development Committee has had two presentations from outside entities that provide Business Expansion and Retention (BEAR) programs, which are geared toward both development of new economic activity and to show appreciation for those who have located their businesses in Hampden. The Committee

feels that it is important to have a strong relationship with the current businesses in Town as we move forward with the Comprehensive Plan and voted to recommend that the Council authorize the request for proposals for a BEAR program.

Motion by Councilor Cushing, seconded by Councilor Shakespeare to approve the request for proposals for a BEAR program – unanimous vote in favor.

b. "INSTITUTION BUILDING" DEFINITION – PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

Councilor Cushing reported that this came about as the result of discussions with SAD #22 relative to the new high school project. During that time, it became clear that the Zoning Ordinance lacked an appropriate definition of "institution building". The Planning & Development Committee has reviewed this draft amendment and recommends forwarding it to the Planning Board.

Motion by Councilor Cushing, seconded by Councilor Hughes to forward the proposed language to the Planning Board for review and recommendation – unanimous vote in favor.

c. "CONDITIONAL USES IN COMMERCIAL SERVICES DISTRICT" – RECOMMENDATION TO COUNCIL TO REFER TO PLANNING BOARD – PLANNING & DEVELOPMENT COMMITTEE

Councilor Cushing reported that the Planning & Development Committee has reviewed the proposed amendment which addresses water dependent commercial and industrial uses and building height limits along the Penobscot River. He noted that in discussions with a boat building company who is looking to develop a parcel adjacent to the marina that water dependent commercial buildings generally will need to exceed the height limits set out in the Zoning Ordinance. The impact of this amendment would be that in the case of a water dependent use, the 35-foot height limit would not apply. The Committee's discussion centered upon giving the Planning Board more latitude to review specific needs on a case-by-case basis in commercial zones.

Councilor Cushing then moved to refer this item to the Planning Board; Councilor Lawlis seconded the motion.

During discussion, Attorney Russell pointed out that as he interpreted the proposed amendment, it states that this use is not subject to any height requirement period. He advised the Council that zoning is a legislative document and the Council can not give the Planning Board discretion as it is not a legislative body.

Following further discussion, Councilor Cushing and Councilor Lawlis withdrew the motion and this item was referred back to the Planning & Development Committee.

#### **4. NEW BUSINESS**

##### **a. GOODWILL RIDERS – SNOWMOBILE TRAIL**

Trail Master Steve Eyles informed the Council that the Goodwill Riders Snowmobile Club is hoping to change its 10-mile section of the ITS trail to a municipal trail for this year only to enable the Club to apply for a municipal grant of \$3,000 administered by the Bureau of Parks & Lands. He noted that this request would not involve any municipal funds and the grant would be used to maintain and improve the trail.

Motion by Councilor Cushing, seconded by Councilor Hughes to accept ten miles of the ITS trail as a municipal trail for 2009/2010 and to sign the Project Certification – unanimous vote in favor.

##### **b. APPLICATIONS FOR RENEWAL OF OUTDOOR WOOD-BURNING FURNACE LICENSE RECEIVED FROM PATRICK AUDET, 381 MAIN ROAD NORTH**

Motion by Councilor Shakespeare, seconded by Councilor Hughes to approve the application – unanimous vote in favor.

##### **c. APPLICATION FOR RENEWAL OF LIQUOR LICENSE RECEIVED FROM BANGOR TENNIS & RECREATION CLUB, 60 MECAW ROAD**

Motion by Councilor Brann, seconded by Councilor Cushing to approve the application – unanimous vote in favor.

#### **D. COMMITTEE REPORTS**

Councilor Cox reported that the Services Committee will meet next Monday at 6:00 pm.

Councilor Cushing reported that the Committee on Committees met last week to begin its review of the roles of the various citizen advisory committees. The Committee hopes to be done with its review within 6 months.

Councilor Brann reported that the Infrastructure Committee will meet at 6:00 pm on Monday, September 28<sup>th</sup>.

#### **E. MANAGER'S REPORT**

A copy of the Manager's Report is attached hereto.

#### **F. COUNCILOR'S COMMENTS**

There were none.

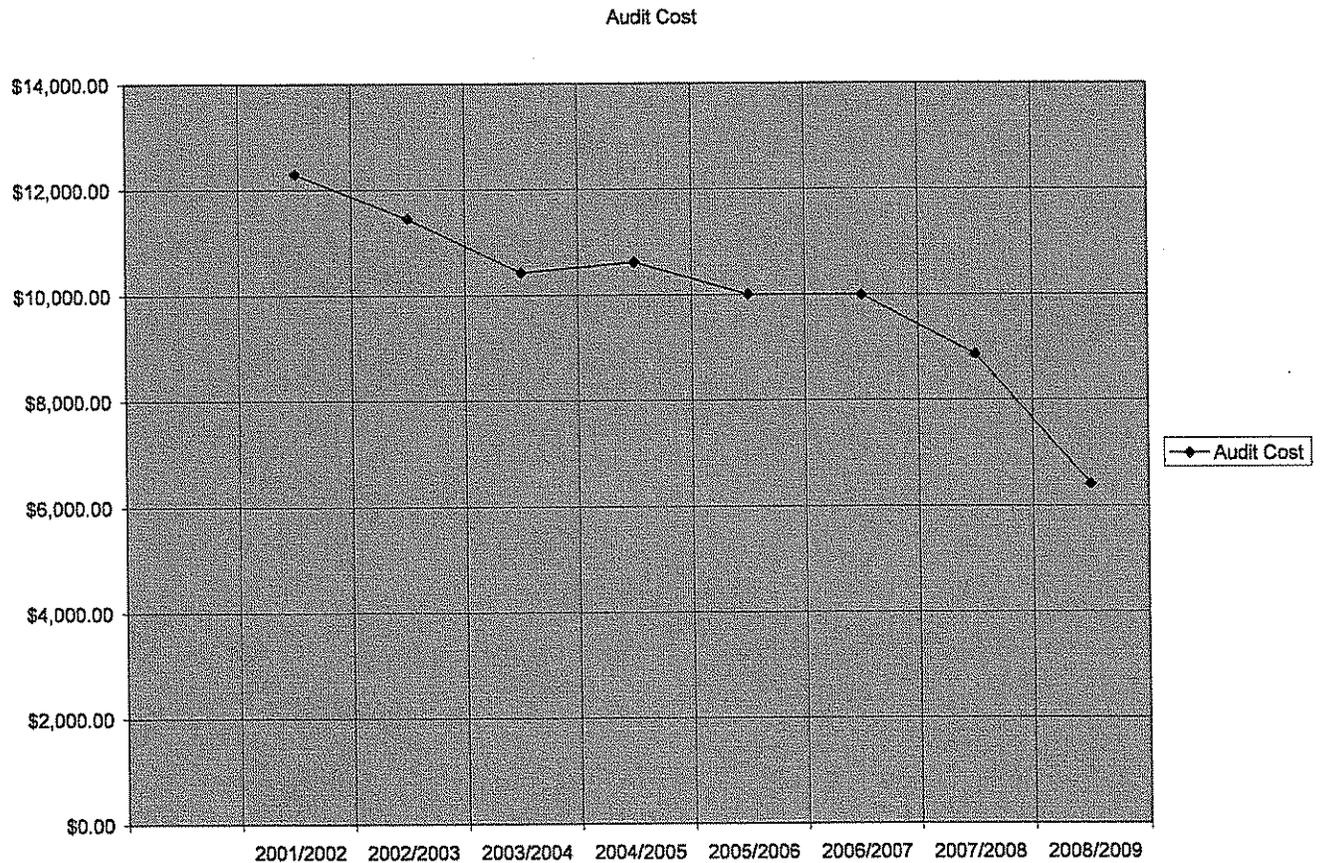
MANAGER'S REPORT  
Monday, September 8, 2009

Tax Bills –

The first half of tax bills are due on Wednesday, October 7, 2009 to avoid interest. In the week since Tax bills were sent, we have received nearly \$100,000 in payments.

Audit –

The Audit for 2008/2009 has been completed and our final cost for it should be around \$6,400. I have attached a chart showing what our audit costs have done over the past 8 years. I am proud of the staff for their efforts.



Groundbreaking – School

A reminder that the groundbreaking for the new high school is at 3 p.m. on Wednesday, September 9<sup>th</sup> at the site.

### November Referenda – Fiscal Impact

The next Finance Committee meeting on September 21<sup>st</sup> will include a discussion of the potential fiscal impact of the November Excise and Tabor referenda. A number of communities have had resolutions adopted by their Town Councils/Boards. Prior to any consideration of that nature, it seemed appropriate for Finance to assess impacts.

### Infrastructure Committee Agenda

The next Infrastructure Committee meeting will include an item related to the Town assisting the Water District with clearing of some of the hydrants in exchange for meter reading costs and other potential "sharing" ideas. That meeting is on September 28 at 6 p.m.

### Hampden Highlights Newsletter – September Edition

Editor Annie O'Reilly is assembling the next edition of Hampden Highlights Newsletter. We will be doing an article about the upcoming referenda question (Mayo Road) as well as candidate profiles for school and council and water district. Candidates who are running should submit a 50 -75 word paragraph for the profile.

**G. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:50 p.m.

A handwritten signature in black ink that reads "Denise Hodsdon". The signature is written in a cursive style with a large initial 'D'.

Denise Hodsdon  
Town Clerk

**TOWN COUNCIL MINUTES**

**September 23, 2009**

The regularly scheduled meeting of the Hampden Town Council was moved to Wednesday, September 23, 2009. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:02 p.m.

**Attendance: Councilors:** Mayor Matthew Arnett, Andre Cushing, Thomas Brann, William Shakespeare, Shannon Cox and Jean Lawlis; Janet Hughes was excused in order to attend the Planning Board meeting

**Town Manager:** Susan Lessard

**Town Counsel:** Thomas Russell was absent

**Department Heads/Staff:** None

**A. CONSENT AGENDA**

Treasurer's Warrants were reviewed and signed by the Finance Committee at its meeting prior to the Council meeting. Motion by Councilor Cushing, seconded by Councilor Cox to accept the balance of the Consent Agenda – unanimous vote in favor.

**B. PUBLIC COMMENTS**

There were none.

**C. POLICY AGENDA**

**1. PUBLIC HEARINGS**

- a. APPLICATION FOR VICTUALER'S LICENSE RECEIVED FROM BLUE SKY ENTERPRISES, d/b/a HAMPDEN NATURAL FOODS at 281 WESTERN AVENUE

Mayor Arnett explained the procedure for the public hearing and then opened the hearing.

Proponents – none; Opponents – none: General Questions or Comments – None. The hearing was closed.

Motion by Councilor Brann, seconded by Councilor Cushing to approve the application – unanimous vote in favor.

**2. NOMINATIONS-APPOINTMENTS-ELECTIONS**

There were none.

**3. UNFINISHED BUSINESS**

There was none.

**4. NEW BUSINESS**

- a. APPLICATION FOR RENEWAL OF AN OUTDOOR WOOD-BURNING FURNACE LICENSE RECEIVED FROM DOUG AND APRIL STANHOPE, 560 WESTERN AVENUE

Motion by Councilor Brann, seconded by Councilor Cushing to approve the application – unanimous vote in favor.

- b. EXCISE TAX REFERENDUM QUESTION – FINANCE COMMITTEE RECOMMENDATION

Manager Lessard reported that the Finance Committee discussed the potential impact to the Town if the referendum question related to the reduction in excise tax were to pass. After review of the information, the Committee determined that passage of the referendum would reduce the amount of excise tax by over \$600,000. Manager Lessard advised that a reduction of that amount in the excise tax, which is used annually for road repair and the Public Works budget and operation, would create a need for a \$1.11 increase in the mil rate or a cut in services to accommodate for the loss. It was the consensus of the Committee that this approach is too drastic and too sudden and to recommend to the Council to enact a resolution in opposition to the initiated bill LD 974. Manager Lessard read the proposed resolution for the record.

Motion by Councilor Brann, seconded by Councilor Cox to adopt the resolution as proposed and recommended by the Finance Committee – unanimous vote in favor.

- c. MMA VOTING DELEGATE

Motion by Councilor Cushing, seconded by Councilor Lawlis to designate Mayor Arnett as Hampden's voting delegate at the annual business meeting of the Maine Municipal Association on October 7, 2009 – unanimous vote in favor.

- d. PENQUIS – ROBERT PORTER, 10 MAYO ROAD - REPAIRS

The property at 10 Mayo Road is currently in tax acquired status and is in need of repair for a badly leaking roof. Manager Lessard discussed the matter with the Finance Committee and requested permission to expend the estimated \$2,500 to \$3000 to make the repair as it would be in the best interest of the Town to keep the property in good repair. The Committee recommended that the Town Manager be authorized to expend up to \$3,000 for structural repairs for the tax acquired property.

RESOLUTION  
IN OPPOSITION TO THE INITIATED BILL LD 974  
'AN ACT TO DECREASE THE AUTOMOBILE EXCISE TAX AND PROMOTE ENERGY  
EFFICIENCY'

*WHEREAS, the initiated Bill LD 974, An act to Decrease the Automobile Excise Tax and Promote Energy Efficiency, would cut over \$80 million of revenue each year to Maine's Towns and Cities that is used to plow, treat, construct, repair, and maintain over 13,000 miles of local roads and over 800 local bridges; and*

*WHEREAS, LD974 would cut approximately \$601,000 in revenue this community uses every year to repair and maintain approximately 74 miles of local roads; and*

*WHEREAS, the motor vehicle excise tax revenue is vitally necessary to adequately maintain this infrastructure for reasons of public safety and welfare and economic development; and*

*WHEREAS, the adoption of the excise tax initiative would likely lead to a significantly deteriorated transportation system in this community, or, in the alternative, increases to the Town's mil rate of \$1.11; and*

*WHEREAS, the excise tax inappropriately increases the regressivity of the motor vehicle excise tax by providing substantial benefits to the owners of newer and specialized motor vehicles while providing no tax benefits to the owners of motor vehicles that are older than five years of age, which represents the majority of registered motor vehicles; and*

*NOW THEREFORE, BE IT RESOLVED that the Hampden Town Council hereby expresses its grave concern about the initiated bill LD 974, An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency; and further agrees to provide information to the voters of Hampden regarding the potential negative impacts of this initiated legislation.*

*Adopted this 23<sup>rd</sup> day of September, 2009, by the Hampden Town Council.*

Motion by Councilor Brann, seconded by Councilor Cox to accept the recommendation of the Finance Committee and authorize the Town Manager to expend up to \$3,000 for the repair – unanimous vote in favor.

#### **D. COMMITTEE REPORTS**

Councilor Brann reported that the Infrastructure Committee will meet on September 28<sup>th</sup> at 6:00 pm and will hear a presentation on the impact of stormwater runoff.

Councilor Cushing reported that the next meeting of the Planning & Development Committee will be at 6:00 pm on October 7<sup>th</sup>.

Councilor Cox reported that due to lack of a quorum the Services Committee was unable to meet in September. The next meeting will be October 12<sup>th</sup>.

#### **E. MANAGER'S REPORT**

A copy of the Manager's Report is attached hereto.

#### **F. COUNCILOR'S COMMENTS**

Councilor Shakespeare commented that he has recently been involved in a commercial project downtown and there has been some confusion over lighting on signs in the village commercial area. He has discussed this with the Code Enforcement Officer and they have come to the conclusion that this needs to be addressed. Councilor Shakespeare also noted that there was an article regarding non-compliance of individual roadside signs in the latest edition of the newsletter and requested that the Planning & Development Committee conduct an in-depth review and discussion of the ordinance language regarding signs in order to clarify issues.

Councilor Lawlis commented that at the last Council meeting there was a presentation by the Goodwill Riders and Councilors received a map of the snowmobile trails that currently exist in Hampden. She said it was pointed out that these are multi-use recreation trails and she has started hiking the trails with her dog. She said they are wonderful and a real treasure for the Town and she encouraged everyone to take advantage of this resource. She also noted that as we look at the Comprehensive Plan, one of the objectives is to, while supporting ongoing development, both residential and commercial, that we do it in such a way as to maintain treasures like this.

Councilor Brann suggested that the Council should have some discussion about policies and procedure to refer items to the various Council committees. He feels there has been some confusion as of late regarding the process.

Councilor Cushing informed everyone that absentee ballots are now available at the Town Office.

MANAGER'S REPORT  
Wednesday, September 23, 2009

The BAT – I am pleased to inform you that the fourth quarter payment for our share of the Bangor BAT system was a -\$13,000+ dollars! The City of Bangor received a federal grant for excellence in operation and our proportionate share of that was larger than the last quarter of the 2008/2009 fiscal year! Since we had already sent the fourth quarter payment before the grant was received, the City has given us a credit against the first quarter of the 2009/2010 year and we will realize that cost savings in the 2009/2010 year! Although the application had been made prior to year end, the City of Bangor wisely did not make any assumptions about receipt of the grant until it had finally been approved.

Bangor Waterfront – Coal Tar Disposal

I visited the Bangor Waterfront site today to see what the process was for preparation of the material being dredged prior to disposal at Pine Tree or Juniper Ridge. I am pleased to report that while standing immediately adjacent to the material – there was virtually no odor other than the 'cement' smell of the material being mixed with the dredge spoils. They were excavating from the river at the time I was there and there was very little odor from that either. Originally, the material was going to be stabilized with a material called Quik Set 20 – but that has been changed to a cement mix due to the fact that the original 'mixer' did not perform well enough to make its use feasible. The cement additive is the more common one in use for such projects. It is likely that disposal will begin sometime next week.

Komen Race for the Cure – Team Denise

Town Clerk Denise Hodsdon was a co-chair for the race this year. It was held on Sunday the 20<sup>th</sup> and it surpassed prior year totals for both participants – over 5000! and fundraising – over \$300,000! Congratulations to Denise and her race committee for all the hard work! Team Denise had 92 participants this year and raised over \$5,400!

Route 1A MDOT Project – Good News!

Public Works Director Chip Swan has informed me that the Route 1A project due to be done next year WILL include the portion of Route 1A that has caused problems at the end of Hillside Drive. Apparently the drawings show that portion to be included. That should be a permanent solution for the affected property owners who came to the Council several months ago. In the interim, MDOT has been out to not only clean out that ditch area, but to redo parts of it as well.

Meeting Reminder – September 28<sup>th</sup>

The Infrastructure Committee will meet at 6 on Monday night and the special Stormwater 101 meeting with the Planning Board and Conservation Commission will convene at 6:30 here at the Town Office.

Councilor Cox noted that the Friends of Dorothea Dix Park will be holding its first organizational meeting on September 29<sup>th</sup> from 7:00 to 8:30 pm in the Community Room. She encouraged anyone interested in participating in this organization to attend the meeting.

Mayor Arnett reported that he and Manager Lessard will be having preliminary discussions with SAD #22 Superintendent Richard Lyons and School Board Chair Timothy Pease relative to the re-use of Hampden Academy. Councilor Brann said he is anxious to see the report from the attorney the Town hired to clarify the state laws relative to the re-use of school property.

#### **G. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:56 p.m.



Denise Hodsdon  
Town Clerk



A-3-a

PO Box 8180  
Portland, ME 04104

Dear Town/City Manager,

I am writing to you as part of our ongoing efforts to keep you apprised of developments affecting Time Warner Cable customers in your community.

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The agreements with the programmers/broadcasters on the attached list are due to expire soon and we may be required to cease carriage of one or more of these services/stations in the near future. Conversely, there are also times when we will include the addition of new channels within these ads.

Again, this is a routine notice and we are confident agreements will be reached with these networks. Enclosed is a copy of the ad that will run in the local daily paper; the notice can also be found on our website at: <http://www.timewarnercable.com/newengland/support/policies/channelchange.html>

These ads are placed in the first and third Wednesday of each month. This information is also located on the back of the customer bill.

Please do not hesitate to contact us if you have any questions.

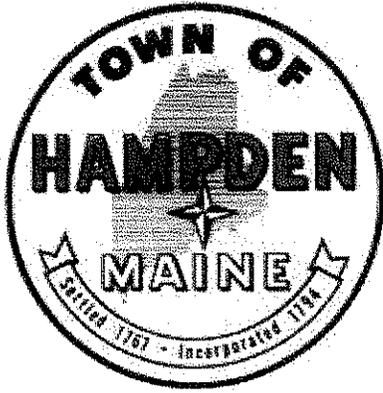
Sincerely,

Melinda Poore  
Melinda.poore@twcable.com  
Ph: (207)253-2217

Mike Edgecomb  
Michael.edgecomb@twcable.com  
Ph: (207) 594-2249 x2181

Shelley Winchenbach  
Shelley.winchenbach@twcable.com  
Ph: (207) 594-2249 x2177





EMPLOYEE CHRISTMAS  
LUNCH, THURSDAY,  
DECEMBER 17, 2009  
AT 11:30 A.M. IN THE  
COMMUNITY ROOM

POT LUCK, (let us know what you will bring) DOOR  
PRIZES, AND A SOCIAL HOUR.

PLEASE SIGN UP WITH ROSEMARY BY  
TUESDAY, DECEMBER 15<sup>TH</sup>





STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE HOUSE STATION 17                      AUGUSTA, MAINE 04333

TOWN COPY  
A-3-C

DEPARTMENT ORDER

IN THE MATTER OF

NEWSME LANDFILL OPERATIONS, LLC	)	MAINE HAZARDOUS WASTE,
d/b/a PINE TREE LANDFILL	)	SEPTAGE AND SOLID WASTE
HAMPDEN, PENOBSCOT COUNTY, MAINE	)	MANAGEMENT ACT
LEAD-IMPACTED SOIL	)	
#S-01987-WT-PC-N	)	
(APPROVAL WITH CONDITIONS)	)	NEW LICENSE

Pursuant to the provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act*, 38 M.R.S.A. §§1301 to 1319-Y, the *Solid Waste Management Rules: General Provisions*, 06-096 CMR 400 (last amended March 5, 2001) and the *Solid Waste Management Rules: Water Quality Monitoring, Leachate Monitoring, and Waste Characterization*, 06-096 CMR 405 (last amended June 16, 2006), the Department of Environmental Protection ("Department") has considered the application of NEWSME LANDFILL OPERATIONS, LLC ("NEWSME" or "Applicant"), with all supportive data, agency review comments, and other related materials on file, and FINDS THE FOLLOWING FACTS:

1 APPLICATION SUMMARY

- A. Application: The applicant has applied for the onetime disposal of approximately 5,000 tons of lead-impacted soils.
- B. History: The applicant operates the Pine Tree solid waste disposal landfill facility in Hampden, Maine for the disposal of municipal and industrial solid waste.
- C. Summary of Proposal: NEWSME requests approval for the onetime disposal of approximately 5,000 tons of lead-impacted soils that have been treated with a phosphate solution to convert existing leachable elemental lead compounds into more stable, insoluble lead minerals and hydroxides. The waste will be generated by the United States Environmental Protection Agency (EPA) during the remediation of the Rolnick property located in Brewer, Maine.

2. SAMPLING AND ANALYSIS PLAN

Two samples of the proposed waste were collected and analyzed for TCLP metals, semi-volatiles, PCBs, total metals, volatiles and semi-volatiles and percent moisture. The only constituent of concern present in the waste was lead (36.5 mg/l and 12.6 mg/l), exceeding

NEWSME LANDFILL OPERATIONS, LLC	2	MAINE HAZARDOUS WASTE,
d/b/a PINE TREE LANDFILL	)	SEPTAGE AND SOLID WASTE
HAMPDEN, PENOBSCOT COUNTY, MAINE	)	MANAGEMENT ACT
LEAD-IMPACTED SOIL	)	
#S-01987-WT-PC-N	)	
(APPROVAL WITH CONDITIONS)	)	NEW LICENSE

the TCLP limit for disposal in the landfill. The treatment contractor conducted bench-scale studies of the waste and potential treatment solutions to develop an onsite treatment program for the soils. The treatment solution will be applied to the soils and mixed thoroughly with standard excavation equipment. Following treatment and prior to disposal at the landfill, the treated soils will be sampled and analyzed for TCLP lead at a rate of one composite sample for every 500 tons of soil. Batches that fail the confirmatory TCLP testing will be retreated and retested until the 5.0 mg/l criterion is achieved.

The Department finds that the applicant has adequately sampled and analyzed the proposed waste and has demonstrated that the treated waste is non-hazardous, provided the post-treatment TCLP testing demonstrates that the soil does not exceed the 5.0 mg/l limit for lead prior to placement in the landfill.

BASED on the above Findings of Fact, and subject to the Conditions listed below, the Department makes the following CONCLUSION:

The disposal of approximately 5,000 tons of lead-impacted soils, as proposed by NEWSME LANDFILL OPERATIONS, LLC, will not pollute any waters of the state, contaminate the ambient air, constitute a hazard to health or welfare or create a nuisance, provided the post-treatment TCLP testing demonstrates that the soil does not exceed the 5.0 mg/l limit for lead prior to placement in the landfill.

THEREFORE, the Department APPROVES the noted application of NEWSME LANDFILL OPERATIONS, LLC, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached as Appendix A.
2. The invalidity or unenforceability of any provision, or part thereof, of this license shall not affect the remainder of the provision or any other provision. This license shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

NEWSME LANDFILL OPERATIONS, LLC	3	MAINE HAZARDOUS WASTE,
d/b/a PINE TREE LANDFILL	)	SEPTAGE AND SOLID WASTE
HAMPDEN, PENOBSCOT COUNTY, MAINE	)	MANAGEMENT ACT
LEAD-IMPACTED SOIL	)	
#S-01987-WT-PC-N	)	
(APPROVAL WITH CONDITIONS)	)	NEW LICENSE

3. Waste that exceeds the 5.0 mg/l TCLP limit for lead shall not be disposed of in the landfill.

DONE AND DATED AT AUGUSTA, MAINE, THIS 4<sup>TH</sup> DAY  
 OF NOVEMBER, 2009

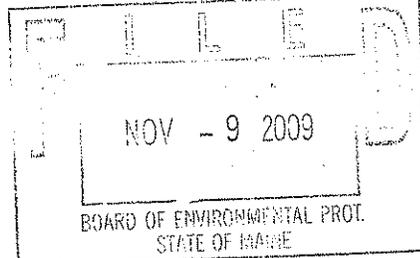
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 BY: *Mr David P. Littell* FOR  
 David P. Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

Date of initial receipt of application: 10/19/2009.

Date of application acceptance: 10/28/2009.

Date filed with Board of Environmental Protection:



This Order prepared by Michael T. Parker, Bureau of Remediation and Waste Management.

XMP70717/dlb

Appendix A

STANDARD CONDITIONS TO ALL SOLID WASTE FACILITY LICENSES

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL. VIOLATIONS OF THE CONDITIONS UNDER WHICH A LICENSE IS ISSUED SHALL CONSTITUTE A VIOLATION OF THAT LICENSE, AGAINST WHICH ENFORCEMENT ACTION MAY BE TAKEN, INCLUDING REVOCATION.

1. Approval of Variations from Plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the licensee. Any consequential variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
2. Compliance with All Applicable Laws. The licensee shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
3. Compliance with All Terms and Conditions of Approval. The licensee shall submit all reports and information requested by the Department demonstrating that the licensee has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Transfer of License. The licensee may not transfer the solid waste facility license or any portion thereof without approval of the Department.
5. Initiation of Construction or Development Within Two Years. If the construction or operation of the solid waste facility is not begun within two years of issuance or within 2 years after any administrative and judicial appeals have been resolved, the license lapses and the licensee must reapply to the Department for a new license unless otherwise approved by the Department.
6. Approval Included in Contract Bids. A copy of the approval must be included in or attached to all contract bid specifications for the solid waste facility.
7. Approval Shown to Contractors. Contractors must be shown the license by the licensee before commencing work on the solid waste facility.
8. Background of key individuals. A licensee may not knowingly hire as an officer, director or key solid waste facility employee, or knowingly acquire an equity interest or debt interest in, any person convicted of a felony or found to have violated a State or federal environmental law or rule without first obtaining the approval of the Department.
9. Fees. The licensee must comply with annual license and annual reporting fee requirements of the Department's rules.

ADDITIONAL STANDARD CONDITIONS FOR  
SOLID WASTE DISPOSAL FACILITIES

10. Recycling and Source Reduction Determination for Solid Waste Disposal Facilities. This condition does not apply to the expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling.

The solid waste disposal facility shall only accept solid waste that is subject to recycling and source reduction programs, voluntary or otherwise, at least as effective as those imposed by 38 M.R.S.A. Chapter 13.

11. Deed Requirements for Solid Waste Disposal Facilities. Whenever any lot of land on which an active, inactive, or closed solid waste disposal facility is located is being transferred by deed, the following must be expressly stated in the deed:

- A. The type of facility located on the lot and the dates of its establishment and closure.
- B. A description of the location and the composition, extent, and depth of the waste deposited.
- C. The disposal location coordinates of asbestos wastes must be identified.



# DEP INFORMATION SHEET

## Appealing a Commissioner's Licensing Decision

Dated: January 2004

Contact: (207) 287-2811

### SUMMARY

One of two methods is available to an aggrieved person for appealing a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner -- in an administrative process before the Board of Environmental Protection ("Board") or a judicial process before Maine's Superior Court. This FACT SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, will assist aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeals. A failure to file an appeal within the identified time periods will result in the Commissioner's decision becoming final.

### I. ADMINISTRATIVE APPEALS TO THE BOARD

#### LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24.

#### HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board.

#### HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes and photocopies are not acceptable. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

#### WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

An appeal must contain the following information:

1. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
2. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
3. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
4. *All the matters to be contested.* As part of the appeal, the Board will limit its consideration to those arguments specifically raised in the written notice of appeal.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

#### OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

#### WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

#### II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

#### ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

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Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

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A-3-d

Post Office Box 875  
Holden, Maine 04429  
November 19, 2009

Lura Hoit Pool Board of Trustees  
Town of Hampden, Maine  
106 Western Avenue  
Hampden, Maine 04449

Attn: Susan Lessard, Town Manager

Please accept this as my resignation from the Lura Hoit Board of  
Trustees effective December 1, 2009.

Sincerely,



Warren E. (Whitey) Miller

ccs Daniel Brooks, Board Chairman  
Darcy Peakall, Pool Director

**EDYTHE L. DYER LIBRARY  
BOARD OF TRUSTEES  
MINUTES  
November 18, 2009**

Members present: Debbie Lozito (ex officio), Don Desmarais, Tony Mourkas, Mary Ann Bjorn, Ruth Stearns, Mark Russell, Yvonne Lambert, John Skehan, Judy Beebe and Cheri Condon.

Members absent: Fred Jones, Richard Jenkins and Dave Barrett.

Meeting called to order at 7:35 a.m.

Minutes of the October 14, 2009 meeting were read. Motion was made and seconded to accept the minutes as read. All were in favor.

Judy Beebe proposed discussion of a possible by-laws change in the frequency of Board Meetings. Board members agreed to discuss this at the December meeting.

Bill Arata made his annual state of the Endowment Fund presentation which was well received.

Motion was made to adjourn. All were in favor. Meeting adjourned at 9:00 a.m.

Respectfully submitted,

Donna Beck  
Recording Secretary



4-4-b

Operated By  
New England Waste Services of ME, Inc.

November 25, 2009

Susan Lessard  
Town Manager  
Municipal Building  
106 Western Avenue  
Hampden, ME 04444

Dear Susan:

The enclosed host fee payment of \$87,957.38 represents the period October 2009, during which 47,545 tons were disposed at PTL.

As always, please give me a call if you have any questions about the landfill.

Sincerely,

Donald Meagher

Enc: Host community benefit payment

A-4C

Rapid Renewal Transaction Volume Summary  
Town of Hampden: Transaction date >= 20091101 and < 20091201

Payment Method	Transaction Count	Transaction Amount	Processing Fees
Credit/Debit Card	0	0.00	0.00
Electronic Check	36	7806.62	0.00
TOTAL	36	7806.62	

Rapid Renewal  
November 2009

Class Code Summary

Class	Count
CO	1
CR	3
LB	2
PC	28
VT	2

Luca Hot Pool

4-4-d

Board Meeting Minutes ~ 10/13/09

Dan Brooks brought the meeting to order at 7:00 pm.

Those present: Dan Brooks, Karen Brooks, Mary Ellen Conner, Jim Feverston, Cedena McAvoy, Norm Stern, Whitey Miller, Darcey Peakall, and Julie Macleod. Not present: all present

The secretary's minutes for July and September were accepted as presented.

The Director's Report for October:

- ~ The number of participants in September was up 709 people and daily receipts were up \$1,319 compared to last year.
- ~ The pool rental income was up \$255 compared to last year.
- ~ The monthly fuel usage went down by 1,010.8 gallons.

The treasurer's report was accepted as presented.

The general scholarship account has a \$0 balance but has not been closed out. The dinosaur slide and the bill for scholarship reimbursement have been paid for.

The motion from the board meeting on 6/9/09 about transferring funds from Mean's Investment to Maine Savings Bank has not taken place yet due to Mean's Investment needing information from Jim, Mary Ellen and Susan Lessard. Jim will pass in the paperwork back to Darcey so Mary Ellen can complete her part and then it will go to Susan for final approval.

Darcey presented Jim with a bill for \$211.76 for the Hampden Recreation Program Guide September mailing. A motion was made to reserve \$500.00 from the money market account for advertising costs to pay for the next two mailings. The motion was passed 7-0. Jim would like Darcey to increase her advertising budget next year to include the recreation mailing. That would be a 128% increase.

Whitey Miller announced that he would not be renewing his position on the board, due to health reasons, when it expires on December 31, 2009. He will submit that in writing to Darcey. The board currently has two open positions and with Whitey retiring, the board will have three positions. There are four board applications that have been turned in to the Town Council. The town is still waiting for Jim to fill out his paperwork for his position.

Cedena will contact Weatherbee School for artwork to display in the pool lounge. Norm will get artwork from the high school for a future display.

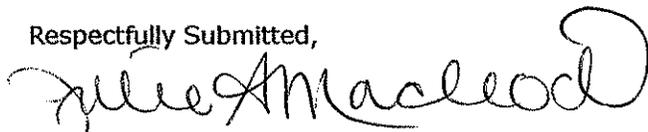
There have been positive comments about the new dinosaur slide.

Dan would like Darcey to compile a wish list of things that the pool needs or wants for the future.

The board reviewed the by-laws and the May meeting is designated as the annual meeting for voting of officers, but due to some unfilled/expired, officer positions, the board voted on filling the co-chairperson and secretary slots at this meeting and their term will expire May 2010. A motion was made to have Mary Ellen Connor fill the secretary position. The motion was passed 6-0. Julie will still act as recording secretary. A motion was made to have Cedena McAvoy fill the co-chairperson position. The motion was passed 6-0. Dan will still conduct the board meetings.

Meeting adjourned at 8:17pm.

Respectfully Submitted,



Julie A. Macleod

Monthly Fuel Usage

A-4-d

Month	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010
July	959.6	1338.1	791.7	1319.8	1091.2	1229.1
August	1954.3	2019.1	1263.6	1196.5	1088.1	535.7
September	2127.3	1702.1	2396.3	1924	1648.4	637.6
October	2356.3	2794.9	2686.6	1587.8	1562.4	1190.7
November	3881	3030.2	3165.4	2273.8	1679.3	
December	3907	4915.6	4127.7	2498.6	2430.2	
January	4863.6	4473.6	4440.3	3156.3	2211.4*	
February	4563.7	4258.2	5322.9	2563.3	2013.7	
March	3717.5	3525.1	2359.9	2300	2196.9	
April	2563.4	2576.6	2714.4	2373.6	1332.4	
May	2996.1	2635.7	2046.6	1909	1145.4	
June	1786.6	1499	1525.7	1538.6	997.8	
TOTAL	35676.4	34768.2	32841.1	24641.3	17185.8	
*New Boiler on line						
1/1/2009						
5/16 - 6/1 issue with						
pool air temp controller						

↓ 3711.7

FINANCE COMMITTEE  
Minutes  
MONDAY, November 16, 2009  
5:45 p.m.  
Hampden Town Office

- 1. Minutes of 11/09/09 Meeting – *The minutes of the 11/09/09 meeting were reviewed with no changes proposed. Motion by Shannon Cox to accept the minutes as written. Unanimous vote.*
- 2. Old Business
  - a. Investment Policy - *The Town Manager provided a copy of the Town's Investment Policy to the Committee and explained the manner in which all funds of the town were maintained. Mayor Arnett requested an updated report of all funds at the next Finance Committee meeting.*
  - b. Continued Goal & Objectives Discussion – *The Committee suggested additional topics for consideration and material to be provided at the 11/30/09 Special Council Meeting to discuss goals and objectives:*
    - Regionalization/Community cooperation*
    - Water District review*
    - Parking expansion at the municipal building*
    - Department head priority lists*
    - Transfer station future*
    - Pine Tree Landfill post closure*
    - Updated report of prior year's goals & objectives*
    - Implementation schedule from the Comprehensive Plan draft*

- 3. New Business - *None*
- 4. Public Comments - *None*
- 5. Councilor Comments – *None*

*The meeting was adjourned at 6:45 p.m., motion by Shannon Cox – unanimous vote.*

*Respectfully submitted,*

*Susan Lessard  
Town Manager*

INFRASTRUCTURE COMMITTEE MEETING  
MINUTES  
MONDAY, NOVEMBER 23, 2009

6:00 P.M.

HAMPDEN TOWN OFFICE

Attending:

- |  |                                    |
|--|------------------------------------|
| <i>Mayor Matthew Arnett</i>              | <i>Joe McElvin, Glacial Energy</i> |
| <i>Chairman Thomas Brann</i>             | <i>Shawn Lewin, Glacial Energy</i> |
| <i>Councilor William Shakespeare</i>     |                                    |
| <i>Councilor Andre Cushing</i>           |                                    |
| <i>Councilor Shannon Cox (6:10 p.m.)</i> |                                    |
| <i>Town Manager Sue Lessard</i>          |                                    |

1. Minutes of 10/26/09 Meeting – *The minutes of the 10/26/09 meeting were reviewed and no changes or amendments were proposed.*
2. Old Business - *None*
3. New Business
  - a. MDOT Bridge replacement Update – *The Public Works Director explained that the DOT has originally proposed to replace the Old Grist Mill Bridge near the Water District during 2010 with a new style of bridge that utilizes plastic forms filled with concrete. If that had occurred, the Town would have had to move and upgrade its sewer lines that run under that bridge. Due to the nature of the water activity there, including ice dams, the DOT has decided to put off the project for at least the next year.*
  - b. Sewer Ordinance Language – Request from Bangor – *The Public Works Director explained that he had met with a representative of the City of Bangor in regard to language that is included in the agreement that Bangor has with the Town of Hampden for use of its sewer treatment facility. That required language is not included in the Town’s Sewer Ordinance. It was the consensus of the committee members that the staff develop language for consideration by the Committee at its next regular meeting*
  - c. Liberty Mutual Fire Department Grant – *The Town Manager distributed flyers for the Liberty Mutual Grant Program. Employees will receive a notice in their paychecks to participate. If the Town has the most online votes – it can win up to \$10,000.*
  - d. Glacial Energy – Alternative to Standard Offer – *The Town Manager presented information related to the alternative supply offer for the Town’s small electric meters that had been submitted by Glacial Energy. The proposal comparison showed that the Town would have saved approximately \$1700 if it had made the change in the prior twelve month period. There is no fee for participation, there is no contract requirement, billing is done via email and payment is made a direct debit ach transaction. If the Town is unhappy with the program it can simply call and switch back to the standard*

*offer through Bangor Hydro. Mr. McElvin and Lewin provided the Committee with some background information on the company and its history. Motion by Andre Cushing, seconded by William Shakespeare that Infrastructure recommend to the full Council that the Town Manager be authorized to transfer electric suppliers from the Standard Offer to Glacial Energy. Vote 5-0.*

- e. Road Opening Language – Referral to Planning & Development Committee – The Public Works Director discussed his desire for a policy in this regard that was consistent with the State policy. It was the consensus of those in attendance that the Staff should provide the Committee with proposed language for consideration at its next meeting.*
  - f. CSO Tank piping problems – The Public Works Director explained to the Committee the problems that the Town had been having in regard to the Combined Sewer Overflow (CSO) Tanks near the Water District. For the past year they have been leaking and investigations as to what was wrong had not provided any answers. This week the Town had the line across Route 1A cameraed and discovered that the line was essentially in a state of collapse. The old clay pipe is broken and cracked in a number of places, which results in the sewage overflow draining out of the tanks and into the ground. The proposed repair of the problem is to have a firm do a directional bore across Route 1A and then install new piping to prevent further leakage of sewer overflow into the ground. The approximate cost of the boring is \$8,500 to \$9,000 and the approximate cost of the construction to install the pipe is \$9,000. Since both items are less than the bid ceiling, motion by Matthew Arnett, seconded by Shannon Cox to authorize the Town Manager to proceed with the emergency repairs to the CSO system. The vote was unanimous.*
- 4. Public Comments*
- 5. Committee Member Comments*

- The Public Works Director reported that he and the engineers had met with some Mayo Road residents in regard to the upcoming project and that the meetings were positive and productive. Once the design is finalized, a meeting will be held for all Mayo Road residents in order to update them on the status of the project.*
- Councilor Brann asked the Manager to check with Bangor Hydro to see if the time for the walk light for the crosswalk at Route 202 and Western Avenue could be lengthened.*
- It was the consensus of the Committee that the closure of Town Office and operations surrounding the Christmas/New Year holidays be left to the discretion of the Town Manager.*

*The meeting was adjourned at 7:10 p.m. by Chairman Brann.*

*Respectfully Submitted,*

*Susan Lessard, Town Manager*

November 11, 2009

Susan Lessard  
Town Manager  
Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444

**RE: Pine Tree Landfill  
Monthly Report of Landfill Complaints**

Dear Susan:

During the Month of October 2009, no complaints were received pertaining to Pine Tree Landfill operations.

If you should require any additional information, please feel free to contact me at 862-4200, ext. 245.

Sincerely,



Tom Gilbert  
Environmental Compliance Manager  
Pine Tree Landfill

CC: Cyndi Darling, MDEP  
Wayne Boyd, Casella Waste Systems, Inc.  
Don Meagher, Casella Waste Systems, Inc.  
Toni King, Casella Waste Systems, Inc.

November 11, 2009

Cyndi Darling  
Maine Dept. of Environmental Protection  
Bureau of Remediation & Waste Management  
106 Hogan Road  
Bangor, Maine 04401

**RE: New England Waste Services of ME  
d/b/a Pine Tree Landfill  
Monthly Special Waste Activity Report**

Dear Cyndi:

Enclosed please find the October 2009 Waste Activity Report for Pine Tree Landfill. All analytical data relating to special waste deliveries to the landfill is kept on file for your review as required.

If you should have any questions regarding the enclosed, please do not hesitate to contact me at 862-4200, extension 245.

Sincerely,



Tom Gilbert  
Environmental Compliance Manager  
Pine Tree Landfill

Enclosure

CC: Wayne Boyd, PTL  
Toni King, Casella Waste Systems, Inc.  
Susan Lessard, Town of Hampden

PINE TREE LANDFILL  
HAMPDEN, MAINE  
MONTHLY WASTE ACTIVITY REPORT  
OCTOBER 2009

Delivery Date	Manifest Approval #	Waste Description	Quantity Delivered (tons)	Transporter Name	Generator Name	State of Origin
10/01/09	258796	TREATED BIOMEDICAL WASTE	5.87	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/02/09	258969	TREATED BIOMEDICAL WASTE	7.84	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/05/09	259153	TREATED BIOMEDICAL WASTE	8.10	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/06/09	259295	TREATED BIOMEDICAL WASTE	8.24	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/07/09	259463	TREATED BIOMEDICAL WASTE	5.78	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/08/09	259582	TREATED BIOMEDICAL WASTE	7.97	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/09/09	259716	TREATED BIOMEDICAL WASTE	7.38	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/12/09	259926	TREATED BIOMEDICAL WASTE	7.58	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/13/09	260068	TREATED BIOMEDICAL WASTE	8.27	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/14/09	260164	TREATED BIOMEDICAL WASTE	7.51	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/15/09	260301	TREATED BIOMEDICAL WASTE	7.21	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/16/09	260409	TREATED BIOMEDICAL WASTE	9.04	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/19/09	260643	TREATED BIOMEDICAL WASTE	7.95	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/20/09	260736	TREATED BIOMEDICAL WASTE	8.49	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/21/09	260801	TREATED BIOMEDICAL WASTE	7.96	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/22/09	260945	TREATED BIOMEDICAL WASTE	8.37	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/23/09	261038	TREATED BIOMEDICAL WASTE	7.52	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/26/09	261201	TREATED BIOMEDICAL WASTE	8.60	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/27/09	261350	TREATED BIOMEDICAL WASTE	9.37	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/28/09	261452	TREATED BIOMEDICAL WASTE	8.71	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/29/09	261564	TREATED BIOMEDICAL WASTE	7.09	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/30/09	261638	TREATED BIOMEDICAL WASTE	7.29	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/30/09	261693	TREATED BIOMEDICAL WASTE	7.53	OXUS	ASSOCIATED HEALTH RESOURCES	ME
10/01/09	258849	CONTAMINATED SOIL	14.76	TMC	MASS WATER RESOURCE	MA
10/01/09	258850	CONTAMINATED SOIL	13.95	TMC	MASS WATER RESOURCE	MA
10/01/09	258855	CONTAMINATED SOIL	16.62	TMC	MASS WATER RESOURCE	MA
10/01/09	258856	CONTAMINATED SOIL	14.70	TMC	MASS WATER RESOURCE	MA
10/01/09	258857	CONTAMINATED SOIL	15.53	TMC	MASS WATER RESOURCE	MA
10/02/09	258963	CONTAMINATED SOIL	1.97	CH	SHEAN PEARSON	ME
10/02/09	258987	CONTAMINATED SOIL	13.70	TMC	MASS WATER RESOURCE	MA
10/02/09	258988	CONTAMINATED SOIL	11.93	TMC	MASS WATER RESOURCE	MA
10/02/09	258994	CONTAMINATED SOIL	10.36	TMC	MASS WATER RESOURCE	MA
10/02/09	258995	CONTAMINATED SOIL	11.29	TMC	MASS WATER RESOURCE	MA
10/03/09	259059	CONTAMINATED SOIL	9.81	CH	ARLENE WUSTERBAR	ME
10/04/09	259117	CONTAMINATED SOIL	3.69	CH	MONTREAL AND MAINE RAILROAD	ME
10/05/09	259186	CONTAMINATED SOIL	9.85	TMC	MASS WATER RESOURCE	MA
10/05/09	259189	CONTAMINATED SOIL	12.71	TMC	MASS WATER RESOURCE	MA
10/05/09	259190	CONTAMINATED SOIL	9.03	TMC	MASS WATER RESOURCE	MA
10/05/09	259224	CONTAMINATED SOIL	10.31	TMC	MASS WATER RESOURCE	MA
10/06/09	259361	CONTAMINATED SOIL	4.37	CH	ARLENE WUSTERBAR	ME
10/09/09	259760	CONTAMINATED SOIL	14.59	TMC	MASS WATER RESOURCE	MA
10/13/09	260083	CONTAMINATED SOIL	15.78	TMC	MASS WATER RESOURCE	MA
10/13/09	260085	CONTAMINATED SOIL	14.79	TMC	MASS WATER RESOURCE	MA
10/13/09	260094	CONTAMINATED SOIL	21.12	EN	UNION TELEPHONE CO.	NH
10/15/09	260258	CONTAMINATED SOIL	22.10	EN	UNION TELEPHONE CO.	NH
10/15/09	260287	CONTAMINATED SOIL	18.72	TMC	MASS WATER RESOURCE	MA
10/15/09	260290	CONTAMINATED SOIL	27.26	TMC	MASS WATER RESOURCE	MA
10/16/09	260439	CONTAMINATED SOIL	4.59	PS	MERS KELLER	ME
10/16/09	260442	CONTAMINATED SOIL	0.12	PS	MERS KELLER	ME
10/28/09	261491	CONTAMINATED SOIL	17.14	EN	UNION TELEPHONE CO.	NH
10/29/09	261561	CONTAMINATED SOIL	23.43	EN	UNION TELEPHONE CO.	NH
10/30/09	261676	CONTAMINATED SOIL	1.39	DAN BRINKL	DANIEL BRINKLER	ME
10/30/09	261696	CONTAMINATED SOIL	3.96	CH	BARBARA ARTER	ME
10/01/09	258759	DREDGED SPOILS	29.71	THORN	CITY OF BANGOR	ME
10/01/09	258785	DREDGED SPOILS	28.90	THORN	CITY OF BANGOR	ME
10/01/09	258787	DREDGED SPOILS	32.39	THORN	CITY OF BANGOR	ME
10/01/09	258804	DREDGED SPOILS	30.48	THORN	CITY OF BANGOR	ME
10/01/09	258805	DREDGED SPOILS	27.00	THORN	CITY OF BANGOR	ME
10/01/09	258831	DREDGED SPOILS	26.54	THORN	CITY OF BANGOR	ME
10/01/09	258832	DREDGED SPOILS	30.12	THORN	CITY OF BANGOR	ME
10/01/09	258847	DREDGED SPOILS	29.30	THORN	CITY OF BANGOR	ME
10/01/09	258860	DREDGED SPOILS	31.04	THORN	CITY OF BANGOR	ME
10/01/09	258877	DREDGED SPOILS	33.81	THORN	CITY OF BANGOR	ME
10/01/09	258878	DREDGED SPOILS	31.25	THORN	CITY OF BANGOR	ME
10/01/09	258890	DREDGED SPOILS	26.59	THORN	CITY OF BANGOR	ME
10/02/09	258921	DREDGED SPOILS	28.22	THORN	CITY OF BANGOR	ME
10/02/09	258932	DREDGED SPOILS	27.99	THORN	CITY OF BANGOR	ME
10/02/09	258937	DREDGED SPOILS	25.27	THORN	CITY OF BANGOR	ME
10/02/09	258955	DREDGED SPOILS	27.23	THORN	CITY OF BANGOR	ME
10/02/09	258957	DREDGED SPOILS	30.21	THORN	CITY OF BANGOR	ME
10/02/09	258972	DREDGED SPOILS	35.89	THORN	CITY OF BANGOR	ME
10/02/09	258973	DREDGED SPOILS	34.19	THORN	CITY OF BANGOR	ME
10/02/09	258975	DREDGED SPOILS	29.82	THORN	CITY OF BANGOR	ME
10/02/09	258980	DREDGED SPOILS	29.34	THORN	CITY OF BANGOR	ME
10/02/09	258990	DREDGED SPOILS	26.69	THORN	CITY OF BANGOR	ME
10/02/09	258999	DREDGED SPOILS	29.58	THORN	CITY OF BANGOR	ME
10/02/09	259000	DREDGED SPOILS	28.27	THORN	CITY OF BANGOR	ME

PINE TREE LANDFILL  
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10/02/09	259015	DREDGED SPOILS	28.56	THORN	CITY OF BANGOR	ME
10/02/09	259026	DREDGED SPOILS	26.55	THORN	CITY OF BANGOR	ME
10/02/09	259027	DREDGED SPOILS	26.09	THORN	CITY OF BANGOR	ME
10/02/09	259039	DREDGED SPOILS	27.63	THORN	CITY OF BANGOR	ME
10/02/09	259041	DREDGED SPOILS	24.82	THORN	CITY OF BANGOR	ME
10/02/09	259052	DREDGED SPOILS	27.34	THORN	CITY OF BANGOR	ME
10/03/09	259057	DREDGED SPOILS	29.45	THORN	CITY OF BANGOR	ME
10/03/09	259058	DREDGED SPOILS	30.15	THORN	CITY OF BANGOR	ME
10/03/09	259071	DREDGED SPOILS	28.47	THORN	CITY OF BANGOR	ME
10/03/09	259075	DREDGED SPOILS	28.32	THORN	CITY OF BANGOR	ME
10/03/09	259076	DREDGED SPOILS	25.69	THORN	CITY OF BANGOR	ME
10/03/09	259080	DREDGED SPOILS	30.08	THORN	CITY OF BANGOR	ME
10/03/09	259086	DREDGED SPOILS	27.78	THORN	CITY OF BANGOR	ME
10/03/09	259090	DREDGED SPOILS	29.86	THORN	CITY OF BANGOR	ME
10/05/09	259135	DREDGED SPOILS	31.42	THORN	CITY OF BANGOR	ME
10/05/09	259139	DREDGED SPOILS	30.61	THORN	CITY OF BANGOR	ME
10/05/09	259140	DREDGED SPOILS	28.55	THORN	CITY OF BANGOR	ME
10/05/09	259147	DREDGED SPOILS	32.68	THORN	CITY OF BANGOR	ME
10/05/09	259154	DREDGED SPOILS	31.62	THORN	CITY OF BANGOR	ME
10/05/09	259163	DREDGED SPOILS	31.27	THORN	CITY OF BANGOR	ME
10/05/09	259174	DREDGED SPOILS	29.24	THORN	CITY OF BANGOR	ME
10/05/09	259176	DREDGED SPOILS	25.00	THORN	CITY OF BANGOR	ME
10/05/09	259187	DREDGED SPOILS	25.95	THORN	CITY OF BANGOR	ME
10/05/09	259195	DREDGED SPOILS	26.62	THORN	CITY OF BANGOR	ME
10/05/09	259196	DREDGED SPOILS	29.78	THORN	CITY OF BANGOR	ME
10/05/09	259212	DREDGED SPOILS	31.29	THORN	CITY OF BANGOR	ME
10/05/09	259213	DREDGED SPOILS	22.05	BRIGHTER	CLARIANT CORP	RI
10/05/09	259220	DREDGED SPOILS	22.49	BRIGHTER	CLARIANT CORP	RI
10/05/09	259221	DREDGED SPOILS	23.15	BRIGHTER	CLARIANT CORP	RI
10/05/09	259223	DREDGED SPOILS	27.01	THORN	CITY OF BANGOR	ME
10/05/09	259225	DREDGED SPOILS	28.55	THORN	CITY OF BANGOR	ME
10/05/09	259234	DREDGED SPOILS	23.25	BRIGHTER	CLARIANT CORP	RI
10/05/09	259240	DREDGED SPOILS	24.42	BRIGHTER	CLARIANT CORP	RI
10/05/09	259243	DREDGED SPOILS	33.19	BRIGHTER	CLARIANT CORP	RI
10/05/09	259247	DREDGED SPOILS	32.65	BRIGHTER	CLARIANT CORP	RI
10/05/09	259255	DREDGED SPOILS	26.29	THORN	CITY OF BANGOR	ME
10/05/09	259257	DREDGED SPOILS	26.99	BRIGHTER	CLARIANT CORP	RI
10/05/09	259258	DREDGED SPOILS	30.36	BRIGHTER	CLARIANT CORP	RI
10/05/09	259260	DREDGED SPOILS	28.91	BRIGHTER	CLARIANT CORP	RI
10/05/09	259262	DREDGED SPOILS	30.03	THORN	CITY OF BANGOR	ME
10/05/09	259272	DREDGED SPOILS	33.96	BRIGHTER	CLARIANT CORP	RI
10/05/09	259273	DREDGED SPOILS	30.31	BRIGHTER	CLARIANT CORP	RI
10/05/09	259274	DREDGED SPOILS	26.33	BRIGHTER	CLARIANT CORP	RI
10/05/09	259275	DREDGED SPOILS	26.85	BRIGHTER	CLARIANT CORP	RI
10/05/09	259276	DREDGED SPOILS	29.30	BRIGHTER	CLARIANT CORP	RI
10/06/09	259299	DREDGED SPOILS	26.01	THORN	CITY OF BANGOR	ME
10/06/09	259300	DREDGED SPOILS	28.84	THORN	CITY OF BANGOR	ME
10/06/09	259321	DREDGED SPOILS	29.55	THORN	CITY OF BANGOR	ME
10/06/09	259322	DREDGED SPOILS	28.58	THORN	CITY OF BANGOR	ME
10/06/09	259323	DREDGED SPOILS	25.03	BRIGHTER	CLARIANT CORP	RI
10/06/09	259335	DREDGED SPOILS	31.23	THORN	CITY OF BANGOR	ME
10/06/09	259338	DREDGED SPOILS	29.98	THORN	CITY OF BANGOR	ME
10/06/09	259347	DREDGED SPOILS	34.12	THORN	CITY OF BANGOR	ME
10/06/09	259352	DREDGED SPOILS	30.97	THORN	CITY OF BANGOR	ME
10/06/09	259358	DREDGED SPOILS	25.17	THORN	CITY OF BANGOR	ME
10/06/09	259363	DREDGED SPOILS	31.09	THORN	CITY OF BANGOR	ME
10/06/09	259374	DREDGED SPOILS	38.99	THORN	CITY OF BANGOR	ME
10/06/09	259382	DREDGED SPOILS	34.15	THORN	CITY OF BANGOR	ME
10/06/09	259388	DREDGED SPOILS	27.90	THORN	CITY OF BANGOR	ME
10/06/09	259392	DREDGED SPOILS	28.70	THORN	CITY OF BANGOR	ME
10/06/09	259396	DREDGED SPOILS	30.32	THORN	CITY OF BANGOR	ME
10/06/09	259406	DREDGED SPOILS	29.24	THORN	CITY OF BANGOR	ME
10/07/09	259426	DREDGED SPOILS	31.76	THORN	CITY OF BANGOR	ME
10/07/09	259429	DREDGED SPOILS	33.20	THORN	CITY OF BANGOR	ME
10/07/09	259443	DREDGED SPOILS	28.53	THORN	CITY OF BANGOR	ME
10/07/09	259444	DREDGED SPOILS	34.21	THORN	CITY OF BANGOR	ME
10/07/09	259459	DREDGED SPOILS	32.30	THORN	CITY OF BANGOR	ME
10/07/09	259467	DREDGED SPOILS	29.55	THORN	CITY OF BANGOR	ME
10/07/09	259476	DREDGED SPOILS	25.42	THORN	CITY OF BANGOR	ME
10/07/09	259482	DREDGED SPOILS	32.88	THORN	CITY OF BANGOR	ME
10/07/09	259495	DREDGED SPOILS	30.93	THORN	CITY OF BANGOR	ME
10/07/09	259500	DREDGED SPOILS	31.44	THORN	CITY OF BANGOR	ME
10/07/09	259512	DREDGED SPOILS	34.87	THORN	CITY OF BANGOR	ME
10/07/09	259516	DREDGED SPOILS	32.18	THORN	CITY OF BANGOR	ME
10/08/09	259538	DREDGED SPOILS	32.69	THORN	CITY OF BANGOR	ME
10/08/09	259540	DREDGED SPOILS	32.32	THORN	CITY OF BANGOR	ME
10/08/09	259552	DREDGED SPOILS	29.43	THORN	CITY OF BANGOR	ME
10/08/09	259555	DREDGED SPOILS	29.36	THORN	CITY OF BANGOR	ME
10/08/09	259565	DREDGED SPOILS	32.09	THORN	CITY OF BANGOR	ME
10/08/09	259569	DREDGED SPOILS	33.19	THORN	CITY OF BANGOR	ME
10/08/09	259583	DREDGED SPOILS	31.48	THORN	CITY OF BANGOR	ME
10/08/09	259588	DREDGED SPOILS	30.08	THORN	CITY OF BANGOR	ME
10/08/09	259603	DREDGED SPOILS	31.00	THORN	CITY OF BANGOR	ME

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10/08/09	259604	DREDGED SPOILS	31.04	THORN	CITY OF BANGOR	ME
10/08/09	259620	DREDGED SPOILS	31.44	THORN	CITY OF BANGOR	ME
10/08/09	259626	DREDGED SPOILS	36.98	THORN	CITY OF BANGOR	ME
10/08/09	259635	DREDGED SPOILS	31.41	THORN	CITY OF BANGOR	ME
10/09/09	259669	DREDGED SPOILS	28.93	THORN	CITY OF BANGOR	ME
10/09/09	259672	DREDGED SPOILS	30.75	THORN	CITY OF BANGOR	ME
10/09/09	259684	DREDGED SPOILS	31.07	THORN	CITY OF BANGOR	ME
10/09/09	259685	DREDGED SPOILS	27.47	THORN	CITY OF BANGOR	ME
10/09/09	259686	DREDGED SPOILS	28.75	THORN	CITY OF BANGOR	ME
10/09/09	259701	DREDGED SPOILS	31.19	THORN	CITY OF BANGOR	ME
10/09/09	259708	DREDGED SPOILS	29.27	THORN	CITY OF BANGOR	ME
10/09/09	259709	DREDGED SPOILS	31.72	THORN	CITY OF BANGOR	ME
10/09/09	259719	DREDGED SPOILS	32.41	THORN	CITY OF BANGOR	ME
10/09/09	259723	DREDGED SPOILS	32.02	THORN	CITY OF BANGOR	ME
10/09/09	259727	DREDGED SPOILS	31.50	THORN	CITY OF BANGOR	ME
10/09/09	259728	DREDGED SPOILS	30.52	THORN	CITY OF BANGOR	ME
10/09/09	259733	DREDGED SPOILS	34.79	THORN	CITY OF BANGOR	ME
10/09/09	259738	DREDGED SPOILS	25.09	THORN	CITY OF BANGOR	ME
10/09/09	259744	DREDGED SPOILS	32.01	THORN	CITY OF BANGOR	ME
10/09/09	259745	DREDGED SPOILS	28.10	THORN	CITY OF BANGOR	ME
10/09/09	259746	DREDGED SPOILS	27.75	THORN	CITY OF BANGOR	ME
10/09/09	259747	DREDGED SPOILS	26.99	THORN	CITY OF BANGOR	ME
10/09/09	259764	DREDGED SPOILS	29.06	THORN	CITY OF BANGOR	ME
10/09/09	259765	DREDGED SPOILS	29.47	THORN	CITY OF BANGOR	ME
10/09/09	259771	DREDGED SPOILS	25.79	THORN	CITY OF BANGOR	ME
10/09/09	259778	DREDGED SPOILS	27.62	THORN	CITY OF BANGOR	ME
10/09/09	259784	DREDGED SPOILS	30.14	THORN	CITY OF BANGOR	ME
10/10/09	259810	DREDGED SPOILS	32.33	THORN	CITY OF BANGOR	ME
10/10/09	259811	DREDGED SPOILS	33.95	THORN	CITY OF BANGOR	ME
10/10/09	259813	DREDGED SPOILS	33.23	THORN	CITY OF BANGOR	ME
10/10/09	259815	DREDGED SPOILS	32.47	THORN	CITY OF BANGOR	ME
10/12/09	259886	DREDGED SPOILS	30.14	THORN	CITY OF BANGOR	ME
10/12/09	259890	DREDGED SPOILS	29.07	THORN	CITY OF BANGOR	ME
10/12/09	259892	DREDGED SPOILS	32.13	THORN	CITY OF BANGOR	ME
10/12/09	259896	DREDGED SPOILS	35.74	THORN	CITY OF BANGOR	ME
10/12/09	259902	DREDGED SPOILS	30.82	THORN	CITY OF BANGOR	ME
10/12/09	259903	DREDGED SPOILS	27.93	THORN	CITY OF BANGOR	ME
10/12/09	259910	DREDGED SPOILS	35.11	THORN	CITY OF BANGOR	ME
10/12/09	259913	DREDGED SPOILS	29.33	THORN	CITY OF BANGOR	ME
10/12/09	259916	DREDGED SPOILS	30.81	THORN	CITY OF BANGOR	ME
10/12/09	259923	DREDGED SPOILS	32.30	THORN	CITY OF BANGOR	ME
10/12/09	259924	DREDGED SPOILS	30.99	THORN	CITY OF BANGOR	ME
10/12/09	259925	DREDGED SPOILS	32.07	THORN	CITY OF BANGOR	ME
10/12/09	259937	DREDGED SPOILS	31.64	THORN	CITY OF BANGOR	ME
10/12/09	259938	DREDGED SPOILS	29.78	THORN	CITY OF BANGOR	ME
10/12/09	259946	DREDGED SPOILS	31.25	THORN	CITY OF BANGOR	ME
10/12/09	259952	DREDGED SPOILS	29.33	THORN	CITY OF BANGOR	ME
10/12/09	259957	DREDGED SPOILS	11.16	BRIGHTER	CLARIANT CORP	RI
10/12/09	259958	DREDGED SPOILS	32.49	THORN	CITY OF BANGOR	ME
10/12/09	259962	DREDGED SPOILS	30.90	BRIGHTER	CLARIANT CORP	RI
10/12/09	259963	DREDGED SPOILS	32.59	THORN	CITY OF BANGOR	ME
10/12/09	259969	DREDGED SPOILS	31.97	THORN	CITY OF BANGOR	ME
10/12/09	259975	DREDGED SPOILS	22.19	THORN	CITY OF BANGOR	ME
10/12/09	259979	DREDGED SPOILS	33.31	THORN	CITY OF BANGOR	ME
10/12/09	259987	DREDGED SPOILS	29.62	THORN	CITY OF BANGOR	ME
10/13/09	260010	DREDGED SPOILS	26.91	THORN	CITY OF BANGOR	ME
10/13/09	260021	DREDGED SPOILS	30.62	THORN	CITY OF BANGOR	ME
10/13/09	260030	DREDGED SPOILS	31.08	THORN	CITY OF BANGOR	ME
10/13/09	260031	DREDGED SPOILS	29.35	THORN	CITY OF BANGOR	ME
10/13/09	260041	DREDGED SPOILS	31.17	THORN	CITY OF BANGOR	ME
10/13/09	260044	DREDGED SPOILS	30.28	THORN	CITY OF BANGOR	ME
10/13/09	260051	DREDGED SPOILS	32.11	THORN	CITY OF BANGOR	ME
10/13/09	260056	DREDGED SPOILS	31.42	THORN	CITY OF BANGOR	ME
10/13/09	260062	DREDGED SPOILS	32.31	THORN	CITY OF BANGOR	ME
10/13/09	260067	DREDGED SPOILS	32.01	THORN	CITY OF BANGOR	ME
10/13/09	260077	DREDGED SPOILS	32.17	THORN	CITY OF BANGOR	ME
10/13/09	260079	DREDGED SPOILS	31.22	THORN	CITY OF BANGOR	ME
10/13/09	260093	DREDGED SPOILS	32.17	THORN	CITY OF BANGOR	ME
10/13/09	260098	DREDGED SPOILS	29.87	THORN	CITY OF BANGOR	ME
10/14/09	260126	DREDGED SPOILS	31.87	THORN	CITY OF BANGOR	ME
10/14/09	260132	DREDGED SPOILS	30.52	THORN	CITY OF BANGOR	ME
10/14/09	260143	DREDGED SPOILS	36.03	THORN	CITY OF BANGOR	ME
10/14/09	260152	DREDGED SPOILS	33.96	THORN	CITY OF BANGOR	ME
10/14/09	260158	DREDGED SPOILS	32.04	THORN	CITY OF BANGOR	ME
10/14/09	260166	DREDGED SPOILS	33.96	THORN	CITY OF BANGOR	ME
10/14/09	260175	DREDGED SPOILS	31.23	THORN	CITY OF BANGOR	ME
10/14/09	260182	DREDGED SPOILS	33.68	THORN	CITY OF BANGOR	ME
10/14/09	260204	DREDGED SPOILS	36.08	THORN	CITY OF BANGOR	ME
10/14/09	260208	DREDGED SPOILS	32.43	THORN	CITY OF BANGOR	ME
10/15/09	260241	DREDGED SPOILS	29.41	THORN	CITY OF BANGOR	ME
10/15/09	260243	DREDGED SPOILS	29.29	THORN	CITY OF BANGOR	ME
10/15/09	260254	DREDGED SPOILS	34.63	THORN	CITY OF BANGOR	ME
10/15/09	260255	DREDGED SPOILS	32.56	THORN	CITY OF BANGOR	ME

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10/15/09	260266	DREDGED SPOILS	33.50	THORN	CITY OF BANGOR	ME
10/15/09	260269	DREDGED SPOILS	32.12	THORN	CITY OF BANGOR	ME
10/15/09	260285	DREDGED SPOILS	30.14	THORN	CITY OF BANGOR	ME
10/15/09	260288	DREDGED SPOILS	30.86	THORN	CITY OF BANGOR	ME
10/15/09	260297	DREDGED SPOILS	31.39	THORN	CITY OF BANGOR	ME
10/15/09	260303	DREDGED SPOILS	31.28	THORN	CITY OF BANGOR	ME
10/15/09	260319	DREDGED SPOILS	32.48	THORN	CITY OF BANGOR	ME
10/15/09	260320	DREDGED SPOILS	31.86	THORN	CITY OF BANGOR	ME
10/15/09	260333	DREDGED SPOILS	31.44	THORN	CITY OF BANGOR	ME
10/15/09	260335	DREDGED SPOILS	32.15	THORN	CITY OF BANGOR	ME
10/16/09	260363	DREDGED SPOILS	29.98	THORN	CITY OF BANGOR	ME
10/16/09	260372	DREDGED SPOILS	31.19	THORN	CITY OF BANGOR	ME
10/16/09	260373	DREDGED SPOILS	30.86	THORN	CITY OF BANGOR	ME
10/16/09	260386	DREDGED SPOILS	28.45	THORN	CITY OF BANGOR	ME
10/16/09	260393	DREDGED SPOILS	31.77	THORN	CITY OF BANGOR	ME
10/16/09	260400	DREDGED SPOILS	30.84	THORN	CITY OF BANGOR	ME
10/16/09	260414	DREDGED SPOILS	27.53	THORN	CITY OF BANGOR	ME
10/16/09	260415	DREDGED SPOILS	29.42	THORN	CITY OF BANGOR	ME
10/16/09	260430	DREDGED SPOILS	28.60	THORN	CITY OF BANGOR	ME
10/16/09	260432	DREDGED SPOILS	31.55	THORN	CITY OF BANGOR	ME
10/16/09	260444	DREDGED SPOILS	33.02	THORN	CITY OF BANGOR	ME
10/16/09	260447	DREDGED SPOILS	27.75	THORN	CITY OF BANGOR	ME
10/16/09	260454	DREDGED SPOILS	31.89	THORN	CITY OF BANGOR	ME
10/19/09	260566	DREDGED SPOILS	35.98	THORN	CITY OF BANGOR	ME
10/19/09	260575	DREDGED SPOILS	33.54	THORN	CITY OF BANGOR	ME
10/19/09	260580	DREDGED SPOILS	33.79	THORN	CITY OF BANGOR	ME
10/19/09	260581	DREDGED SPOILS	35.46	THORN	CITY OF BANGOR	ME
10/19/09	260585	DREDGED SPOILS	34.38	THORN	CITY OF BANGOR	ME
10/19/09	260599	DREDGED SPOILS	30.76	THORN	CITY OF BANGOR	ME
10/19/09	260600	DREDGED SPOILS	32.40	THORN	CITY OF BANGOR	ME
10/19/09	260605	DREDGED SPOILS	28.47	THORN	CITY OF BANGOR	ME
10/19/09	260606	DREDGED SPOILS	29.57	THORN	CITY OF BANGOR	ME
10/19/09	260613	DREDGED SPOILS	31.54	THORN	CITY OF BANGOR	ME
10/19/09	260617	DREDGED SPOILS	28.76	THORN	CITY OF BANGOR	ME
10/19/09	260618	DREDGED SPOILS	29.47	THORN	CITY OF BANGOR	ME
10/19/09	260620	DREDGED SPOILS	32.79	THORN	CITY OF BANGOR	ME
10/19/09	260629	DREDGED SPOILS	32.11	THORN	CITY OF BANGOR	ME
10/19/09	260637	DREDGED SPOILS	29.22	THORN	CITY OF BANGOR	ME
10/19/09	260639	DREDGED SPOILS	28.14	THORN	CITY OF BANGOR	ME
10/19/09	260648	DREDGED SPOILS	31.25	THORN	CITY OF BANGOR	ME
10/19/09	260655	DREDGED SPOILS	33.52	THORN	CITY OF BANGOR	ME
10/19/09	260658	DREDGED SPOILS	29.65	THORN	CITY OF BANGOR	ME
10/19/09	260660	DREDGED SPOILS	28.87	THORN	CITY OF BANGOR	ME
10/19/09	260674	DREDGED SPOILS	33.44	THORN	CITY OF BANGOR	ME
10/19/09	260678	DREDGED SPOILS	31.81	THORN	CITY OF BANGOR	ME
10/19/09	260680	DREDGED SPOILS	29.20	THORN	CITY OF BANGOR	ME
10/20/09	260708	DREDGED SPOILS	29.81	THORN	CITY OF BANGOR	ME
10/20/09	260726	DREDGED SPOILS	35.11	THORN	CITY OF BANGOR	ME
10/20/09	260733	DREDGED SPOILS	28.97	THORN	CITY OF BANGOR	ME
10/20/09	260745	DREDGED SPOILS	31.33	THORN	CITY OF BANGOR	ME
10/20/09	260759	DREDGED SPOILS	34.44	THORN	CITY OF BANGOR	ME
10/21/09	260802	DREDGED SPOILS	26.13	THORN	CITY OF BANGOR	ME
10/21/09	260820	DREDGED SPOILS	33.84	THORN	CITY OF BANGOR	ME
10/21/09	260834	DREDGED SPOILS	31.86	THORN	CITY OF BANGOR	ME
10/21/09	260853	DREDGED SPOILS	31.46	THORN	CITY OF BANGOR	ME
10/13/09	260059	GRIT CATCH BASIN	7.31	CH	TRADE WINDS CAR WASH	ME
10/22/09	260946	GRIT CATCH BASIN	10.49	CH	CIANBRO CORP.	ME
10/29/09	261536	GRIT CATCH BASIN	10.02	CH	H.O. BOUCHARD	ME
10/01/09	258772	GRIT SAND BLAST	12.65	PTS	ROCKLAND MARINE	ME
10/07/09	259474	GRIT SAND BLAST	5.01	PTS	GENERAL ELECTRIC	ME
10/26/09	261199	GRIT SAND BLAST	11.41	PTS	ROCKLAND MARINE	ME
10/30/09	261612	LAUNDRY RESIDUALS	14.28	PS	UNIFIRST-PORTLAND	ME
10/14/09	260189	LEATHERSCRAPS	12.33	PTS	IRVING TANNING	ME
10/01/09	258865	NON FRIABLE ASBESTOS	10.91	PTS	SARGENT CORP	ME
10/06/09	259308	NON FRIABLE ASBESTOS	4.49	ROOF	WILLIAM RUGAR	ME
10/10/09	259804	NON FRIABLE ASBESTOS	0.09	LISA HAND	LISA HAND	ME
10/10/09	259805	NON FRIABLE ASBESTOS	0.08	LISA HAND	LISA HAND	ME
10/20/09	260715	NON FRIABLE ASBESTOS	3.31	PTS	CDM CONSTRUCTION	ME
10/22/09	260906	NON FRIABLE ASBESTOS	33.43	KBC	K&K EXCAVATION	ME
10/22/09	260936	NON FRIABLE ASBESTOS	0.57	BART G	ROBERT STORMAN	ME
10/23/09	261030	NON FRIABLE ASBESTOS	1.23	PTS	SARGENT CORP	ME
10/28/09	261465	NON FRIABLE ASBESTOS	24.91	KBC	K&K EXCAVATION	ME
10/29/09	261581	NON FRIABLE ASBESTOS	19.98	KBC	K&K EXCAVATION	ME
10/30/09	261628	NON FRIABLE ASBESTOS	0.25	CAR	TAMMY EWIG	ME
10/16/09	260388	NON SPECIAL WASTE	7.54	PTS	CITY OF BANGOR	ME
10/01/09	258833	NON-HAZARD CHEMICAL RELATED	4.16	PTS	TOM'S OF MAINE	ME

PINE TREE LANDFILL  
HAMPDEN, MAINE  
MONTHLY WASTE ACTIVITY REPORT  
OCTOBER 2009

10/02/09	259005	NON-HAZARD CHEMICAL RELATED	4.79	PTS	TOM'S OF MAINE	ME
10/05/09	259226	NON-HAZARD CHEMICAL RELATED	13.65	PTW	CIANBRO	ME
10/07/09	259460	NON-HAZARD CHEMICAL RELATED	19.33	KBC	WAUSAU PAPER SPECIALTY	ME
10/12/09	259972	NON-HAZARD CHEMICAL RELATED	14.83	PTW	CIANBRO	ME
10/21/09	260832	NON-HAZARD CHEMICAL RELATED	7.71	TRO	ENPRO	ME
10/21/09	260871	NON-HAZARD CHEMICAL RELATED	13.88	PTS	GAC CHEM	ME
10/27/09	261321	NON-HAZARD CHEMICAL RELATED	9.02	PTS	GAC CHEM	ME
10/27/09	261353	NON-HAZARD CHEMICAL RELATED	3.92	PTS	GAC CHEM	ME
10/28/09	261474	NON-HAZARD CHEMICAL RELATED	17.33	PTW	CIANBRO	ME
10/29/09	261529	NON-HAZARD CHEMICAL RELATED	5.00	PTW	CIANBRO	ME
10/30/09	261675	NON-HAZARD CHEMICAL RELATED	3.68	NA	GAC CHEM	ME
10/01/09	258797	OILY DEBRIS	32.07	SAMS	UNITED OIL RECOVERY	NH
10/02/09	258956	OILY DEBRIS	30.20	SAMS	UNITED OIL RECOVERY	NH
10/05/09	259173	OILY DEBRIS	29.58	SAMS	UNITED OIL RECOVERY	NH
10/06/09	259312	OILY DEBRIS	1.08	LB	GEORGE SWANSON	ME
10/06/09	259329	OILY DEBRIS	31.76	SAMS	UNITED OIL RECOVERY	NH
10/07/09	259434	OILY DEBRIS	16.28	CLEAN VENT	GENERAL CHEMICAL	MA
10/08/09	259577	OILY DEBRIS	31.37	SAMS	UNITED OIL RECOVERY	NH
10/08/09	259615	OILY DEBRIS	3.95	LB	GEORGE SWANSON	ME
10/09/09	259698	OILY DEBRIS	29.68	SAMS	UNITED OIL RECOVERY	NH
10/12/09	259911	OILY DEBRIS	29.43	SAMS	UNITED OIL RECOVERY	NH
10/12/09	259940	OILY DEBRIS	16.76	CH	MIRANT CANEL GENERATION SYSTEM	MA
10/14/09	260131	OILY DEBRIS	28.70	EN	ENPRO ENVIRONMENTAL SERVICES	ME
10/14/09	260154	OILY DEBRIS	13.22	EN	ENPRO ENVIRONMENTAL SERVICES	ME
10/15/09	260280	OILY DEBRIS	13.36	CLEAN VENT	GENERAL CHEMICAL	MA
10/16/09	260410	OILY DEBRIS	26.36	SAMS	UNITED OIL RECOVERY	NH
10/16/09	260429	OILY DEBRIS	12.73	CH	MIRANT CANEL GENERATION SYSTEM	MA
10/20/09	260765	OILY DEBRIS	25.06	SAMS	UNITED OIL RECOVERY	NH
10/21/09	260808	OILY DEBRIS	0.53	LB	JOHN FRIEL	ME
10/21/09	260836	OILY DEBRIS	27.73	SAMS	UNITED OIL RECOVERY	NH
10/21/09	260852	OILY DEBRIS	0.55	LB	JOHN FRIEL	ME
10/22/09	260992	OILY DEBRIS	32.17	SAMS	UNITED OIL RECOVERY	NH
10/23/09	261029	OILY DEBRIS	31.04	SAMS	UNITED OIL RECOVERY	NH
10/27/09	261292	OILY DEBRIS	23.46	TRO	ENPRO ENVIRONMENTAL SERVICES	ME
10/27/09	261315	OILY DEBRIS	4.04	CH	ALAN CIRCEO	MA
10/28/09	261431	OILY DEBRIS	29.74	SAMS	UNITED OIL RECOVERY	NH
10/28/09	261455	OILY DEBRIS	2.93	CH	ALAN CIRCEO	MA
10/28/09	261475	OILY DEBRIS	10.20	CH	MIRANT CANEL GENERATION SYSTEM	MA
10/28/09	261477	OILY DEBRIS	10.66	CLEAN VENT	GENERAL CHEMICAL	MA
10/29/09	261542	OILY DEBRIS	3.34	CH	ALAN CIRCEO	MA
10/30/09	261614	OILY DEBRIS	4.36	CH	ALAN CIRCEO	MA
10/30/09	261632	OILY DEBRIS	34.60	SAMS	UNITED OIL RECOVERY	NH
10/01/09	258743	URBIN FILL SOILS	32.60	FRENCH	HANOVER WATER STORAGE TANK	MA
10/01/09	258762	URBIN FILL SOILS	23.19	THORN	ROLNICK PROPERTY	ME
10/01/09	258766	URBIN FILL SOILS	25.61	THORN	ROLNICK PROPERTY	ME
10/01/09	258768	URBIN FILL SOILS	26.94	THORN	ROLNICK PROPERTY	ME
10/01/09	258776	URBIN FILL SOILS	22.87	THORN	ROLNICK PROPERTY	ME
10/01/09	258781	URBIN FILL SOILS	26.55	THORN	ROLNICK PROPERTY	ME
10/01/09	258790	URBIN FILL SOILS	26.15	THORN	ROLNICK PROPERTY	ME
10/01/09	258792	URBIN FILL SOILS	27.20	THORN	ROLNICK PROPERTY	ME
10/01/09	258793	URBIN FILL SOILS	23.45	THORN	ROLNICK PROPERTY	ME
10/01/09	258799	URBIN FILL SOILS	27.31	THORN	ROLNICK PROPERTY	ME
10/01/09	258802	URBIN FILL SOILS	23.75	THORN	ROLNICK PROPERTY	ME
10/01/09	258806	URBIN FILL SOILS	25.61	THORN	ROLNICK PROPERTY	ME
10/01/09	258808	URBIN FILL SOILS	26.52	THORN	ROLNICK PROPERTY	ME
10/01/09	258815	URBIN FILL SOILS	23.26	THORN	ROLNICK PROPERTY	ME
10/01/09	258817	URBIN FILL SOILS	26.96	THORN	ROLNICK PROPERTY	ME
10/01/09	258821	URBIN FILL SOILS	24.55	THORN	ROLNICK PROPERTY	ME
10/01/09	258822	URBIN FILL SOILS	27.02	THORN	ROLNICK PROPERTY	ME
10/01/09	258825	URBIN FILL SOILS	32.90	FRENCH	HANOVER WATER STORAGE TANK	MA
10/01/09	258826	URBIN FILL SOILS	29.73	FRENCH	HANOVER WATER STORAGE TANK	MA
10/01/09	258827	URBIN FILL SOILS	21.63	THORN	ROLNICK PROPERTY	ME
10/01/09	258834	URBIN FILL SOILS	27.10	THORN	ROLNICK PROPERTY	ME
10/01/09	258836	URBIN FILL SOILS	24.33	THORN	ROLNICK PROPERTY	ME
10/01/09	258841	URBIN FILL SOILS	26.08	THORN	ROLNICK PROPERTY	ME
10/01/09	258842	URBIN FILL SOILS	31.88	FRENCH	HANOVER WATER STORAGE TANK	MA
10/01/09	258843	URBIN FILL SOILS	33.12	FRENCH	HANOVER WATER STORAGE TANK	MA
10/01/09	258844	URBIN FILL SOILS	21.81	THORN	ROLNICK PROPERTY	ME
10/01/09	258848	URBIN FILL SOILS	23.19	THORN	ROLNICK PROPERTY	ME
10/01/09	258853	URBIN FILL SOILS	31.15	FRENCH	HANOVER WATER STORAGE TANK	MA
10/01/09	258854	URBIN FILL SOILS	28.28	FRENCH	HANOVER WATER STORAGE TANK	MA
10/01/09	258859	URBIN FILL SOILS	27.76	THORN	ROLNICK PROPERTY	ME
10/01/09	258862	URBIN FILL SOILS	28.22	THORN	ROLNICK PROPERTY	ME
10/01/09	258864	URBIN FILL SOILS	28.07	THORN	ROLNICK PROPERTY	ME
10/01/09	258871	URBIN FILL SOILS	24.00	THORN	ROLNICK PROPERTY	ME
10/01/09	258872	URBIN FILL SOILS	22.21	THORN	ROLNICK PROPERTY	ME
10/01/09	258874	URBIN FILL SOILS	22.30	THORN	ROLNICK PROPERTY	ME
10/01/09	258883	URBIN FILL SOILS	25.63	THORN	ROLNICK PROPERTY	ME
10/01/09	258884	URBIN FILL SOILS	25.56	THORN	ROLNICK PROPERTY	ME
10/01/09	258885	URBIN FILL SOILS	22.72	THORN	ROLNICK PROPERTY	ME
10/01/09	258888	URBIN FILL SOILS	22.43	THORN	ROLNICK PROPERTY	ME

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10/01/09	258889	URBIN FILL SOILS	25.17	THORN	ROLNICK PROPERTY	ME
10/02/09	258899	URBIN FILL SOILS	32.49	FRENCH	HANOVER WATER STORAGE TANK	MA
10/02/09	258901	URBIN FILL SOILS	29.64	FRENCH	HANOVER WATER STORAGE TANK	MA
10/02/09	258905	URBIN FILL SOILS	31.49	FRENCH	HANOVER WATER STORAGE TANK	MA
10/02/09	258910	URBIN FILL SOILS	30.67	FRENCH	HANOVER WATER STORAGE TANK	MA
10/02/09	258949	URBIN FILL SOILS	24.76	THORN	ROLNICK PROPERTY	ME
10/02/09	258996	URBIN FILL SOILS	32.28	FRENCH	HANOVER WATER STORAGE TANK	MA
10/08/09	259627	URBIN FILL SOILS	30.96	BRIGHTER	DEPT OF NEIGHBORHOOD DEV.	MA
10/08/09	259628	URBIN FILL SOILS	28.27	BRIGHTER	DEPT OF NEIGHBORHOOD DEV.	MA
10/19/09	260659	URBIN FILL SOILS	16.00	NE DISPTCC	U.S. DEPT. OF NAVY	ME
10/26/09	261158	URBIN FILL SOILS	24.11	THORN	ROLNICK PROPERTY	ME
10/26/09	261159	URBIN FILL SOILS	23.36	THORN	ROLNICK PROPERTY	ME
10/26/09	261161	URBIN FILL SOILS	24.03	THORN	ROLNICK PROPERTY	ME
10/26/09	261167	URBIN FILL SOILS	23.17	THORN	ROLNICK PROPERTY	ME
10/26/09	261174	URBIN FILL SOILS	21.95	THORN	ROLNICK PROPERTY	ME
10/26/09	261175	URBIN FILL SOILS	28.96	THORN	ROLNICK PROPERTY	ME
10/26/09	261176	URBIN FILL SOILS	28.26	THORN	ROLNICK PROPERTY	ME
10/26/09	261180	URBIN FILL SOILS	24.63	THORN	ROLNICK PROPERTY	ME
10/26/09	261181	URBIN FILL SOILS	26.14	THORN	ROLNICK PROPERTY	ME
10/26/09	261186	URBIN FILL SOILS	22.67	THORN	ROLNICK PROPERTY	ME
10/26/09	261190	URBIN FILL SOILS	25.79	THORN	ROLNICK PROPERTY	ME
10/26/09	261192	URBIN FILL SOILS	25.12	THORN	ROLNICK PROPERTY	ME
10/26/09	261197	URBIN FILL SOILS	26.48	THORN	ROLNICK PROPERTY	ME
10/26/09	261198	URBIN FILL SOILS	24.97	THORN	ROLNICK PROPERTY	ME
10/26/09	261206	URBIN FILL SOILS	22.86	THORN	ROLNICK PROPERTY	ME
10/26/09	261208	URBIN FILL SOILS	21.17	THORN	ROLNICK PROPERTY	ME
10/26/09	261212	URBIN FILL SOILS	24.39	THORN	ROLNICK PROPERTY	ME
10/26/09	261214	URBIN FILL SOILS	22.95	THORN	ROLNICK PROPERTY	ME
10/26/09	261217	URBIN FILL SOILS	24.61	THORN	ROLNICK PROPERTY	ME
10/26/09	261227	URBIN FILL SOILS	22.16	THORN	ROLNICK PROPERTY	ME
10/26/09	261228	URBIN FILL SOILS	23.64	THORN	ROLNICK PROPERTY	ME
10/26/09	261231	URBIN FILL SOILS	24.44	THORN	ROLNICK PROPERTY	ME
10/26/09	261232	URBIN FILL SOILS	22.84	THORN	ROLNICK PROPERTY	ME
10/26/09	261237	URBIN FILL SOILS	25.66	THORN	ROLNICK PROPERTY	ME
10/26/09	261241	URBIN FILL SOILS	27.36	THORN	ROLNICK PROPERTY	ME
10/26/09	261244	URBIN FILL SOILS	26.36	THORN	ROLNICK PROPERTY	ME
10/26/09	261245	URBIN FILL SOILS	25.79	THORN	ROLNICK PROPERTY	ME
10/27/09	261282	URBIN FILL SOILS	23.86	THORN	ROLNICK PROPERTY	ME
10/27/09	261283	URBIN FILL SOILS	21.81	THORN	ROLNICK PROPERTY	ME
10/27/09	261285	URBIN FILL SOILS	23.38	THORN	ROLNICK PROPERTY	ME
10/27/09	261288	URBIN FILL SOILS	22.90	THORN	ROLNICK PROPERTY	ME
10/27/09	261297	URBIN FILL SOILS	23.37	THORN	ROLNICK PROPERTY	ME
10/27/09	261299	URBIN FILL SOILS	24.54	THORN	ROLNICK PROPERTY	ME
10/27/09	261302	URBIN FILL SOILS	23.63	THORN	ROLNICK PROPERTY	ME
10/27/09	261303	URBIN FILL SOILS	23.90	THORN	ROLNICK PROPERTY	ME
10/27/09	261310	URBIN FILL SOILS	26.40	THORN	ROLNICK PROPERTY	ME
10/27/09	261311	URBIN FILL SOILS	24.53	THORN	ROLNICK PROPERTY	ME
10/27/09	261313	URBIN FILL SOILS	23.23	THORN	ROLNICK PROPERTY	ME
10/27/09	261314	URBIN FILL SOILS	24.06	THORN	ROLNICK PROPERTY	ME
10/27/09	261317	URBIN FILL SOILS	25.55	THORN	ROLNICK PROPERTY	ME
10/27/09	261318	URBIN FILL SOILS	25.13	THORN	ROLNICK PROPERTY	ME
10/27/09	261322	URBIN FILL SOILS	24.18	THORN	ROLNICK PROPERTY	ME
10/27/09	261323	URBIN FILL SOILS	25.31	THORN	ROLNICK PROPERTY	ME
10/27/09	261325	URBIN FILL SOILS	24.76	THORN	ROLNICK PROPERTY	ME
10/27/09	261328	URBIN FILL SOILS	25.45	THORN	ROLNICK PROPERTY	ME
10/27/09	261334	URBIN FILL SOILS	24.72	THORN	ROLNICK PROPERTY	ME
10/27/09	261335	URBIN FILL SOILS	23.45	THORN	ROLNICK PROPERTY	ME
10/27/09	261340	URBIN FILL SOILS	27.66	THORN	ROLNICK PROPERTY	ME
10/27/09	261344	URBIN FILL SOILS	26.64	THORN	ROLNICK PROPERTY	ME
10/27/09	261348	URBIN FILL SOILS	23.84	THORN	ROLNICK PROPERTY	ME
10/27/09	261352	URBIN FILL SOILS	22.40	THORN	ROLNICK PROPERTY	ME
10/27/09	261356	URBIN FILL SOILS	23.50	THORN	ROLNICK PROPERTY	ME
10/27/09	261357	URBIN FILL SOILS	23.94	THORN	ROLNICK PROPERTY	ME
10/27/09	261362	URBIN FILL SOILS	24.84	THORN	ROLNICK PROPERTY	ME
10/27/09	261363	URBIN FILL SOILS	21.40	THORN	ROLNICK PROPERTY	ME
10/27/09	261365	URBIN FILL SOILS	24.26	THORN	ROLNICK PROPERTY	ME
10/27/09	261373	URBIN FILL SOILS	22.02	THORN	ROLNICK PROPERTY	ME
10/27/09	261376	URBIN FILL SOILS	24.50	THORN	ROLNICK PROPERTY	ME
10/27/09	261378	URBIN FILL SOILS	23.49	THORN	ROLNICK PROPERTY	ME
10/27/09	261379	URBIN FILL SOILS	23.93	THORN	ROLNICK PROPERTY	ME
10/27/09	261390	URBIN FILL SOILS	22.44	THORN	ROLNICK PROPERTY	ME
10/27/09	261391	URBIN FILL SOILS	21.82	THORN	ROLNICK PROPERTY	ME
10/28/09	261410	URBIN FILL SOILS	21.24	THORN	ROLNICK PROPERTY	ME
10/28/09	261411	URBIN FILL SOILS	23.21	THORN	ROLNICK PROPERTY	ME
10/28/09	261412	URBIN FILL SOILS	24.32	THORN	ROLNICK PROPERTY	ME
10/28/09	261413	URBIN FILL SOILS	22.23	THORN	ROLNICK PROPERTY	ME
10/28/09	261416	URBIN FILL SOILS	22.29	THORN	ROLNICK PROPERTY	ME
10/28/09	261420	URBIN FILL SOILS	23.72	THORN	ROLNICK PROPERTY	ME
10/28/09	261422	URBIN FILL SOILS	24.54	THORN	ROLNICK PROPERTY	ME
10/28/09	261423	URBIN FILL SOILS	21.25	THORN	ROLNICK PROPERTY	ME
10/28/09	261430	URBIN FILL SOILS	22.20	THORN	ROLNICK PROPERTY	ME
10/28/09	261433	URBIN FILL SOILS	20.73	THORN	ROLNICK PROPERTY	ME
10/28/09	261437	URBIN FILL SOILS	21.59	THORN	ROLNICK PROPERTY	ME

PINE TREE LANDFILL  
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10/28/09	261440	URBIN FILL SOILS	22.50	THORN	ROLNICK PROPERTY	ME
10/28/09	261446	URBIN FILL SOILS	21.47	THORN	ROLNICK PROPERTY	ME
10/28/09	261450	URBIN FILL SOILS	24.01	THORN	ROLNICK PROPERTY	ME
10/28/09	261454	URBIN FILL SOILS	23.85	THORN	ROLNICK PROPERTY	ME
10/28/09	261460	URBIN FILL SOILS	22.82	THORN	ROLNICK PROPERTY	ME
10/28/09	261467	URBIN FILL SOILS	21.62	THORN	ROLNICK PROPERTY	ME
10/28/09	261468	URBIN FILL SOILS	22.83	THORN	ROLNICK PROPERTY	ME
10/29/09	261530	URBIN FILL SOILS	20.63	THORN	ROLNICK PROPERTY	ME
10/29/09	261531	URBIN FILL SOILS	24.65	THORN	ROLNICK PROPERTY	ME

SPECIAL WASTES - MONTH TOTAL (TONS): 12,126.52

SCHEDULE OF COMPLIANCE (SOC) AMENDMENT REQUIRED DATA:	
TOTAL RECEIPTS FOR MONTH (SPECIAL WASTES, CDD, FINES, ETC.):	47,522 TONS
TOTAL RECEIPTS FOR MONTH (FEPR):	0 TONS
FEPR ( % ):	0.00%



C-1-a

TOWN OF HAMPDEN  
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 12/7/09

Public Hearing: Yes X No     

- Application for Liquor License
- Application for Victualer's License
- Application for Off-premises Catering
- Application for Outdoor Wood-burning Furnace License

NAME: Carroll Crew, LLC  
d/b/a Pat's Pizza Tina Carroll  
Business Name Individual

ADDRESS: 662 Main Rd. North PHONE: 947-6488

MAP/LOT: Map 20, Lot 31 DATE: 10/28/09

DEPARTMENT REPORT:

Inspected on November 24, 2009 and it  
meets all proper safety requirements.

DATE: 11-24-09

BY: [Signature]  
Title: CODE ENFORCEMENT OFFICER

BY: [Signature]  
Title: Fire/Building Inspector

**TOWN OF HAMPDEN, MAINE**

**APPLICATION FOR VICTUALER'S LICENSE**

DATE: 10.27.09 PHONE NUMBER: 947-6488

NAME(S): Carroll Crews, LLC (Mark + Tina Carroll)

ADDRESS: 209 Lower River Rd Greenbush ME 04418

NAME OF BUSINESS: Pat's Pizza

LOCATION OF BUSINESS: 162 Main Rd N Hampden ME 04444

SIGNATURE: Tina Carroll

\*\*\*\*\*

(FOR TOWN USE ONLY)

\*This facility has been inspected and meets ordinance criteria.

[Signature]  
Code Enforcement Officer

[Signature]  
Fire Inspector/Building Inspector

\*All sewer user fees and personal property taxes are paid in full to date.

#944 [Signature]  
Tax Collector

#1315 [Signature]  
Town Treasurer

\*\*\*\*\*

Please return completed form to: **Town Clerk  
Town of Hampden  
106 Western Avenue  
Hampden, ME 04444**

**LICENSE FEE: \$125.00** Date Received/Fee Paid: 10/28/09 / \$125.00  
(Fee Includes Notice of Public Hearing)

C-1-b



TOWN OF HAMPDEN  
TOWN CLERK'S OFFICE

COMMENTS ON: Date of Council Action: 12/7/09  
Public Hearing: Yes X No     

- Application for Liquor License
- Application for Victualer's License
- Application for Off-premises Catering
- Application for Outdoor Wood-burning Furnace License

NAME: Angelo's Pizza Kliton Xhemali  
Business Name Individual

ADDRESS: 102 Main Rd. South PHONE: 862-2224

MAP/LOT: Map 43, Lot 36 DATE: 11/16/09

DEPARTMENT REPORT:  
Inspected on December 1, 2009 and found  
all proper safety requirements to be in  
Place.

DATE: 12-1-09

BY: Ben [Signature]  
Title: CODE ENFORCEMENT OFFICER

BY: Keith Bamhart  
Title: Fire/Building Inspector

**TOWN OF HAMPDEN, MAINE**

**APPLICATION FOR VICTUALER'S LICENSE**

DATE: Nov 16 / 09 PHONE NUMBER: 207 862 2224

NAME(S): Klitor Xhemali

ADDRESS: 102 Main Rd south Hampden ME 04441

NAME OF BUSINESS: Angelo's Pizzeria

LOCATION OF BUSINESS: 11 11

SIGNATURE: 

\*\*\*\*\*

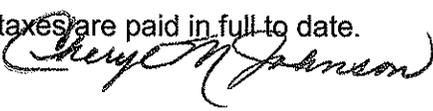
(FOR TOWN USE ONLY)

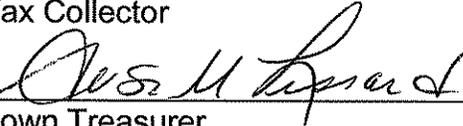
\*This facility has been inspected and meets ordinance criteria.

  
Code Enforcement Officer

  
Fire Inspector/Building Inspector

\*All sewer user fees and personal property taxes are paid in full to date.

  
Tax Collector

  
Town Treasurer

\*\*\*\*\*

Please return completed form to: **Town Clerk**  
**Town of Hampden**  
**106 Western Avenue**  
**Hampden, ME 04444**

**LICENSE FEE: \$125.00** Date Received/Fee Paid: 11/16/09 125.00  
(Fee Includes Notice of Public Hearing)

C-3-a



**TO:** Hampden Town Council  
**FROM:** Robert Osborne, Town Planner  
**SUBJECT:** Draft Shoreland Zoning Ordinance  
**DATE:** December 2, 2009

**Update.** This is the draft Shoreland Zoning Ordinance and Map that the Planning Board is returning to the Town Council with a unanimous "ought to pass" recommendation at their November 18, 2009 meeting. This document is the culmination of an extensive effort of the Planning and Development Committee, Planning Board, citizens and staff. It has been reviewed by Tom Russell and his recommendations have been incorporated into the document that the Planning Board has returned to the Council. This draft ordinance indicates each proposed addition or deletion change from the referral document that the Council referred the Planning Board for the September 23, 2009 hearing.

**Background.** The Hampden Town Council voted to refer this item to the Planning Board for Public Hearing. Subsequently, the Planning Board voted on August 12, 2009 to set the public hearing for this draft ordinance and map. At 7:00 pm, September 23, 2009 in Community Room the Planning Board held the public hearing on this item. Following the public hearing the Planning Board referred this item to the Planning Board Ordinance Committee for review of the ordinance and the public record and to make recommendations. Please find attached a draft of the Shoreland Zoning Ordinance. This document incorporates the written recommendations from Tom Russell into the ordinance and the recommendations of the Ordinance Committee. The Planning Board Ordinance Committee meetings were held October 7, 14 and 28, 2009 in the Council Chambers.

As you are aware these regulations are mandated by statute, and the Town must adopt them in the form of a local ordinance. The Maine Department of Environmental Protection drafted the "Model Ordinance" Chapter 1000 on which this draft is based.

This draft ordinance is a freestanding ordinance. The shoreland provisions currently found in the Zoning Ordinance would be removed and these regulations would apply.

The primary departure from the model ordinance is the addition of a local stream protection district. The statute requires protection of streams which are below the confluence of two USGS mapped streams. The Council Ordinance Committee, Conservation Commission, Comprehensive Plan Committee and previous Planning Boards and Town Councils have agreed that protection of non-jurisdictional streams such as Reeds Brook is important to the community. This ordinance would expand the list to also include Baker Brook and two unnamed tributaries, Cold Brook, Reeds Brook, Shaw Brook, Sucker Brook and Weber Brook.

**List of Changes From the Referral Document and Map.** The following is a list of proposed changes to the Draft Shoreland Zoning Ordinance and Map recommended by the Planning Board Ordinance Committee at its October 28, 2009 meeting to the referral documents received in July, 2009.

The following changes to the Draft Shoreland Zoning Map were recommendations by citizens to the Board and or Staff and found to have merit:

Dick Rushmore pointed out that his residence on Mead Road (off Sawyer Road) is on a town way and should be *zoned LR rather than Resource Protection*.

Larry Cliff pointed out that his land on Bog Road is not on a river but a stream and should have *SP rather than RP*.

Alex King pointed out that his land on Ichabod Lane did not properly map wetlands and provided new location provided by Moyse Environmental and *map was adjusted*.

Ray Buchanon requested that his property on Emerson Mill Road at the Souadscook Stream not be RP and staff determined that his property should be a *split zone RP/GD consistent with the other side of the street*.

Don Peletier requested that the *Baker Brook Tributary 2 be shortened* because it did not extend as far as indicated on the original map.

Mr. Frey requested that the town review if the Souadabscook is actually a river. We determined that a *portion of the West Branch Souadabscook Stream is actually a stream* because it did not drain 25 sq. mi.

Mr. Lipincott requested that the town review his residence on Wilbur Drive to see if RP could be changed. *Staff recommended 100 foot rule around all existing residences for LR*.

The following changes were recommended by staff and found to have merit:

The Deighan camps on Hammond Pond changed *LR rather than RP*.

Souadabscook Stream just south of Route 202 changed *LR rather than RP*.

Other Souadabscook Stream areas changed to be consistent with 300 ft. rule from streets thus changing RP to LR.

An extensive list of notes were added to the map changed to identify significant wildlife habitats, great ponds, rivers, streams, local streams, wetlands, etc.

A note was added changed to make all shorelines subject to ground verification.

A note must be added to describe rivers flowing to great ponds to describe West Branch Souadabscook Steam as *Brown Brook to Hammond Pond* rather than Newburgh Line to Hammond Pond.

*A note must be added: Residential dwelling units and the land area within 100 feet of such residential dwelling units subject to shoreland zone regulations at the time of adoption of this ordinance shall be*

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included in Limited Residential District. Such Limited Residential Districts shall be limited to the subject property only and not extend to neighboring properties.

Add initials of zoning districts in keeping with the ordinance (SP, RP, etc.).

The following is a list of proposed changes to referral Shoreland Zoning Ordinance draft.

*4C Repeal of Prior Shoreland Zoning Ordinance* - Repeal of Zoning Ordinance shoreland provisions.

*9A 6,7 and 8 Official Shoreland Zoning Map* - Delete unused shoreland districts.

*11 (after)* - Delete note to be used elsewhere.

*12C2 - Non-conforming Structures Relocation* – Substitute Code Enforcement Off. for Planning Board.

*12C3 - Non-conforming Structures Relocation* – Substitute Code Enforcement Off. for Planning Board.

*12D3 – Non-Conforming Uses* – Delete unused shoreland districts.

*13A1 – RP District Waterbodies and Wetlands* – Delete and add wetlands.

*13B - Limited Residential District* – Add existing residences to be included in LR designation.

*13C - Limited Commercial District* (deleted) – Add defunct zone name to 13C.

*13E - General Development District* (deleted) - Add defunct zone name to 13 E.

*13F - Commercial Fisheries/Maritime Activities* (deleted) – Add defunct zone name to 13F.

*13G - Stream Protection District* – Add list of streams.

*13H - Local Stream Protection District* – Delete incorrect stream names.

*14 Table of Land Uses* – Delete unused districts.

- Add notes now appearing after Table 1

*Table 1* – Add LSP Column.

- Delete Limited Commercial Column
- Require Code Enforcement Officer for 3, 4 and 5 in SP, LSP and RP
- Delete footnotes 5 and 11
- Add footnotes 13 and 14
- Delete notes after Table 1.

*15A Minimum Lot Standards (1)(b)(i) & (ii)* – Delete references to CFMA district.

*15B(1) Shoreline Setback* – Delete reference to GD1 and CFMA districts.

*15B(1) Shoreline Setback* – Add note referencing 15B(1)(c).

*15B(1) Shoreline Setback* - Add note from elsewhere to here.

*15B(1)(c) Shoreline Setback* – Add reference to GIS data layer and “Town of Hampden” Board of Appeals.

*15B(2) Height* - Delete reference to Limited Commercial (LC)

*15B(3) Floodplain* – Delete single flood standard and reference Floodplain Management Ordinance.

*15B(4) Lot Coverage* – Delete reference to CFMA.

*15G(1) Parking Areas* – Delete reference to CFMA and GD.

*15M Mineral Exploration...* – Add note after to reference Article 4.23 Zoning Ordinance rules.

*15M(2)* – Delete “classified GPA” references and property line setback regulation and add sentence referencing Zoning Ordinance Article 4.23 property line setback standards.

*15O Timber Harvesting* – Add licensed forester language.

*15P Clearing and Removal...* - Add licensed forester language.

*15P(5)* Add language relaxing requirement for licensed forester for construction of new single-family residence under certain conditions.

*16C Shoreland Permit...* - Add language to allow application for shoreland permit through building permit.

*17 Definitions.*

*Family* – Replace original definition with zoning ordinance definition.

*Forest Management Plan* – Add licensed forester to language.

*Local Stream* – Add streams to list and delete Brown Brook.

*River* – Add list of rivers.

*Significant River Segment* – Add new language per Tom Russell regarding date of adoption.

*Stream* – Add list of streams.

*Tributary Stream* – Delete list of streams.

**Town of Hampden, Maine**

**Draft Shoreland Zoning Ordinance  
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**Town of Hampden, Maine  
Draft Shoreland Zoning Ordinance**

NOTE: Words appearing in *italics* are defined terms that appear in Article 17 Definitions.

1. **Purposes.** The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect *commercial* fishing and maritime industries; to protect freshwater and *coastal wetlands*; to control building sites, placement of *structures* and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of *development* in shoreland areas.
2. **Authority.** This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).
3. **Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the *normal high-water line* of any *great pond* or *river*, the upland edge of a *coastal wetland*, including all areas affected by tidal action, the upland edge of a *freshwater wetland*, all land areas within 75 feet, horizontal distance, of the *normal high-water line* of a *stream* and all land areas within 75 feet, horizontal distance, of the *normal high-water line* of certain *local streams*.

NOTE: The Town of Hampden, Maine has opted to not govern docks, wharfs, piers or other extending or located below the shoreline. Such structures are subject to other regulatory bodies.

**4. Effective Date**

**A. Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was adopted by the Town of Hampden on \_\_\_\_\_ Date \_\_\_\_\_, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Town Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

Any application for a *shoreland permit* submitted to the Town of Hampden within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

**B. Sections 15(O) and 15(O-1).** Section 15(O) is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time Section 15(O-1) shall become effective. Until such time as Section 15(O) is repealed, Section 15(O-1) is not in effect.

**C. Repeal of Prior Shoreland Zoning Provisions.** Upon the effective date of this Ordinance pursuant to Section 4(A) above, Section 4.14 of the "Zoning Ordinance of the Town of Hampden, Maine" shall stand repealed. Provided, however, that said provisions of the Zoning Ordinance shall remain in effect for the prosecution of any violations thereof in existence as of the effective date of this Ordinance."

5. **Availability.** A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.
6. **Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the Town of Hampden, the more restrictive provision shall control.
8. **Amendments.** This Ordinance may be amended by majority vote of the Town Council. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the Town of Hampden and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a *shoreland permit* submitted to the Town of Hampden within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

9. **Shoreland Districts and Shoreland Zoning Map**

A. **Official Shoreland Zoning Map.** The *shoreland zone* areas to which this Ordinance is applicable are hereby divided into the following shoreland districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

- (1) Resource Protection also identified by the initials RP
- (2) Limited Residential also identified by the initials LR
- (3) General Development also identified by the initials GD
- (4) *Stream* Protection also identified by the initials SP
- (5) *Local Stream* Protection also identified by the initials LSP
- ~~(6) Limited Commercial also identified by the initials LC~~
- ~~(7) General Development II also identified by the initials GDII~~
- ~~(8) Commercial Fisheries and Maritime Activities also identified by the initials CFMA~~

B. **Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2,000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. **Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the municipal office.

D. **Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days

after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

**10. Interpretation of Shoreland District Boundaries.** Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, edge of pavement of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of shoreland district boundary lines, the Board of Appeals shall be the final authority as to location.

**11. Land Use Requirements.** Except as hereinafter specified, no building, *structure* or land shall hereafter be used or occupied, and no building or *structure* or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

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NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

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**12. Non-conformance.**

**A. Purpose.** It is the intent of this Ordinance to promote land use conformities, except that *non-conforming conditions* that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a *non-conforming condition* shall not be permitted to become more non-conforming.

**B. General**

- (1) Transfer of Ownership. *Non-conforming conditions* may be transferred, and the new owner may continue the *non-conforming use* or continue to use the *non-conforming structure* or *non-conforming lot*, subject to the provisions of this Ordinance.
- (2) Repair and Maintenance. This Ordinance allows, without a *shoreland permit*, the normal upkeep and maintenance of *non-conforming uses* and *structures* including repairs or renovations that do not involve *expansion* of the *non-conforming use* or *structure*, and such other changes in a *non-conforming use* or *structure* as federal, state, or local building and safety codes may require.

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NOTE: See Section 17 for the definitions of non-conforming *structures*, *non-conforming uses* and *non-conforming lots*.

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**C. Non-conforming Structures**

- (1) Expansions. A *non-conforming structure* may be added to or expanded after obtaining a *shoreland permit* from the same permitting authority as that for a new *structure*, if such addition or *expansion* does not create an *increase in non-conformity of the structure* and is in accordance with subparagraphs (a) and (b) below.

- (a) After January 1, 1989 if any portion of a *structure* is less than the required *shoreline setback* from the *shoreline*, that portion of the *structure* shall not be expanded, as measured in *floor area* or *volume of a structure*, by 30% or more, during the lifetime of the *structure*. If a replacement *structure* conforms with the requirements of Section 12(C)(3), and is less than the required *setback* from the *shoreline*, the replacement *structure* may not be expanded if the original *structure* existing on January 1, 1989 had been expanded by 30% in *floor area* and *volume of a structure* since that date.
- (b) Whenever a new, enlarged, or replacement *foundation* is constructed under a *non-conforming structure*, the *structure* and new *foundation* must be placed such that the *shoreline setback* requirement is met to the greatest practical extent as determined by the Code Enforcement Officer, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed *foundation* does not extend beyond the exterior dimensions of the *structure*, except for *expansion* in conformity with Section 12(C)(1)(a) above, and the *foundation* does not cause the *structure* to be elevated by more than three (3) additional feet, as measured from the uphill side of the *structure* (from original ground level to the bottom of the first floor sill), it shall not be considered to be an *expansion* of the *structure*.
- (2) Relocation. A *non-conforming structure* may be relocated within the boundaries of the parcel on which the *structure* is located provided that the site of relocation conforms to all *setback* requirements to the greatest practical extent as determined by the Code Enforcement Officer ~~Planning Board or its designee~~, and provided that the applicant demonstrates that the present *subsurface wastewater disposal system* meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a *replacement system* can be installed in compliance with the law and said Rules. In no case shall a *structure* be relocated in a manner that causes the *structure* to be more non-conforming.

In determining whether the building relocation meets the *shoreline setback* to the greatest practical extent, the Code Enforcement Officer ~~Planning Board or its designee~~ shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other *structures* on the property and on adjacent properties, the location of the *subsurface wastewater disposal system* and other on-site soils suitable for *subsurface wastewater disposal systems*, and the type and amount of *vegetation* to be removed to accomplish the relocation. When it is necessary to remove *vegetation* within the *shoreline setback* area in order to relocate a *structure*, the Code Enforcement Officer ~~Planning Board~~ shall require replanting of *native vegetation* to compensate for the destroyed *vegetation*. In addition, the area from which the relocated *structure* was removed must be replanted with *vegetation*. Replanting shall be required as follows:

- (a) Trees removed in order to relocate a *structure* must be replanted with at least one *native tree*, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the *shoreline* than the trees that were removed.

Other woody and herbaceous *vegetation*, and *ground cover*, that are removed or destroyed in order to relocate a *structure* must be re-established. An area at least the same size as the area where *vegetation* and/or *ground cover* was disturbed, damaged, or

removed must be reestablished within the *shoreline setback* area. The *vegetation* and/or *ground cover* must consist of similar *native vegetation* and/or *ground cover* that was disturbed, destroyed or removed.

- (b) Where feasible, when a *structure* is relocated on a parcel the original location of the *structure* shall be replanted with *vegetation* which may consist of grasses, shrubs, trees, or a combination thereof.
- (3) Reconstruction or Replacement. Any *non-conforming structure* which is located less than the minimum required *shoreline setback* and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the *market value* of the *structure* before such damage, destruction or removal, may be reconstructed or replaced provided that a *shoreland permit* is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the *shoreline setback* requirement to the greatest practical extent as determined by the Code Enforcement Officer Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a *structure* be reconstructed or replaced so as to create an *increase in non-conformity of a structure*. If the reconstructed or replacement *structure* is less than the minimum required *shoreline setback* it shall not be any larger than the original *structure*, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming *floor area* and volume of the reconstructed or replaced *structure* at its new location. If the total amount of *floor area* and volume of the original *structure* can be relocated or reconstructed beyond the minimum required *shoreline setback* area, no portion of the relocated or reconstructed *structure* shall be replaced or constructed at less than the minimum *shoreline setback* requirement for a new *structure*. When it is necessary to remove *vegetation* in order to replace or reconstruct a *structure*, *vegetation* shall be replanted in accordance with Section 12(C)(2) above.

Any *non-conforming structure* which is located less than the minimum required *shoreline setback* and which is removed by 50% or less of the *market value*, or damaged or destroyed by 50% or less of the *market value* of the *structure*, excluding normal maintenance and repair, may be reconstructed in place if a *shoreland permit* is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the *shoreline setback* to the greatest practical extent the Code Enforcement Officer Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of *foundation* present, if any.

- (4) Change of Use of a Non-conforming Structure. The use of a *non-conforming structure* may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the *water body, tributary stream, local stream, or wetland*, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain

management, archaeological and historic resources, and *commercial* fishing and maritime activities, and other *functionally water-dependent uses*.

#### D. Non-conforming Uses

- (1) Expansions. *Expansions* of *non-conforming uses* are prohibited, except that non-conforming residential uses may, after obtaining a *shoreland permit* from the Planning Board, be expanded within existing residential *structures* or within *expansions* of such *structures* as allowed in Section 12(C)(1)(a) above.
- (2) Resumption Prohibited. A lot, building or *structure* in or on which a *non-conforming use* is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a *non-conforming use* except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential *structure* provided that the *structure* has been used or maintained for residential purposes during the preceding five (5) year period.
- (3) Change of Use. An existing *non-conforming use* may be changed to another *non-conforming use* provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, ~~including *functionally water-dependent uses* in the CFMA district,~~ than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

#### E. Non-conforming Lots

- (1) Non-conforming Lots: A *non-conforming lot* of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except *lot area*, *minimum lot width* and *shore frontage* can be met. Variances relating to *shoreline setback* or other requirements not involving *lot area*, *minimum lot width* or *shore frontage* shall be obtained by action of the Board of Appeals.
- (2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the *dimensional requirements* of this Ordinance, and if a *principal use* or *structure* exists on each lot, the *non-conforming lots* may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more *principal uses* or *structures* existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the *dimensional requirements* of this Ordinance.

- (3) Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the *dimensional requirements* of this

Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no *principal structure* the lots shall be combined to the extent necessary to meet the *dimensional requirements*.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on December 16, 1991 and recorded in the registry of deeds if the lot is served by a municipal sanitary sewer or can accommodate a *subsurface wastewater disposal system* in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- (a) Each lot contains at least 100 feet of *shore frontage* and at least 20,000 square feet of *lot area*; or
- (b) Any lots that do not meet the *shore frontage* and *lot area* requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of *shore frontage* and 20,000 square feet of *lot area*.

### 13. Establishment of Shoreland Districts

**A. Resource Protection District.** The Resource Protection District includes areas in which *development* would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the *Stream Protection District*, except that areas which are currently developed and areas which meet the criteria for the General Development District need not be included within the Resource Protection District.

- (1) Water bodies and Wetlands. Areas within 250 feet, horizontal distance, of the *shoreline* of *freshwater wetlands* and *wetlands* associated with *great ponds* and *rivers*, (depicted on the Town of Hampden Fresh-Water Wetlands Map prepared by the DEP and dated 1989) which have Wetland Identification Number: 3, 118, 121, 123, 136, 137, 138, 139, 147, 148, 149, 153 and 157 are rated as moderate or high value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph "*wetlands* associated with *great ponds* and *rivers*" shall mean areas characterized by non-forested wetland *vegetation* and hydric soils that are contiguous with a *great pond* or *river*, and have a surface elevation at or below the water level of the *great pond* or *river* during the period of normal high water. "*Wetlands* associated with *great ponds* or *rivers*" are considered to be part of that *great pond* or *river*.
- (2) Floodplains. Floodplains along *rivers* defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps *s*. This district shall also include 100 year floodplains adjacent to *tidal waters* as shown on FEMA's Flood Insurance Rate Maps.
- (3) Slopes. Areas of two or more contiguous acres with *sustained slopes* of 20% or greater.
- (4) Other Smaller Wetlands. Areas of two (2) or more contiguous acres supporting *wetland vegetation* and hydric soils, which are not part of a freshwater or *coastal wetland* as defined,

and which are not surficially connected to a *water body* during the period of normal high water.

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NOTE: These areas usually consist of *forested wetlands* abutting *water bodies* and non-forested *wetlands*.

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(5) Bluffs and River Bank Erosion. Land areas along *rivers* subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to *tidal waters* which are subject to severe erosion or mass movement, such as steep coastal bluffs.

**B. Limited Residential District.** The Limited Residential District includes those areas within 250 feet, horizontal distance, of the *shoreline* suitable for residential and recreational *development*. It includes areas other than those in the Resource Protection District, Stream Protection District or Local Stream Protection District and areas which are used less intensively than those in the General Development District. Residential dwelling units and the land area within 100 feet of such residential dwelling units subject to shoreland zone regulations at the time of adoption of this ordinance shall be included in Limited Residential District. Such Limited Residential Districts shall be limited to the subject property only and not extend to neighboring properties.

**C. (Limited Commercial District). Deleted.**

**D. General Development District.** The General Development District includes areas within the *shoreland zone* containing the following types of existing, intensively developed areas:

(1) Areas of two or more contiguous acres devoted to *commercial, industrial* or intensive recreational activities, or a mix of such activities, including but not limited to the following:

(a) Areas devoted to manufacturing, fabricating or other *industrial* activities;

(b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other *commercial* activities; and

(c) Areas devoted to intensive recreational *development* and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

(2) Areas otherwise discernible as having patterns of intensive *commercial, industrial* or recreational uses.

**E. (General Development II District). Deleted.**

**F. (Commercial Fisheries/Maritime Activities District). Deleted.**

**G. Stream Protection District.** The *Stream* Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the *shoreline* of a *stream* exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the *shoreline* of a *great pond*, or *river*, or freshwater or *coastal wetland*. The three following waterways are streams: the portion of the West Branch Souadabscook Stream southwest of its confluence with Brown Brook, Brown Brook and Burnt Swamp Stream. Where a *stream* and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or

wetlands, that land area shall be regulated under the terms of the shoreland district associated with that *water body* or *wetland*.

**H. Local Stream Protection District.** The Local Stream Protection District shall include all land areas within seventy-five (75) feet horizontal distance of the shoreline of the following *local waterways* including: Baker Brook (and two unnamed tributaries of Baker Brook), ~~Brown Brook,~~ Cold Brook, Reeds Brook, Shaw Brook, Sucker Brook, and Weber Brook ~~and an unnamed brook in the southwest corner of Town.~~

**14. Table of Land Uses.** All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

- Yes - Allowed (no *shoreland permit* required but the use must comply with all applicable land use standards.)
- No - Prohibited
- PB - Allowed with *shoreland permit* issued by the Planning Board.
- CEO - Allowed with *shoreland permit* issued by the Code Enforcement Officer
- LPI - Allowed with *shoreland permit* issued by the Local Plumbing Inspector

Abbreviations:

- RP - Resource Protection
- LR - Limited Residential
- GD - General Development
- SP - Stream Protection
- LSP - Local Stream Protection
- ~~LC - Limited Commercial~~
- ~~GDII - General Development II~~
- ~~CPMA - Commercial Fisheries and Maritime Activities~~

The following notes are applicable to the Land Uses Table on the following page:

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NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, *great pond, river, stream* or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, *vegetation* or other materials;
  - B. Draining or otherwise dewatering;
  - C. Filling, including adding sand or other material to a sand dune; or
  - D. Any construction or alteration of any permanent *structure*.
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NOTE: A person performing any activities in a Shoreland Area shall also be subject to the Town of Hampden, Maine Zoning Ordinance which also governs land use activities. The most restrictive standards shall apply.

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**TABLE 1. LAND USES IN THE SHORELAND ZONE**

<u>LAND USES</u>	<u>DISTRICT</u>				
	SP	LSP	RP	LR	GD
1. Non-intensive recreational uses not requiring <i>structures</i> such as hunting, fishing and hiking	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing <i>roads</i> and trails	yes	yes	yes	yes	yes
3. <i>Forest management activities</i> except for <i>timber harvesting &amp; land management roads</i>	Yes CEO	Yes CEO	CEO	Yes <sup>12</sup>	Yes <sup>12</sup>
4. <i>Timber harvesting</i>	CEO	CEO	CEO	Yes <sup>14</sup>	Yes <sup>14</sup>
5. Clearing or removal of <i>vegetation</i> for activities other than <i>timber harvesting</i>	CEO	CEO	CEO <sup>1</sup>	Yes <sup>14</sup>	Yes <sup>14</sup>
6. Fire prevention activities	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes
9. <i>Mineral exploration</i>	no	no	yes <sup>2</sup>	yes <sup>2</sup>	yes <sup>2</sup>
10. <i>Mineral extraction</i> including sand and gravel extraction	no	no	PB <sup>3</sup>	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes
12. <i>Emergency operations</i>	yes	yes	yes	yes	yes
13. Agriculture	yes	yes	PB	yes	yes
14. Aquaculture	PB	PB	PB	PB	yes
15. <i>Principal structures</i> and uses					
A. One and two <i>family</i> residential, including <i>driveways</i>	PB <sup>4</sup>	PB <sup>4</sup>	PB <sup>9</sup>	CEO	CEO
B. <i>Multi-unit residential</i>	no	no	no	PB	PB
C. Commercial	no	no	no <sup>10</sup>	no <sup>10</sup>	PB
D. <i>Industrial</i>	no	no	no	no	PB
E. Governmental and <i>institutional</i>	no	no	no	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB <sup>4</sup>	PB <sup>4</sup>	PB	CEO	CEO
16. <i>Structures accessory</i> to allowed uses	PB <sup>4</sup>	PB <sup>4</sup>	PB	CEO	yes
17. Deleted					
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
19. <i>Home occupations</i>	PB	PB	PB	PB	yes
20. Private <i>subsurface wastewater disposal systems</i> for allowed uses	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB <sup>6</sup>	PB <sup>6</sup>	PB <sup>6</sup>	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO <sup>6</sup>	CEO <sup>6</sup>	CEO <sup>6</sup>	yes <sup>12</sup>	yes <sup>12</sup>
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB <sup>6</sup>	PB <sup>6</sup>	PB <sup>6</sup>	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB <sup>6</sup>	PB <sup>6</sup>	PB <sup>6</sup>	PB	PB
D. Other essential services	PB <sup>6</sup>	PB <sup>6</sup>	PB <sup>5</sup>	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural <i>development</i>	PB	PB	PB	PB	CEO
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no	no <sup>7</sup>	PB	PB
26. Road construction	PB	PB	no <sup>8</sup>	PB	PB
27. Land management roads	yes	yes	PB	yes	yes
28. Parking facilities	no	no	no <sup>7</sup>	PB	PB
29. <i>Marinas</i>	PB	PB	no	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	CEO	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	PB	CEO	CEO
32. Signs	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO <i>shoreland permit</i>	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB <i>shoreland permit</i>	PB	PB	PB	PB	PB

<sup>1</sup>In RP not allowed within 75 feet horizontal distance, of the *normal high-water line* of great ponds, except to remove safety hazards.

<sup>2</sup>Requires *shoreland permit* from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

<sup>3</sup>In RP not allowed in areas so designated because of wildlife value.

<sup>4</sup>Provided that a variance from the *setback* requirement is obtained from the Board of Appeals.

<sup>5</sup>Reserved. *Functionally water-dependent uses and uses accessory to such water dependent uses only.*

<sup>6</sup>See further restrictions in Section 15(L)(2).

<sup>7</sup>Except when area is zoned for resource protection due to floodplain criteria in which case a *shoreland permit* is required from the PB.

<sup>8</sup>Except as provided in Section 15(H)(4).

<sup>9</sup>Single *family* residential *structures* may be allowed by special exception only according to the provisions of Section 16(E), Single Family,

Special Exceptions. Two-*family* residential *structures* are prohibited.

<sup>10</sup>Except for *commercial* uses otherwise listed in this Table, such as *marinas* and campgrounds, that are allowed in the respective district.

<sup>11</sup>Reserved. Excluding bridges and other crossings not involving earthwork, in which case no *shoreland permit* is required.

<sup>12</sup>*Shoreland permit* not required but must file a written "notice of intent to construct" with CEO.

<sup>13</sup>*Forest Management Activities must be carried out consistent with a forest management plan prepared and submitted by a licensed forester.*

<sup>14</sup>*All timber harvesting and clearing activities shall be supervised by a licensed forester.*

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, *great pond, river, stream or brook* and operates in such a manner that material or soil may be washed into them:

- A. ~~Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;~~
- B. ~~Draining or otherwise dewatering;~~
- C. ~~Filling, including adding sand or other material to a sand dune; or~~
- D. ~~Any construction or alteration of any permanent structure.~~

NOTE: A person performing any activities in a Shoreland Area shall also be subject to the Town of Hampden, Maine Zoning Ordinance which also governs land use activities. The most restrictive standards shall apply.

**15. Land Use Standards.** All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

**A. Minimum Lot Standards**

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit Within the Shoreland Zone		
(i) Adjacent to Tidal Areas on well and septic	30,000	150
(ii) Adjacent to Non-Tidal Areas on well and septic	40,000	200
(iii) Adjacent to Tidal Areas on municipal sewer and water	18,000	125
(iv) Adjacent to Non-Tidal Areas on municipal sewer and water	18,000	125
(b) Governmental, <i>Institutional, Commercial or Industrial</i> per <i>principal structure</i> Within the Shoreland Zone		
(i) Adjacent to Tidal Areas, <del>Exclusive of Those Areas</del> Zoned for <del>Commercial Fisheries and Maritime Activities</del>	40,000	200
(ii) Adjacent to Tidal Areas Zoned for <del>Commercial</del> Fisheries and Maritime Activities <del>Deleted.</del>	<del>NONE</del>	<del>NONE</del>
(iii) Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities Within the Shoreland Zone		
(i) Adjacent to Tidal and Non-Tidal Areas	40,000	200
(2) Certain Land Not Included Toward Lot Area. Land below the <i>normal high-water line</i> of a <i>water body</i> or <i>upland edge of a wetland</i> and land beneath <i>roads</i> serving more than two (2) lots shall not be included toward calculating minimum <i>lot area</i> .		
(3) Lots Bisected By Roads. Lots located on opposite sides of a public or private <i>road</i> shall be considered each a separate tract or parcel of land unless such <i>road</i> was established by the owner of land on both sides thereof after September 22, 1971.		
(4) Minimum Lot Width. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the <i>normal high-water line</i> of a <i>water body</i> or <i>upland edge of a wetland</i> shall be equal to or greater than the <i>shore frontage</i> requirement for a lot with the proposed use.		
(5) Group Developments. If more than one <i>residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use</i> , or combination thereof, is constructed		

or established on a single parcel, all *dimensional requirements* shall be met for each additional dwelling unit, *principal structure*, or *use*. (Please note that there are additional standards for group developments contained in the Zoning Ordinance).

## B. Principal and Accessory Structures

- (1) Shoreline Setback. All new *principal* and *accessory structures* shall be set back at least one hundred (100) feet, horizontal distance, from the *shoreline* which is the *normal high-water line* of *great ponds* and *rivers* that flow to *great ponds*, and seventy-five (75) feet, horizontal distance, from the *normal high-water line* of other *water bodies*, *tributary streams*, local streams or the *upland edge of a wetland*—except that in a General Development I District the shoreline setback from the normal high water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the *shoreline setback* requirement shall be 250 feet, horizontal distance, except for *structures*, *roads*, parking spaces or other regulated objects specifically allowed in that district in which case the *shoreline setback* requirements specified above shall apply.

### Minimum Shoreline setback requirements

RP District except for specifically permitted structures	250 feet
Great Ponds	100 feet
Rivers that flow to Great Ponds	100 feet
Rivers	75 feet
Streams, Tributary Streams <sup>1</sup> and Local Streams	75 feet
Wetlands	75 feet
In addition:	
Unstable & Highly Unstable Coastal Bluffs	Required shoreline setback measured from top of bluff. (See section 15B(1)(c) below)

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<sup>1</sup>NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

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- (a) Exception for Water-Dependent Uses. The *shoreline setback* provision shall neither apply to *structures* which require direct access to the *water body* or *wetland* as an operational necessity, such as piers, docks and retaining walls, nor to other *functionally water-dependent uses*.
- (b) deleted.
- (c) Coastal Bluff Setback. For *principal structures*, the *shoreline setbacks* established in 15B(1) shall be measured in horizontal distance starting at and away from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. The Maine Office of GIS Data Catalog provides a data layer titled “coastal bluff hazards” (<http://megis.maine.gov/catalog>) which is also acceptable as source information for coastal bluffs. If the specific location of a “highly unstable” or “unstable” bluff, or where the top

of the bluff is located is in question, the applicant must at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement by the permitting official is not reached in regard to the location of the top of the bluff the applicant may appeal the matter to the Town of Hampden Board of Appeals.

- (d) Exception for Accessory Structures. On a *non-conforming lot* of record on which only a residential *structure* exists, and it is not possible to place an *accessory structure* meeting the required *shoreline setbacks*, the code enforcement officer may issue a *shoreland permit* to place a single *accessory structure*, with no utilities, for the storage of yard tools and similar equipment. Such *accessory structure* shall not exceed eighty (80) square feet in area nor eight (8) feet in *height of a structure*, and shall be located as far from the *shoreline* as practical and shall meet all other applicable standards, including lot coverage and *vegetation* clearing limitations. In no case shall the *structure* be located closer to the *shoreline* than the *principal structure*.
- (2) Height. *Principal or accessory structures and expansions of existing structures* which are permitted in the Resource Protection, Limited Residential, ~~Limited Commercial~~ and *Stream Protection Districts*, shall not exceed thirty-five (35) feet in *height of a structure*. This provision shall not apply to *structures* such as transmission towers, windmills, antennas, and similar *structures* having no *floor area*.
- (3) Floodplain. ~~The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. Accessory structures may be placed in accordance with the standards of the Town of Hampden Floodplain Management Ordinance and need not meet the elevation requirements of this paragraph. All development located in the special Flood Hazard Area as depicted on Flood Insurance Rate Maps shall comply with the Town of Hampden Floodplain Manangement Ordinance.~~
- (4) Lot Coverage. The total footprint area of all *structures*, parking lots and other non-vegetated surfaces, within the *shoreland zone* shall not exceed twenty (20) percent of the lot or a portion thereof, located within the *shoreland zone*, including land area previously developed, except in the General Development District adjacent to *tidal waters* and *rivers* that do not flow to *great ponds*, ~~and in the Commercial Fisheries/Meritime Activities District, where lot coverage shall not exceed seventy (70) percent.~~
- (5) Retaining Walls. Retaining walls that are not necessary for erosion control shall meet the *structure shoreline setback* requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
- (a) The site has been previously altered and an effective vegetated buffer does not exist;
- (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the *normal high-water line* of a *water body, tributary stream, local stream* or *upland edge of a wetland*;
- (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring *vegetation*, and which cannot be stabilized with vegetative plantings;

- (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
- (e) Retaining walls are located outside of the 100-year floodplain on *rivers, streams, coastal wetlands*, local streams and *tributary streams*, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as *recent floodplain soils*.
- (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural *development* will occur within the setback area, including patios and decks; and
- (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the *normal high-water line* of a *water body, tributary stream*, local stream or *upland edge of a wetland* when a natural buffer area does not exist. The buffer area must meet the following characteristics:
  - (i) The buffer must include shrubs and other woody and herbaceous *vegetation*. Where natural *ground cover* is lacking the area must be supplemented with leaf or bark mulch;
  - (ii) *Vegetation* plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
  - (iii) Only *native* species may be used to establish the buffer area;
  - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the *normal high-water line* or *upland edge of a wetland*;
  - (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;
- (6) Structures For Shoreline Access. Notwithstanding the requirements stated above, stairways or similar *structures* may be allowed with a *shoreland permit* from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the *structure* is limited to a maximum of four (4) feet in width; that the *structure* does not extend below or over the *normal high-water line* of a *water body* or *upland edge of a wetland*, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property. All applications for structures for shoreline access shall be accompanied by an engineering report that contains an analysis of soil conditions, addresses stormwater analysis for the installation area, contains installation details and necessary best management practices to assure stable soil conditions both during construction and thereafter.

C. Deleted.

**D. Campgrounds.** *Campgrounds* shall conform to the minimum requirements imposed under State licensing procedures and the following:

- (1) **Minimum Size.** *Campgrounds* shall contain a minimum of five thousand (5,000) square feet of land, not including *roads* and *driveways*, for each site. Land supporting *wetland vegetation*, and land below the *normal high-water line* of a *water body* shall not be included in calculating land area per site.
- (2) **Shoreline Setback.** The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the *normal high-water line* of a *great pond* or a *river* flowing to a *great pond*, and seventy-five (75) feet, horizontal distance, from the *normal high-water line* of other water bodies, *tributary streams*, *local streams*, or the *upland edge of a wetland*.

**E. Individual Private Campsites.** *Individual private campsites* not associated with *campgrounds* are allowed provided the following conditions are met:

- (1) **Minimum Size.** One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of *lot area* within the *shoreland zone*, whichever is less, may be permitted.
- (2) **Shoreline Setback.** Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the *normal high-water line* of a *great pond* or *river* flowing to a *great pond*, and seventy-five (75) feet, horizontal distance, from the *normal high-water line* of other water bodies, *tributary streams*, *local streams* or the *upland edge of a wetland*.
- (3) **Recreational Vehicles.** Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent *foundation* except for a gravel pad, and no *structure* except a canopy shall be attached to the recreational vehicle.
- (4) **Vegetation Clearing.** The clearing of *vegetation* for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (5) **Sewage Disposal Plan Required.** A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (6) **After 120 Days.** When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential *structures* shall be met, including the installation of a *subsurface wastewater disposal system* in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

**F. Prohibited Commercial and Industrial Uses.** The following new *commercial* and *industrial* uses are prohibited within the *shoreland zone* adjacent to *great ponds*, and *rivers* and *streams* which flow to *great ponds*:

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories
- (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
- (5) *Commercial* painting, wood preserving, and furniture stripping
- (6) Dry cleaning establishments
- (7) Electronic circuit assembly
- (8) Laundromats, unless connected to a municipal sanitary sewer
- (9) Metal plating, finishing, or polishing
- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with *marinas*
- (11) Photographic processing
- (12) Printing

#### G. Parking Areas

- (1) Shoreline Setback. Parking areas shall meet the *shoreline setback* requirements for *structures* for the district in which such areas are located, ~~except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty five (25) feet, horizontal distance, from the shoreline. The *shoreline setback* requirement for parking areas serving public *boat launching facilities* in Districts other than the General Development District shall be no less than fifty (50) feet, horizontal distance, from the *shoreline* if the Planning Board finds that no other reasonable alternative exists further from the *shoreline*.~~
- (2) Design. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a *water body, tributary stream, local stream* or *wetland* and where feasible, to retain all runoff on-site.
- (3) Compliance With Zoning Ordinance. In determining the appropriate size and minimum number of proposed parking spaces, the parking layouts and handicap parking configurations shall comply with the Town of Hampden Zoning Ordinance standards contained in Article 4.7.
  - (a) Parking Space Exception: Parking spaces for a vehicle and attached boat trailer shall be forty (40) feet long.
  - (b) Deleted.

**H. Roads and Driveways.** The following standards shall apply to the construction of *roads* and/or *driveways* and drainage systems, culverts and other related features.

- (1) **Shoreline Setback.** *Roads* and *driveways* shall be set back at least one-hundred (100) feet, horizontal distance, from the *normal high-water line* of a *great pond* or a *river* that flows to a *great pond*, and seventy-five (75) feet, horizontal distance from the *normal high-water line* of other *water-bodies*, *tributary streams*, *local stream* or the *upland edge of a wetland* unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the *road* and/or *driveway setback* requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the *water-body*, *tributary stream*, *local stream* or *wetland*. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the *water body*, *tributary stream*, *local stream* or *wetland*.

On slopes of greater than twenty (20) percent the *road* and/or *driveway shoreline setback* shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (H)(1) does not apply to approaches to *water crossings* or to *roads* or *driveways* that provide access to permitted *structures* and facilities located nearer to the *shoreline* due to an operational necessity, excluding temporary docks for recreational uses. *Roads* and *driveways* providing access to permitted *structures* within the *setback* area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the *road* or *driveway* necessary for direct access to the *structure*.

- (2) **Existing Public Roads.** Existing public *roads* may be expanded within the legal *road* right of way regardless of their *shoreline setback* from a *water body*, *tributary stream*, *local stream* or *wetland*.
- (3) Deleted.
- (4) **Roads in the RP District.** New *roads* and *driveways* are prohibited in a Resource Protection District except that the Planning Board may grant a *shoreland permit* to construct a *road* or *driveway* to provide access to permitted uses within the district. A *road* or *driveway* may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a *road* or *driveway* is permitted in a Resource Protection District the *road* and/or *driveway* shall be set back as far as practicable from the *normal high-water line* of a *water body*, *tributary stream*, *local stream* or *upland edge of a wetland*.
- (5) **Road Side Slope.** *Road* and *driveway* banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).
- (6) **Road Grades.** *Road* and *driveway* grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

- (7) **Drainage Buffers.** In order to prevent *road* and *driveway* surface drainage from directly entering water bodies, *tributary streams*, *local streams* or *wetlands*, *roads* and *driveways* shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the *normal high-water line* of a *water body*, *tributary stream*, *local stream* or *upland edge of a wetland*. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- (8) **Stormwater Management.** Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the *road*, *driveway*, or ditch. To accomplish this, the following shall apply:

- (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the *road*, or *driveway* at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
- (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the *road* or *driveway*.
- (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (9) **Stormwater Maintenance.** Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with *roads* and *driveways* shall be maintained on a regular basis to assure effective functioning.

**I Signs.** Conformance With Zoning Ordinance. Signs locations, size, configuration and lighting shall comply with the Town of Hampden Zoning Ordinance standards contained in Article 4.8.

**J. Storm Water Runoff**

- (1) **Stormwater Management.** All new construction and *development* shall be designed to minimize storm water runoff from the site in excess of the natural *predevelopment*

conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

- (2) Stormwater Maintenance. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning. Stormwater runoff control systems shall be in compliance with Department Chapter 500 and applicable Postconstruction Ordinance, Zoning Ordinance and Subdivision Ordinance standards.

#### **K. Subsurface Wastewater Disposal Systems**

- (1) Subsurface Wastewater Disposal. All *subsurface wastewater disposal systems* shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of *woody vegetation* necessary to site a *replacement system* and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the *normal high-water line* of a *water body* or the *upland edge of a wetland* and b) a holding tank is not allowed for a first-time residential use in the *shoreland zone*.

#### **L. Essential Services**

- (1) Expansions. Where feasible, the installation of *essential services* shall be limited to existing public ways and existing service corridors.
- (2) Limitations in the RP and SP Districts. The installation of *essential services*, other than *road-side* distribution lines, is not allowed in a Resource Protection or *Stream* Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such *structures* and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- (3) Replacement. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a *shoreland permit*.

**M. Mineral Exploration and Extraction.** *Mineral exploration* to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A *shoreland permit* from the Code Enforcement Officer shall be required for *mineral exploration* which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

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NOTE: Mineral Exploration and Extraction are also regulated in the Town of Hampden, Maine Zoning Ordinance in Article 4.23.

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*Mineral extraction* may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a *shoreland permit* is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the *normal high-water line* of a *great pond classified-GPA* or a *river* flowing to a *great pond classified-GPA*, and within seventy-five (75) feet, horizontal distance, of the *normal high-water line* of any other *water body, tributary stream, or the upland edge of a wetland*. ~~Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property. Minumim distances from property lines for extraction operations are established in the Hampden Zoning Ordinance in Article 4.23.~~
- (3) (Significant River Segments). Deleted. ~~When gravel pits must be located within the shoreland zone, they shall be set back as far as practicable from the *normal high-water line* and no less than seventy-five (75) feet and screened from the *river* by existing vegetation.~~
- (4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
  - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
  - (b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
  - (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with *vegetation native* to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with *mineral extraction* operations on surrounding uses and resources.

## N. Agriculture

- (1) **Manure Spreading.** All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- (2) **Manure Stockpiling.** Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a *great pond* or a *river* flowing to a *great pond*, or within seventy-five (75) feet horizontal distance, of other *water-bodies, tributary streams, local stream or wetlands*. All manure storage areas within the *shoreland zone* must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

- (3) Tillage Requiring Conservation Plan. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the *shoreland zone* shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- (4) Tillage Shoreline Setbacks. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the *normal high-water line* of a *great pond*; within seventy-five (75) feet, horizontal distance, from other *water-bodies* and *coastal wetlands*; nor within twenty-five (25) feet, horizontal distance, of *tributary streams*, *local streams* and *freshwater wetlands*. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) Grazing Shoreline Setbacks. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the *normal high-water line* of a *great pond*; within seventy-five (75) feet, horizontal distance, of other *water-bodies* and *coastal wetlands*, nor; within twenty-five (25) feet, horizontal distance, of *tributary streams*, *local streams* and *freshwater wetlands*. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above *shoreline setback* provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

**O. Timber Harvesting. All Shoreland Districts are subject to this Timber Harvesting section. Timber Harvesting shall be supervised by a licensed forester. Supervision shall include marking of trees for cutting and written verification by the licensed forester post-cut stating that the cutting was in keeping with the original markings.**

- (1) In a Resource Protection District abutting a *great pond*, *timber harvesting* shall be limited to the following:
  - (a) Within the strip of land extending 75 feet, horizontal distance, inland from the *normal high-water line*, *timber harvesting* may be conducted when the following conditions are met:
    - (1) The ground is frozen;
    - (2) There is no resultant soil disturbance;
    - (3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
    - (4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural *vegetation* remains; and
    - (5) A licensed professional forester has marked the trees to be harvested prior to a *shoreland permit* being issued by the Town of Hampden.
  - (b) Beyond the 75 foot strip referred to in Section 15(O)(1)(a) above, *timber harvesting* is permitted in accordance with paragraph 2 below except that in no case shall the average *residual basal area* of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

- (2) Except in areas as described in Section 15(O)(1) above, *timber harvesting* shall conform with the following provisions:
- (a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
    - (i) Within one-hundred (100) feet, horizontal distance, of the *normal high-water line* of a *great pond* or a *river* flowing to a *great pond*, and within seventy-five (75) feet, horizontal distance, of the *normal high-water line* of other *water-bodies*, *tributary streams*, *local streams* or the *upland edge of a wetland*, there shall be no clearcut openings and a well-distributed stand of trees and other *vegetation*, including existing *ground cover*, shall be maintained.
    - (ii) At distances greater than one-hundred (100) feet, horizontal distance, of a *great pond* or a *river* flowing to a *great pond*, and greater than seventy-five (75) feet, horizontal distance, of the *normal high-water line* of other *water-bodies* or the *upland edge of a wetland*, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest *canopy*. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to *basal area*.
  - (b) *Timber harvesting* operations exceeding the 40% limitation in Section 15(O)(2)(a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.
  - (c) No accumulation of *slash* shall be left within fifty (50) feet, horizontal distance, of the *normal high-water line* of a *water body*. In all other areas *slash* shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the *normal high-water line* of a *water body* or *tributary stream* shall be removed.
  - (d) *Timber harvesting* equipment shall not use stream channels as travel routes except when:
    - (i) Surface waters are frozen; and
    - (ii) The activity will not result in any ground disturbance.
  - (e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
  - (f) *Skid trail* approaches to *water crossings* shall be located and designed so as to prevent water runoff from directly entering the *water body* or *tributary stream*. Upon completion

of *timber harvesting*, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

- (g) Except for *water crossings*, *skid trails* and other sites where the operation of machinery used in *timber harvesting* results in the exposure of mineral soil shall be located such that an unscarified strip of *vegetation* of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the *normal high-water line* of a *water body* or *upland edge of a wetland*. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the *water body* or *wetland*, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the *normal high-water line* of a *water body* or *upland edge of a wetland*.

**O-1. Timber Harvesting – Statewide Standards [Effective on effective date established in Section 4(B)]**

- (1) Shoreline integrity and sedimentation. Persons conducting *timber harvesting and related activities* must take reasonable measures to avoid the *disruption of shoreline integrity*, the occurrence of sedimentation of water, and the disturbance of *water body* and *tributary stream* banks, *water body* and *tributary stream* channels, shorelines, and soil lying within water bodies, *tributary streams* and *wetlands*. If, despite such precautions, the *disruption of shoreline integrity*, sedimentation of water, or the disturbance of *water body* and *tributary stream* banks, *water body* and *tributary stream* channels, shorelines, and soil lying within water bodies, *tributary streams* and *wetlands* occurs, such conditions must be corrected.
- (2) Slash treatment. *Timber harvesting and related activities* shall be conducted such that slash or debris is not left below the *normal high-water line* of any *water body* or *tributary stream*, or the *upland edge of a wetland*. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from *timber harvesting and related activities* otherwise conducted in compliance with this section.
  - (a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.
  - (b) Adjacent to *great ponds, rivers and wetlands*:
    - (i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the *normal high-water line* or *upland edge of a wetland*; and
    - (ii) Between 50 feet and 250 feet, horizontal distance, of the *normal high-water line* or *upland edge of a wetland*, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
- (3) *Timber harvesting and related activities* must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:
  - (a) Option 1 (40% volume removal), as follows:
    - (i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches *DBH* or greater in any 10 year period is allowed. Volume may be considered to be equivalent to *basal area*;
    - (ii) A well-distributed stand of trees which is *windfirm*, and other *vegetation* including existing *ground cover*, must be maintained; and
    - (iii) Within 75 feet, horizontal distance, of the *normal high-water line* of *rivers, streams, and great ponds*, and within 75 feet, horizontal distance, of the upland edge of a freshwater or *coastal wetlands*, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the *normal high-water line* of a *river* or *great pond* or *upland edge of a wetland*, *timber harvesting and related activities* must not create single cleared openings greater than 14,000 square feet in the forest

canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to *basal area*.

(b) Option 2 (60 square foot *basal area* retention), as follows:

- (i) The *residual stand* must contain an average basal area of at least 60 square feet per acre of *woody vegetation* greater than or equal to 1.0 inch *DBH*, of which 40 square feet per acre must be greater than or equal to 4.5 inches *DBH*;
- (ii) A well-distributed stand of trees which is *windfirm*, and other *vegetation* including existing *ground cover*, must be maintained; and,
- (iii) Within 75 feet, horizontal distance, of the *normal high-water line* of water bodies and within 75 feet, horizontal distance, of the upland edge of *wetlands*, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the *normal high-water line* of a river or *great pond*, or *upland edge of a wetland*, *timber harvesting and related activities* must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average *basal area*. Volume may be considered equivalent to *basal area*.

(c) Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a *Licensed Forester* or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (*Bureau*) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, *timber harvesting and related activities* may not begin until the *Bureau* has approved the alternative method.

The *Bureau* may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the *harvest area*.

(4) Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

- (a) Equipment used in *timber harvesting and related activities* shall not use *river, stream* or *tributary stream* channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.
- (b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a *water body, tributary stream, or wetland*. Upon termination of their use, skid trails and yards must be stabilized.

(c) *Setbacks:*

- (i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any *water body, tributary stream, or wetland*. On slopes of 10 percent or greater, the *setback* for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot *setback* is required.
- (ii) Where such *setbacks* are impracticable, appropriate techniques shall be used to avoid sedimentation of the *water body, tributary stream or wetland*. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the *water body, tributary stream, or wetland*. If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.

(5) Land Management Roads. *Land management roads*, including approaches to crossings of water bodies, *tributary stream* channels, and *freshwater wetlands*, ditches and other related *structures*, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the *water body, tributary stream or wetland*. Surface water on or adjacent to *water crossing* approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or *wetland*. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the *setback* requirements in Section 15(O-1)(7) of this rule.

(a) *Land management roads* and associated ditches, excavation, and fill must be set back at least:

- (i) 100 feet, horizontal distance, from the *normal high-water line* of a *great pond, river* or freshwater or *coastal wetland*;
- (ii) 50 feet, horizontal distance, from the *normal high-water line* of *streams*; and
- (iii) 25 feet, horizontal distance, from the *normal high-water line* of *tributary streams*

(b) The minimum 100 foot *setback* specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot *setback* specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the *water body, tributary stream, or wetland*. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the *water body, tributary stream or wetland*. If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.

- (c) On slopes of 10 percent or greater, the *land management road setback* must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.
- (d) New *land management roads* are not allowed within the shoreland area along a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the *normal high-water line* and screened from the *river* by existing *vegetation*.
- (e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage *structures* shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the *setback* requirements in Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the *water body, tributary stream, or wetland*. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the *water body, tributary stream, or wetland*. If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.
- (f) Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage *structures* at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
- (g) Upgrading existing *roads*. Extension or enlargement of presently existing *roads* must conform to the provisions of Section 15(O-1). Any nonconforming existing *road* may continue to exist and to be maintained, as long as the *non-conforming conditions* are not made more nonconforming.
- (h) Exception. Extension or enlargement of presently existing *roads* need not conform to the *setback* requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the *water body, tributary stream, or wetland*. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the *water body, tributary stream, or wetland*. If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.
- (i) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of *roads* and *river, stream* and *tributary stream* crossings must take reasonable measures to avoid sedimentation of surface waters.

- (6) Crossings of waterbodies. Crossings of *rivers*, *streams*, and *tributary streams* must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
- (a) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining *water crossing* sizes as required in Section 15(O-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.
  - (b) Upgrading existing *water crossings*. Extension or enlargement of presently existing *water crossings* must conform to the provisions of Section 15(O-1). Any nonconforming existing *water crossing* may continue to exist and be maintained, as long as the *non-conforming conditions* are not made more nonconforming; however, any maintenance or repair work done below the *normal high-water line* must conform to the provisions of Section 15(O-1).
  - (c) Other Agency Permits. Any *timber harvesting and related activities* involving the design, construction, and maintenance of crossings on waterbodies other than a *river*, *stream* or *tributary stream* may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.
  - (d) Any *timber harvesting and related activities* involving the design, construction, and maintenance of crossings of *freshwater wetlands* identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.
  - (e) Notice to Bureau of Forestry. Written notice of all *water crossing* construction maintenance, alteration and replacement activities in shoreland areas must be given to the *Bureau* prior to the commencement of such activities. Such notice must contain all information required by the *Bureau*, including:
    - (i) a map showing the location of all proposed permanent crossings;
    - (ii) the GPS location of all proposed permanent crossings;
    - (iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
    - (iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.
  - (f) *Water crossing* standards. All crossings of *rivers* require a bridge or culvert sized according to the requirements of Section 15(O-1)(6)(g) below. *Streams* and *tributary streams* may be crossed using temporary *structures* that are not bridges or culverts provided:
    - (i) concentrated water runoff does not enter the *stream* or *tributary stream*;
    - (ii) sedimentation of surface waters is reasonably avoided;
    - (iii) there is no substantial disturbance of the bank, or *stream* or *tributary stream* channel;
    - (iv) fish passage is not impeded; and,
    - (v) water flow is not unreasonably impeded.

Subject to Section 15(O-1)(6)(f)(i-v) above, skid trail crossings of *streams* and *tributary streams* when channels of such *streams* and *tributary streams* are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary *structures*.

- (g) Bridge and Culvert Sizing. For crossings of *river*, *stream* and *tributary stream* channels with a bridge or culvert, the following requirements apply:
- (i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and *structure* to accommodate 10 year frequency water flows or with a *cross-sectional area* at least equal to 2 1/2 times the *cross-sectional area* of the *river*, *stream*, or *tributary stream* channel.
  - (ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the *water body* or *tributary stream* is avoided. Such crossing *structures* must be at least as wide as the channel and placed above the *normal high-water line*. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:
    - 1. use of temporary skidder bridges;
    - 2. removing culverts prior to the onset of frozen ground conditions;
    - 3. using water bars in conjunction with culverts;
    - 4. using *road* dips in conjunction with culverts.
  - (iii) Culverts utilized in *river*, *stream* and *tributary stream* crossings must:
    - 1. be installed at or below *river*, *stream* or *tributary stream* bed elevation;
    - 2. be seated on firm ground;
    - 3. have soil compacted at least halfway up the side of the culvert;
    - 4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
    - 5. have a headwall at the inlet end which is adequately stabilized by *riprap* or other suitable means to reasonably avoid erosion of material around the culvert.
  - (iv) *River*, *stream* and *tributary stream* crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a *water crossing* may be required to pass a 100-year flood event.
  - (v) Exception. Skid trail crossings of *tributary streams* within shoreland areas and *wetlands* adjacent to such *streams* may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided *persons* conducting such activities take reasonable measures to avoid the *disruption of shoreline integrity*, the occurrence of sedimentation of water, and the disturbance of *stream*

banks, *stream* channels, shorelines, and soil lying within ponds and *wetlands*. If, despite such precautions, the *disruption of shoreline integrity*, sedimentation of water, or the disturbance of *stream* banks, stream channels, shorelines, and soil lying within ponds and *wetlands* occurs, such conditions must be corrected.

- (h) Skid trail closeout. Upon completion of *timber harvesting and related activities*, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
- (i) Bridges and culverts installed for *river, stream* and *tributary stream* crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for *land management roads* in Section 15(O-1)(6)(i) below.
  - (ii) *Water crossing structures* that are not bridges or culverts must either be removed immediately following *timber harvesting and related activities*, or, if frozen into the *river, stream* or *tributary stream* bed or bank, as soon as practical after snowmelt.
  - (iii) *River, stream* and *tributary stream* channels, banks and approaches to crossings of water bodies and *tributary streams* must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.
- (i) *Land management road* closeout. Maintenance of the water control features must continue until use of the *road* is discontinued and the *road* is put to bed by taking the following actions:
- (i) Effective installation of water bars or other adequate *road* drainage *structures* at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the *road* surface.
  - (ii) *Water crossing structures* must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the *water body* or *tributary stream*.
  - (iii) Any bridge or *water crossing* culvert in *roads* to be discontinued shall satisfy one of the following requirements:
    - 1. it shall be designed to provide an opening sufficient in size and *structure* to accommodate 25 year frequency water flows;
    - 2. it shall be designed to provide an opening with a *cross-sectional area* at least 3 1/2 times the *cross-sectional area* of the *river, stream* or *tributary stream* channel; or
    - 3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the *river, stream* or *tributary stream*.

If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.

(7) Slope Table

Filter strips, skid trail *setbacks*, and *land management road setbacks* must be maintained as specified in Section 15(O-1), but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

**P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting All Shoreland Districts are subject to this Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting section. Clearing or removal of vegetation for activities other than timber harvesting shall be supervised by a licensed forester. Supervision shall include marking of trees for cutting and written verification by the licensed forester post-cut stating that the cutting was in keeping with the original markings.**

- (1) Resource Protection Cutting Limits. In a Resource Protection District abutting a *great pond*, there shall be no cutting of *vegetation* within the strip of land extending 75 feet, horizontal distance, inland from the *normal high-water line*, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of *vegetation* shall be limited to that which is necessary for uses expressly authorized in that district.

- (2) Except in areas as described in Section P(1), above, and except to allow for the *development* of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the *normal high-water line* of a *great pond* or a *river* flowing to a *great pond*, and seventy-five (75) feet, horizontal distance, from any other *water body, tributary stream, local stream* or the *upland edge of a wetland*, a buffer strip of *vegetation* shall be preserved as follows:

- (a) There shall be no cleared opening greater than 250 square feet in the forest *canopy* (or other existing *woody vegetation* if a forested *canopy* is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
- (b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural *vegetation* is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a *great pond* or a *river* or *stream* flowing to a *great pond*, shall be defined as maintaining a rating score of 24 or

more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 < 4 in.	1
4 < 8 in.	2
8 < 12 in.	4
12 in. or greater	8

Adjacent to other *water-bodies, tributary streams, local streams* and *wetlands*, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

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NOTE: As an example, adjacent to a *great pond*, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36 - 24 = 12) may be removed from the plot provided that no cleared openings are created.

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The following shall govern in applying this point system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no *vegetation* removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have *vegetation* removed down to the minimum points required or as otherwise allowed by is Ordinance;
- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural *vegetation*" is defined as retaining existing *vegetation* under three (3) feet in height and other *ground cover* and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- (c) In order to protect water quality and wildlife habitat, existing *vegetation* under three (3) feet in height and other *ground cover*, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
- (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- (e) In order to maintain a buffer strip of *vegetation*, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with *native* tree species unless existing new tree growth is present.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- (3) At distances greater than one hundred (100) feet, horizontal distance, from a *great pond* or a *river* flowing to a *great pond*, and seventy-five (75) feet, horizontal distance, from the *normal high-water line* of any other *water body*, *tributary stream*, *local streams* or the *upland edge of a wetland*, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the *development* of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to *basal area*.

In no event shall cleared openings for any purpose, including but not limited to, *principal* and *accessory structures*, *driveways*, lawns and sewage disposal areas, exceed in the aggregate, 25% of the *lot area* within the *shoreland zone* or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development District.

Notwithstanding the general requirement that clearing and removal of vegetation be supervised by a licensed forester clearing for construction of a new single-family residence does not require supervision by a licensed forester if the home builder adheres to a maximum limit of 25% of the lot area in the shoreland zone or ten thousand (10,000) square feet, whichever is greater.

- (4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- (5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other *woody vegetation* shall be regulated under the provisions of Section 15(P).

#### **Q. Erosion and Sedimentation Control**

- (1) Filling, Grading and Excavation Requires *Shoreland Permit* and Plan. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a *shoreland permit* shall also require a written soil erosion and sedimentation control plan. The plan must reference and conform to the Maine Erosion and Sedimentation Control Best Management Practices Handbook. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

- (a) Mulching and revegetation of disturbed soil.
  - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
  - (c) Permanent stabilization *structures* such as retaining walls or *riprap*.
- (2) Avoid Steep Slopes. In order to create the least potential for erosion, *development* shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- (3) Erosion and Sedimentation Control. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- (4) Stabilization. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of *riprap*, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
- (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of *vegetation* is established.
  - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
  - (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- (5) Drainageways. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with *vegetation* or lined with *riprap*.
- R. Soils.** All land uses shall be located on soils in or upon which the proposed uses or *structures* can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring *subsurface wastewater disposal systems*, and *commercial* or *industrial development* and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified *persons* may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other *persons* who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

- S. Water Quality.** No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the *water body, tributary stream, local stream or wetland*.
- T. Archaeological Site.** Any proposed land use activity involving structural *development* or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

## 16. Administration

### A. Administering Bodies and Agents

- (1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
- (2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.
- (3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

**B. Shoreland Permits Required.** After the effective date of this Ordinance no *person* shall, without first obtaining a *shoreland permit*, engage in any activity or use of land or *structure* requiring a *shoreland permit* in the district in which such activity or use would occur; or expand, change, or replace an existing use or *structure*; or renew a discontinued *non-conforming use*. A *person* who is issued a *shoreland permit* pursuant to this Ordinance shall have a copy of the *shoreland permit* on site while the work authorized by the *shoreland permit* is performed.

- (1) Exception Road Culvert Replacement. A *shoreland permit* is not required for the replacement of an existing *road* culvert as long as:
  - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
  - (b) The replacement culvert is not longer than 75 feet; and
  - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- (2) Exception Archaeological Excavations. A *shoreland permit* is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

- (3) Other Permits May Be Required. Any *shoreland permit* required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

### **C. Shoreland Permit Application**

- (1) **Application and Plan Required.** Every applicant for a *shoreland permit* shall submit a written application, including a scaled site plan, on a form provided by the Town of Hampden, to the Code Enforcement Officer as indicated in Section 14. Applications for activities also required to obtain a building permit under the Town of Hampden, Maine Zoning Ordinance may apply for said permit concurrent with a building permit. Such a building permit shall substitute the required shoreland permit upon clear demonstration that all aspects of this ordinance have been satisfied.
- (2) **Legal Standing and Certification of Information.** All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a *shoreland permit* hereunder, certifying that the information in the application is complete and correct.
- (3) **Date Stamp Applications.** All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) **Plumbing and Subsurface Permits Required.** If the property is not served by a municipal sanitary sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed *structure* or use would require the installation of a *subsurface wastewater disposal system*.
- (5) **Other Information as Required.** The Code Enforcement Officer and the Planning Board shall have the authority to require additional information which may reasonably be necessary for them to make their decision and inform the facts of the application.

**D. Procedure for Administering Shoreland Permits.** Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or *structure* is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Deleted;
- (8) Will avoid problems associated with floodplain *development* and use; and
- (9) Is in conformance with the provisions of Section 15, Land Use Standards.

If a *shoreland permit* is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a *structure* if the *structure* would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the Town.

**E. Single Family Special Exceptions.** In addition to the criteria specified in Section 16(D) above, excepting *structure setback* requirements, the Planning Board may approve a *shoreland permit* for a single *family residential structure* in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the *structure* can be built.
- (2) The lot on which the *structure* is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District or no later than July 1, 2009.
- (3) All proposed buildings, *subsurface wastewater disposal systems* and other improvements are:
  - (a) Located on natural ground slopes of less than 20%; and
  - (b) Located outside the *floodway* of the 100-year floodplain along *rivers* and artificially formed *great ponds* along *rivers* and outside the *velocity zone* in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including *basements*, are elevated at least one foot above the 100-year floodplain elevation; and the *development* is otherwise in compliance with the Town of Hampden, Maine Floodplain Management Ordinance.

If the *floodway* is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

- (4) The total ground-*floor area*, including cantilevered or similar overhanging extensions, of all *principal* and *accessory structures* is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
- (5) All *structures*, except *functionally water-dependent structures*, are set back from the *normal high-water line* of a *water body*, *tributary stream*, *local stream* or *upland edge of a wetland* to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of *vegetation* to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value *wetlands*.

**F. Expiration of Shoreland Permit.** *Shoreland permits* shall expire one year from the date of issuance if a *substantial start* is not made in construction or in the use of the property during that period. If a *substantial start* is made within one year of the issuance of the *shoreland permit*, the applicant shall have one additional year to complete the project, at which time the *shoreland permit* shall expire.

**G. Installation of Public Utility Service.** A public utility, water district, sanitary district or any utility company of any kind may not install services to any new *structure* located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

## H. Appeals

(1) Powers and Duties of the Board of Appeals. A Board of Appeals is hereby established in accordance with the state law and the provisions of this Ordinance. The Board of Appeals shall be governed by the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The Board of Appeals shall have the following powers with regard to this Ordinance:

- (a) Administrative Appeals: All administrative appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The Board of Appeals shall hear and decide administrative appeals. An administrative appeal is an appeal: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an *aggrieved party* that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an *aggrieved party* that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a *shoreland permit* application under this Ordinance. Any order, requirement, decision or determination

made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

(b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance and the Town of Hampden Board of Appeals Ordinance.

(2) Variance Appeals. All variance appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The Board of Appeals shall hear and decide variance appeals. A variance from the provisions of the Ordinance may only be granted by the Board of Appeals in accordance with the following conditions:

(a) Variances may be granted only from *dimensional requirements* including, but not limited to, *minimum lot width, maximum structure height*, percent of lot coverage, *shoreline setback requirements, lot area*, and shore frontage.

(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

(c) The Board shall not grant a variance unless it finds that:

(i) The proposed *structure* or use would meet the provisions of Section 15, Land Use Standards, except for the specific provision which has created the non-conformity and from which relief is sought; and

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

(d) Disability Variance. Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a *residential dwelling* for the purpose of making that dwelling accessible to a *person* with a *disability* who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of *structures* necessary for access to or egress from the dwelling by the *person* with the *disability*. The board may impose conditions on the variance, including limiting the variance to the duration of the *disability* or to the time that the *person* with the *disability* lives in the dwelling. The term "*structures necessary for access to or egress from the dwelling*" shall include railing, wall or roof systems necessary for the safety or effectiveness of the *structure*.

- (e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals.

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an *aggrieved party* from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
  - b. A sketch drawn to scale showing lot lines, location of existing buildings and *structures* and other physical features of the lot pertinent to the relief sought.

- (iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) Decision by Board of Appeals

- (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
  - (ii) The *person* filing the appeal shall have the burden of proof.
  - (iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
  - (iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
- (5) Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any *aggrieved party* who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.
- (6) Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

**I. Enforcement**

- (1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

- (a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the *person* responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or *structures*, or work being done, removal of illegal buildings or *structures*, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- (b) The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- (c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

(3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal *structure* or use to continue unless there is clear and convincing evidence that the illegal *structure* or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the *structure* or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) Fines. Any *person*, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

**17. Definitions.**

*Accessory structure or use.* "Accessory structure or use" means a use or *structure* which is incidental and subordinate to the *principal use* or *structure*. Accessory uses, when aggregated, shall not subordinate the *principal use* of the lot. A deck or similar extension of the *principal structure* or a garage attached to the *principal structure* by a roof or a common wall is considered part of the *principal structure*.

*Aggrieved party.* "Aggrieved party" means an owner of land whose property is directly or indirectly affected by the granting or denial of a *shoreland permit* or variance under this Ordinance; a *person* whose

land abuts land for which a *shoreland permit* or variance has been granted; or any other *person* or group of *persons* who have suffered particularized injury as a result of the granting or denial of such *shoreland permit* or variance.

*Agriculture.* "Agriculture" means the production, keeping or maintenance for sale or lease, of plants and/or animals, including but 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 green-house products. Agriculture does not include *forest management* and *timber harvesting* activities.

*Aquaculture.* "Aquaculture" means the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

*Basal Area.* "Basal Area" means the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

*Basement.* "Basement" means any portion of a *structure* with a floor-to-ceiling height of 6 feet or more and having more than 50% of its *volume of a structure* below the existing ground level.

*Boat Launching Facility.* "Boat Launching Facility" means a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

*Bureau.* "Bureau" means the State of Maine Department of Conservation's Bureau of Forestry

*Campground.* "Campground" means any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

*Canopy.* "Canopy" means the more or less continuous cover formed by tree crowns in a wooded area.

*Coastal wetland.* "Coastal wetland" means all tidal and subtidal lands; all lands with *vegetation* present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. The line defining the limits of the subject term is defined by the term *shoreline*.

*Commercial use.* "Commercial use" means the use of lands, buildings, or *structures*, other than a "*home occupation*," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

*Cross-sectional area.* "Cross-sectional area" means the cross-sectional area of a *stream* or *tributary stream* channel is determined by multiplying the *stream* or *tributary stream* channel width by the average *stream* or *tributary stream* channel depth. The *stream* or *tributary stream* channel width is the straight line distance from the *normal high-water line* on one side of the channel to the *normal high-water line* on the opposite side of the channel. The average *stream* or *tributary stream* channel depth is the average of the vertical distances from a straight line between the *normal high-water lines* of the *stream* or *tributary stream* channel to the bottom of the channel.

*DBH.* "DBH" means the diameter of a standing tree measured 4.5 feet (breast height) from ground level.

*Development.* "Development" means a change in land use involving alteration of the land, water or *vegetation*, or the addition or alteration of *structures* or other construction not naturally occurring.

*Dimensional requirements.* "Dimensional requirements" means numerical standards relating to spatial relationships including but not limited to *shoreline setback*, *lot area*, *shore frontage* and *height of a structure*.

*Disability.* "Disability" means any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a *person* which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

*Disruption of shoreline integrity.* "Disruption of shoreline integrity" means the alteration of the physical shape, properties, or condition of a shoreline at any location by *timber harvesting and related activities*. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline *cross-section*, and in the case of flowing waters, a profile and character altered from natural conditions.

*Driveway.* "Driveway" means a vehicular access-way less than five hundred (500) feet in length serving two *single-family* dwellings or one *two-family* dwelling, or less.

*Emergency operations.* "Emergency operations" means operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

*Essential services.* "Essential services" means gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

*Expansion of a structure.* "Expansion of a structure" means an increase in the *floor area* or *volume of a structure*, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

*Expansion of use.* "Expansion of use" means the addition of one or more months to a use's operating season; or the use of more *floor area* or ground area devoted to a particular use.

*Family:* "Family" means one (1) or more persons related by blood, adoption or marriage occupying a premises and living as a single housekeeping unit. A family may contain no more than two (2) individuals not related by blood, adoption or marriage except for "community living facilities" as defined by Title 30-A, Section 4357 which shall be considered a family. ~~"Family" means one or more persons occupying a premises and living as a single housekeeping unit.~~

*Floodway.* “Floodway” means the channel of a *river* or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

*Floor area.* “Floor area” means the sum of the horizontal areas of the floor(s) of a *structure* enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a *structure* such as porches and decks.

*Forest management activities.* “Forest management activities” means timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of *forest stands*, and other similar or associated activities, exclusive of *timber harvesting* and the construction, creation or maintenance of *roads*. All proposed forest management activities shall require a forest management plan prepared and submitted by a licensed forester.

*Forested wetland.* “Forested wetland” means a *freshwater wetland* dominated by *woody vegetation* that is six (6) meters tall (approximately twenty (20) feet) or taller.

*Forest stand.* “Forest stand” means a contiguous group of trees sufficiently uniform in age class distribution, composition, and *structure*, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

*Foundation.* “Foundation” means the supporting substructure of a building or other *structure*, excluding wooden sills and post supports, but including *basements*, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

*Freshwater wetland.* “Freshwater wetland” means freshwater swamps, marshes, bogs and similar areas, other than *forested wetlands*, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface *water body*, excluding any *river*, *stream* or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of *wetland vegetation* typically adapted for life in saturated soils.

*Freshwater wetlands* may contain small *stream* channels or inclusions of land that do not conform to the criteria of this definition. The line defining the limits of the subject term is defined by the term *shoreline*.

*Functionally water-dependent uses.* “Functionally water-dependent uses” means those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to *commercial* and recreational fishing and boating facilities, (excluding recreational boat storage buildings) finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, *marinas*, navigation aids, basins and channels, retaining walls, *industrial* uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

*Great pond.* “Great pond” means any inland body of water which in a natural state has a surface area in excess of ten acres. (*Great pond in* is Hampden, Maine includes Hermon Pond, Patten Pond, Hammond Pond and Ben Annis Pond). The line defining the limits of the subject term is defined by the term *shoreline*.

*Ground cover.* “Ground cover” means small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

*Harvest area.* “Harvest area” means the area where *timber harvesting and related activities*, including the cutting of trees, skidding, yarding, and associated *road* construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

*Height of a structure.* “Height of a structure” means the vertical distance between the mean original (prior to construction) grade at the downhill side of the *structure* and the highest point of the *structure*, excluding chimneys, steeples, antennas, and similar appurtenances that have no *floor area*.

*Home occupation.* “Home occupation” means an occupation or profession which is customarily conducted on or in a residential *structure* or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) *persons* other than *family* members residing in the home.

*Increase in nonconformity of a structure.* “Increase in nonconformity of a *structure*” means any change in a *structure* or property which causes further deviation from the *dimensional requirement(s)* creating the nonconformity such as, but not limited to, reduction in *shoreline setback* distance, increase in lot coverage, or increase in *height of a structure*. Property changes or *structure expansions* which either meet the *dimensional requirement* or which cause no further increase in the linear extent of nonconformance of the existing *structure* shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the *shoreline setback* requirement for *water-bodies, wetlands, local streams* or *tributary streams* if the *expansion* extends no further into the required *shoreline setback* area than does any portion of the existing *non-conforming structure*. Hence, a *structure* may be expanded laterally provided that the *expansion* extends no closer to the *water body, tributary stream, local stream* or *wetland* than the closest portion of the existing *structure* from that *water body, tributary stream, local stream* or *wetland*. Included in this allowance are *expansions* which in-fill irregularly shaped *structures*.

*Individual private campsite.* “Individual private campsite” means an area of land which is not associated with a *campground*, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

*Industrial.* “Industrial” means the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

*Institutional.* “Institutional” means a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, *structure* or land used for public purposes.

*Land management road.* “Land management road” means a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized

vehicles and used primarily for *timber harvesting and related activities*, including associated log yards, but not including *skid trails* or *skid roads*.

*Licensed forester* "Licensed forester" means a forester licensed under 32 M.R.S.A. Chapter 76.

*Local stream*. "Local stream" means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial *vegetation* or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock. This definition does not include the term "*stream*" or *tributary stream* as defined elsewhere in this Ordinance, and in Hampden, Maine only applies to Baker Brook, Baker Brook Tributary 1 and Baker Brook Tributary 2, ~~Brown Brook~~, Cold Brook, Reeds Brook, Shaw Brook, Sucker Brook and Weber Brook.

*Lot area*. "Lot area" means The area of land enclosed within the boundary lines of a lot, minus land below the *normal high-water line* of a *water body* or *upland edge of a wetland* and areas beneath *roads* serving more than two lots.

*Marina*. "Marina" means a business establishment having frontage on navigable water and, as its *principal use*, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

*Market value*. "Market value" means the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

*Mineral exploration*. "Mineral exploration" means hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

*Mineral extraction*. "Mineral extraction" means any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

*Minimum lot width*. "Minimum lot width" means the closest distance between the side lot lines of a lot. When only two lot lines extend into the *shoreland zone*, both lot lines shall be considered to be side lot lines.

*Multi-unit residential*. "Multi-unit residential" means a residential *structure* containing three (3) or more *residential dwelling units*.

*Native*. "Native" means indigenous to the local forests.

*Non-conforming condition*. "Non-conforming condition" means a *non-conforming lot*, *non-conforming structure* or *non-conforming use* in lawful existence at the time this Ordinance or subsequent amendment took effect.

*Non-conforming lot*. "Non-conforming lot" means a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

*Non-conforming structure.* “Non-conforming structure” means a *structure* which does not meet any one or more of the following *dimensional requirements*; *shoreline setback*, *height of a structure*, or *lot coverage*, but in lawful existence at the time this Ordinance or subsequent amendments took effect.

*Non-conforming use.* “Non-conforming use” means use of buildings, *structures*, premises, land or parts thereof which is not allowed in the district in which it is situated, but in lawful existence at the time this Ordinance or subsequent amendments took effect.

*Normal high-water line (non-tidal waters).* “Normal high-water line (non-tidal waters)” means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in *vegetation*, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with *rivers* and *great ponds* that support non-forested *wetland vegetation* and hydric soils and that are at the same or lower elevation as the water level of the *river* or *great pond* during the period of normal high-water are considered part of the *river* or *great pond*.

*Person.* “Person” means an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

*Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.* Piers, docks, wharves, bridges and other *structures* and uses extending over or beyond the *normal high-water line* or within a *wetland* are divided into two categories:

*Temporary:* Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

*Permanent:* Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

*Principal structure.* “Principal structure” means a building other than one which is used for purposes wholly incidental or *accessory* to the use of another building or use on the same premises.

*Principal use.* “Principal use” means a use other than one which is wholly incidental or *accessory* to another use on the same premises.

*Public facility.* “Public facility” means any facility, including, but not limited to, buildings, property, recreation areas, and *roads*, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

*Recent floodplain soils.* “Recent floodplain soils” means the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

*Recreational facility.* “Recreation facility” means a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding *boat launching facilities*.

*Recreational vehicle.* “Recreational vehicle” means a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a *structure*, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

*Replacement system.* “Replacement system” means a *subsurface wastewater disposal system* intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the *structure*, or 2.) any existing overboard wastewater discharge.

*Residential dwelling unit.* “Residential dwelling unit” means a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one *family* at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. *Recreational vehicles* are not *residential dwelling units*.

*Residual basal area.* “Residual basal area” means the average of the basal area of trees remaining on a harvested site.

*Riprap.* “Riprap” means rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

*Residual stand* “Residual stand” means a stand of trees remaining in the forest following *timber harvesting and related activities*

*River.* “River” means a free-flowing body of water including its associated floodplain *wetlands* from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. The line defining the limits of the subject term is defined by the term *shoreline*. In Hampden, Maine “river” includes: Penobscot River, Souadabscook Stream and West Branch Souadabscook Stream beginning north at its confluence with Brown Brook.

*Road.* “Road” means a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a *driveway* as defined.

*Service drop.* “Service drop” means any utility line extension which does not cross or run beneath any portion of a *water body* provided that:

1. in the case of electric service
  - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service
  - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
  - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

*Shore frontage.* “Shore frontage” means the length of a lot bordering on a *water body* or *wetland* measured in a straight line between the intersections of the lot lines with the shoreline.

*Shoreland permit.* “Shoreland permit” means documented municipal authorization of any activity or use would occur; or expand, change, or replace an existing use or *structure*; or renew a discontinued *non-conforming use* requiring a permit within the shoreland area in accordance with this ordinance.

*Shoreland zone.* “Shoreland zone” means the land area located within two hundred and fifty (250) feet, horizontal distance, of the *normal high-water line* of any *great pond* or *river*; within 250 feet, horizontal distance, of the upland edge of a *coastal wetland*, including all areas affected by tidal action; within 250 feet of the upland edge of a *freshwater wetland*; or within seventy-five (75) feet, horizontal distance, of the *normal high-water line* of a *stream* and specified *tributary streams*.

*Shoreline.* “Shoreline” means the *normal high-water line*, or *upland edge of a wetland* whichever is greater.

*Shoreline setback.* “Shoreline setback” means the required minimum horizontal distance from the *shoreline* to the nearest part of a *structure*, *road*, parking space or other regulated object or area.

*Significant River Segments.* “Significant River Segments” means See Appendix B or 38 M.R.S.A. section 437. (As of the date of adoption of this ordinance as of this time the Statute does not identify any Significant River Segments in Hampden, Maine).

*Skid Road or Skid Trail.* “Skid road or skid trail” means a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

*Slash.* “Slash” means the residue, e.g., treetops and branches, left on the ground after a timber harvest.

*Stream.* “Stream” means a free-flowing body of water from the outlet of a *great pond* or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a *river* or flows to another *water body* or *wetland* within the shoreland area. In Hampden, Maine “stream” applies to Brown Brook, Burnt Swamp Stream and West Branch Souadabscook Stream southwest of its confluence with Brown Brook.

*Structure.* “Structure” means anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

*Substantial start.* “Substantial start” means completion of thirty (30) percent of a permitted *structure* or use measured as a percentage of estimated total cost.

*Subsurface wastewater disposal system.* “Subsurface wastewater disposal system” means any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or municipal sanitary sewer system.

*Sustained slope.* “Sustained slope” means a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

*Tidal waters.* “Tidal waters” means all waters affected by tidal action during the highest annual tide.

*Timber harvesting.* “Timber harvesting” means the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

*Timber harvesting and related activities.* “Timber harvesting and related activities” means timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

*Tributary stream.* “Tributary stream” means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial *vegetation* or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural *vegetation* cover has been removed by human activity.

This definition does not include the term “*stream*” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving *water body* or *wetland*. ~~The subject term shall also include Baker Brook, Brown Brook, Cold Brook, Reeds Brook, Shaw Brook, Sucker Brook, Weber Brook and an unnamed brook in the southwest corner of town.~~

*Upland edge of a wetland.* “Upland edge of a wetland” means the boundary between upland and *wetland*. For purposes of a *coastal wetland*, this boundary is the line formed by the landward limits of the salt tolerant *vegetation* and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a *freshwater wetland*, the upland edge is formed where the soils are not saturated for a duration sufficient to support *wetland vegetation*; or where the soils support the growth of *wetland vegetation*, but such *vegetation* is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

*Vegetation.* “Vegetation” means all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

*Velocity zone.* “Velocity zone” means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

*Volume of a structure.* “Volume of a structure” means the volume of all portions of a *structure* enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

*Water body.* “Water body” means any *great pond, river or stream*. Water body also includes *local streams*.

*Water crossing.* “Water crossing” means any project extending from one bank to the opposite bank of a *river, stream, tributary stream, or wetland* whether under, through, or over the water or *wetland*. Such projects include but may not be limited to *roads, fords, bridges, culverts, water lines, sewer lines, and cables* as well as maintenance work on these crossings. This definition includes crossings for *timber harvesting* equipment and related activities.

*Wetland.* “Wetland” means a *freshwater wetland or coastal wetland*.

*Windfirm.* “Windfirm” means the ability of a *forest stand* to withstand strong winds and resist windthrow, wind rocking, and major breakage.

*Woody vegetation.* “Woody vegetation” means live trees or woody, non-herbaceous shrubs.

---

STATUTORY AUTHORITY: 38 M.R.S.A. Section 438-A(5)

**LEGEND**

**INFRASTRUCTURE**

- Town Road
- Private Road
- State Road
- Unimproved Road
- Railroad
- Pipeline US Government
- Pipeline ExxonMobil

**SHORELAND ZONING DISTRICTS**

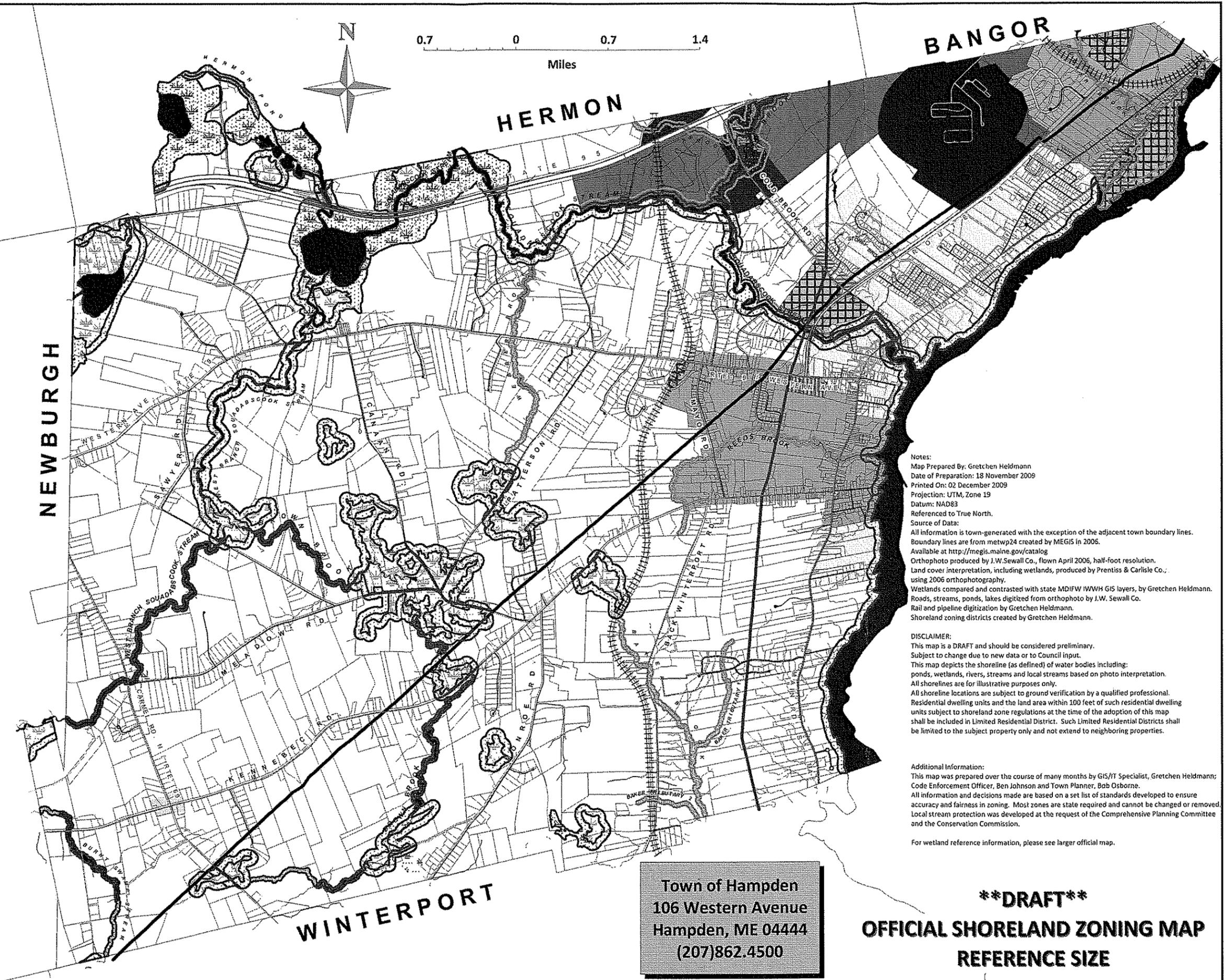
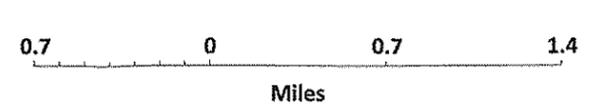
- 75ft Stream Protection or up to 250ft Resource Protection
- 75ft Local Stream Protection
- Limited Residential
- General Development

**WETLAND CLASSIFICATION**

- Non Forested
- Forested

**ZONING DISTRICTS**

- Historical
- Business (B)
- Business B (BB)
- Rural Business (BR)
- Commercial Service (CS)
- Village Commercial (VC)
- Village Commercial II (VCII)
- Interchange (INT)
- Industrial 2 (I2)
- Industrial (I)
- Industrial Park (IA)
- Rural (R)
- Residential A (RA)
- Residential B (RB)



**Notes:**  
 Map Prepared By: Gretchen Heldmann  
 Date of Preparation: 18 November 2009  
 Printed On: 02 December 2009  
 Projection: UTM, Zone 19  
 Datum: NAD83  
 Referenced to True North.  
 Source of Data:  
 All information is town-generated with the exception of the adjacent town boundary lines. Boundary lines are from metwp24 created by MEGIS in 2006. Available at <http://megis.maine.gov/catalog>  
 Orthophoto produced by J.W.Sewall Co., flown April 2006, half-foot resolution. Land cover interpretation, including wetlands, produced by Prentiss & Carlisle Co., using 2006 orthophotography.  
 Wetlands compared and contrasted with state MDIFW IWWH GIS layers, by Gretchen Heldmann. Roads, streams, ponds, lakes digitized from orthophoto by J.W. Sewall Co.  
 Rail and pipeline digitization by Gretchen Heldmann.  
 Shoreland zoning districts created by Gretchen Heldmann.

**DISCLAIMER:**  
 This map is a DRAFT and should be considered preliminary. Subject to change due to new data or to Council input. This map depicts the shoreline (as defined) of water bodies including: ponds, wetlands, rivers, streams and local streams based on photo interpretation. All shorelines are for illustrative purposes only. All shoreline locations are subject to ground verification by a qualified professional. Residential dwelling units and the land area within 100 feet of such residential dwelling units subject to shoreland zone regulations at the time of the adoption of this map shall be included in Limited Residential District. Such Limited Residential Districts shall be limited to the subject property only and not extend to neighboring properties.

**Additional Information:**  
 This map was prepared over the course of many months by GIS/IT Specialist, Gretchen Heldmann; Code Enforcement Officer, Ben Johnson and Town Planner, Bob Osborne. All information and decisions made are based on a set list of standards developed to ensure accuracy and fairness in zoning. Most zones are state required and cannot be changed or removed. Local stream protection was developed at the request of the Comprehensive Planning Committee and the Conservation Commission.

For wetland reference information, please see larger official map.



Town of Hampden  
 106 Western Avenue  
 Hampden, ME 04444  
 (207)862.4500

**\*\*DRAFT\*\***  
**OFFICIAL SHORELAND ZONING MAP**  
**REFERENCE SIZE**

0-3-b

Goal/Objective	Ideas from Council Discussion	Short	Long	Committee/Staff
<b>Comprehensive Plan Completion</b>				
Affordable Housing	Use of TIF's, mixed-use, multi-generational, single family,	X		Infrastructure
Community Connectivity	Inventory of trails, sidewalks, development of different types of trails (walking, biking, etc.), possible use of Umaine interns for GPS mapping of trails, trails work behind Reed's Brook, wetland mitigation on former L.L. Bean parcel and use of the \$50,000 stipend from SAD #22	X		Services
Community Wellness	Related to greenspace, trails, 'vision'		X	Council
Vision for Town Government	Necessary to review/update based on completion of comprehensive plan	X		Planning & Development
Review of Sign/Zoning Ordinances	Public meetings during January and February with a goal of adoption by 6/30/09	X		Council
Adopt Comprehensive Plan				
<b>Community &amp; Economic Development</b>				
Waterfront Development	Hamlin Marina swap, old Hampden academy lot frontage, Hermon Pond	X		Planning & Development
	Hodgdon Defense Composites project			
Relationship with HBA	Possible use of the HBA as the advisory committee to town Economic & Community Development department, Welcome to Hampden Bag Program	X		Planning & Development
Community Services Booklet	For inclusion in Welcome to Hampden Bags, available at the Town Office	X		Staff
Regionalization	Explore all available opportunities for collaboration with other communities and organizations (Hermon Pond area, sewer water on Coldbrook Road w/Hermon)	X		Council/Staff
Remove House at corner of 1A/9	Possible purchase/park creation		X	Council
<b>Infrastructure/Operations</b>				
Analyze staffing needs and salary comparisons	Review current status as well as projected needs for next 5 years	X		Infrastructure/Finance
Communications Improvements (web, cable, newsletter)	Digitize cable operation, possible staff addition for IT function to free up the GIS staff person for contracted work	X		Infrastructure/Finance
Parking Lot Expansion - Municipal Building	drainage and base to be done in 2010. Suggested use of permeable pavers for positive ecological impact, seek funding through Mass Transit Funds to provide park and ride opportunity for bus patrons	X		Infrastructure
Transfer Station Future	Consideration of further changes in transfer station operation - contracting with Pine Tree for acceptance of wood/c&d		X	Infrastructure
Water District Review	Ongoing consideration of the comparative costs of taking over the Water District			
Capital Budget	Need for establishing reserve goals for all departments/accounts along with assessment of current status of each reserve fund, all departments must have plan and be subject to final council approval	X		Council
Department Head capital needs	Request Department Heads project capital needs for 5 year period after Council determines tentative work plan for 2010 -2014	X		Finance
Crossroad - Kennebec/Western Avenue	possible use of land adjacent to railroad tracks		X	Infrastructure
Committee Restructuring	For advisory committees - development of a standard set of bylaws for committees that are advisory to Town Departments	X		Committee on Committees

C-3-C

**WHITCOMB-BAKER POST 4633  
VETERANS OF FOREIGN WARS OF THE UNITED STATES  
41 CANOE CLUB ROAD  
P. O. BOX 555  
HAMPDEN, ME 04444-0555**

*Raymond R. Lupo  
Commander*

November 15, 2009

Susan Lessard, Town Manager  
Town of Hampden  
106 Western Avenue  
Hampden, ME 04444

Dear Ms. Lessard;

Whitcomb-Baker Post 4633, Veterans of Foreign Wars, will be applying to renew its licenses for bingo and games of chance operations in December for the year 2010.

We request authorization from the Town Council to continue operating bingo and games of chance every Friday and have enclosed a copy of the 2009 authorization to the Maine State Police.

Thank you for your cooperation.

Sincerely

  
William H. Sinclair Jr  
Quartermaster

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



Phone: (207) 862-3034  
Fax: (207) 862-5067  
email: [hampden@midmaine.com](mailto:hampden@midmaine.com)

C-3-C

December 8, 2009

Lt. Patrick Fleming  
Gaming and Weapons Section  
Maine State Police  
State House Station 164  
Augusta, ME 04333-0164

Dear Lt. Fleming,

The purpose of this letter is to serve as authorization from the Hampden Town Council to allow the Whitcomb-Baker VFW Post 4633 to obtain their annual license for bingo and games of chance. This license is to run from January 1, 2010 through December 31, 2010. The authorization was formally approved by the Town Council at the December 7, 2009 regular council meeting.

If you have questions or require further information, please call.

Sincerely,

Susan Lessard  
Town Manager

C-4-A



## HAMPDEN PUBLIC SAFETY

Police - Fire - EMS  
106 Western Avenue  
Hampden, Maine 04444  
Phone 207-862-4000  
Fax: 207-862-4588



TO: Susan Lessard, Town Manager  
FROM: Joe Rogers, Public Safety Director  
RE: Streetlight Request – Dunton Circle  
DATE: December 2, 2009

The Public Safety Department recently received a request for streetlights to be placed at Dunton Circle and Western Avenue and Dunton Circle and Silver Drift Trail; both upper and lower locations.

The department supports streetlights at road intersections so that motorists can identify their location more easily.

C-4-b

Proposal and Estimated Cost Savings Analysis



v10.14.09



This proposal illustrates how you can maximize your energy cost savings by choosing Glacial Energy as your preferred electricity supplier. This proposal is based on your organization's estimated usage in kWh

Secure your savings today!

Customer Information

Company Name: Hampden Town of  
 Billing Address: Main Road N  
 City State Zip: Hampden, Maine 04444

Customer Account Data

Type: Small  
 Rate Class: B-1  
 Annual Usage (kWh): 148,781  
 Average Monthly Usage: 12,398  
 Number of LDC: 31  
 Start Month: November-08  
 Number of Months: 12

Current Provider: BHE  
 Load Zone: ME

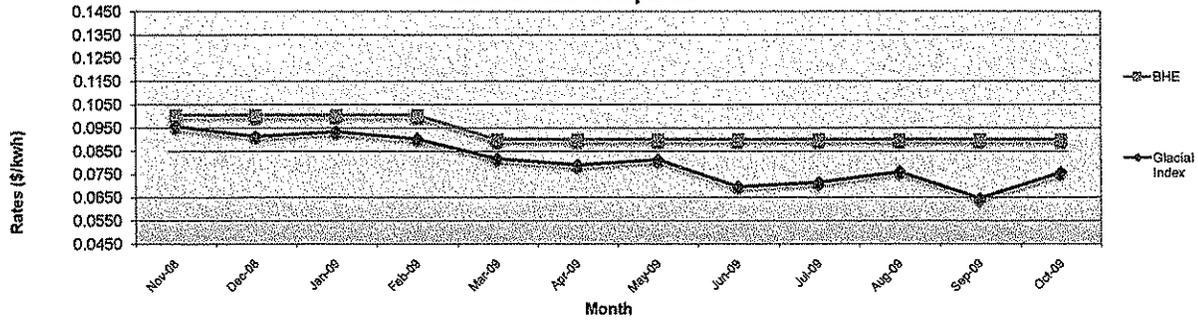
Estimated Savings Analysis

12 Month Estimated Savings Comparison

	BHE	Glacial Energy	Cost Savings	Estimated Savings
Average Rate per kWh	\$0.0944	\$0.0829	\$0.0115	<b>12%</b>
Estimated Charges	\$14,043	\$12,336	\$1,707	

\* Rate listed is an projected average rate over 12 months. The current utility small rate is \$0.08924/kwh. Rates shown beyond 10/2009 on the graph below reflect published rate changes, and/or rate estimations.

Historical Rate Comparison



Glacial Index Includes:

- a. Estimated Weighted Average Wholesale Energy Price.
- b. Interzonal as well as Intrazonal congestion.
- c. Market scheduling and forecasting fees.
- d. ISO Administration fees
- e. Transmission losses and charges
- f. Capacity Charges

Glacial Index Excludes:

- a. Delivery Charges
- b. Taxes

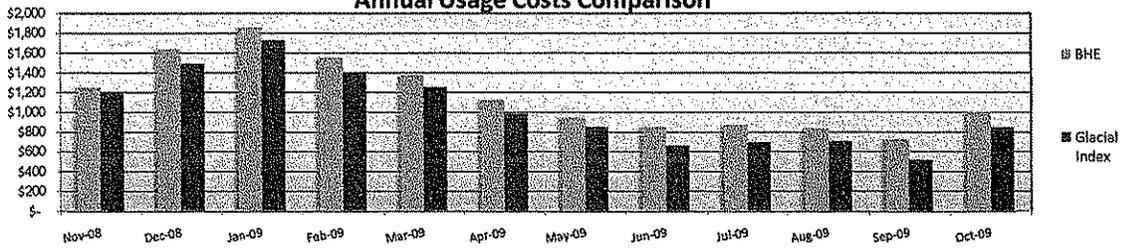
Physical Address:

- 1) Dudley ST, Hampden, ME Maine
- 2) Kennebec RD, Hampden, ME Maine
- 3) Old County Road, Hampden, ME Maine
- 4) Unit RECDEP-Ballfield Road, Hampden, ME Maine
- 5) Cannan Road, Hampden, ME Maine
- 6) Unit Tennis-Canoe Club Road, Hampden, ME Maine
- 7) Cottage Street, Hampden, ME Maine
- 8) Ferry Street, Hampden, ME Maine
- 9) HPS Street Lights, Hampden, ME Maine
- 10) HPS Street Lights, Hampden, ME Maine

LDC Account #

- 0000064320053874
- 0000064320066208
- 0000064320079827
- 0000126130040808
- 0000126130046797
- 0000126130046846
- 0000126130050437
- 0000126130056972
- 0000126130064284
- 0000126130064285

Annual Usage Costs Comparison



\*Note: Shown savings are reflective of the average small commercial customer with SGS rate, which falls in a common annual kwh range. This savings analysis is based on class average or typical customer profiles. Actual savings may vary depending on the customers metered usage.

The Glacial price is estimated based on future market costs as provided by ISO and/or Energy Wholesale Marketers as quoted time to time. The Utility price is based on actual tariffs published plus the same percentile increase as indices for Glacial Energy.

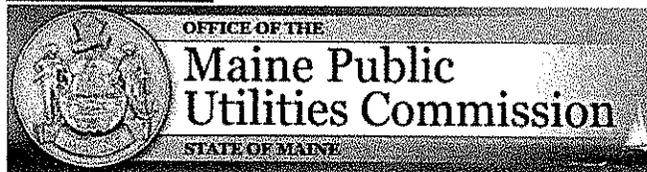
3d



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## Standard Offer Rates for Bangor Hydro Electric

### Regulated Utilities

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  - [Standard Offer Information](#)
  - [Delivery Rates](#)
  - [List of Retail Electricity Suppliers](#)
  - [Frequently Asked Questions](#)
- [Telecommunications](#)
- [Gas](#)
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- [About MPUC](#)
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### BHE Historic Standard Offer Prices: Residential & Small Commercial Class

Docket No.	Dates	Price (\$/kWh)
<b>2009-171</b> <b>Suppliers: 67% NB, 33% Integrys</b> <ul style="list-style-type: none"> <li>• <a href="#">RFP</a></li> <li>• <a href="#">Press Release</a></li> <li>• <a href="#">Order (Word)</a></li> <li>• <a href="#">Bidder conditions (PDF)</a></li> <li>• <a href="#">Statement of Commitment (PDF)</a></li> </ul>	(3/1/10 - 2/28/11)	\$0.0878204
<b>2008-400</b> <b>Suppliers: 34% FPL; 33% Integrys; 33% NB</b> <ul style="list-style-type: none"> <li>• <a href="#">RFP</a></li> <li>• <a href="#">Press Release</a></li> <li>• <a href="#">Order</a></li> <li>• <a href="#">Statement of Commitment (Integrys)</a></li> <li>• <a href="#">Statement of Commitment (NB)</a></li> <li>• <a href="#">Bidder Conditions (Integrys)</a></li> <li>• <a href="#">Bidder Conditions (NB)</a></li> </ul>	(3/1/09 - 2/28/10)	\$0.089955
<b>2007-463</b> <b>Suppliers: 33% Integrys; 34% FPL; 33% CECG</b> <ul style="list-style-type: none"> <li>• <a href="#">RFP</a></li> <li>• <a href="#">Press Release</a></li> <li>• <a href="#">Order</a></li> <li>• <a href="#">Bidder Conditions</a></li> </ul>	(3/1/08 - 2/28/09)	\$0.100480
<b>2006-591</b> <b>Suppliers: 33% CECG; 34% FPL; 33% Select/CECG</b> <ul style="list-style-type: none"> <li>• <a href="#">RFP</a></li> <li>• <a href="#">Press Release</a></li> <li>• <a href="#">Order</a></li> <li>• <a href="#">Supplemental Order (pdf)</a></li> <li>• <a href="#">Supplemental Order (word)</a></li> </ul>	(3/1/07 - 2/29/08)	\$0.090121

**Up to 20% Savings**

**Easy Enrollment**

**Flexible Terms**

**No Switching Fees**

**No Interruption**

**No Maintenance Fees**

**No Cancellation Fees**

...and the same  
dependable delivery,  
maintenance and program  
benefits you receive now  
from your local public  
utility company.

**GLACIAL ENERGY**



**GLACIAL ENERGY**

Glacial Energy of New England  
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Sandwich, MA 02563  
508.833.3500 Office  
508.833.3502 Fax  
1.888.GLACIAL

[www.glacialenergy.com](http://www.glacialenergy.com)

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**GLACIAL ENERGY**

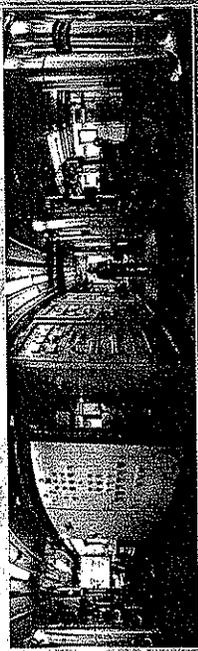
**Save up to 20%  
on Electricity for  
your Business**

## ABOUT DEREGULATION

Deregulation divided the electricity business into 3 separate functions:

- Generation
- Transmission/Distribution (Local Utility)
- Supplier

This allows you to choose your electricity supplier in deregulated states across America creating better prices and customer service for the consumer



## ABOUT GLACIAL ENERGY

Glacial Energy is a Retail Electricity Supplier (RES). We are a licensed supplier of electricity in:

- Maine
- New Hampshire
- Massachusetts
- Connecticut
- Rhode Island
- Washington, D.C.
- New Jersey
- New York
- Maryland
- Delaware
- Illinois
- Texas

## OUR MISSION

Glacial Energy is committed to delivering the best combination of price and service to companies of all scopes and sizes resulting in unmatched value for cost-conscious consumers.

## COMPETITIVE ADVANTAGES

### Generator Neutral

We buy from providers offering the best pricing and terms.

### Very Low Overhead

Contributes to our consistently low pricing.

### Electricity

is our only product. Focusing solely on energy service allows us to devote our full attention to our energy customers.



Call your Glacial Energy Specialist today to see how we can help your company save. (508) 833.3500