

TOWN COUNCIL MINUTES

September 7, 2010

The regularly scheduled meeting of the Hampden Town Council was held on Tuesday, September 7, 2010. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:00 p.m.

Attendance: Councilors: Mayor Matt Arnett, Andre Cushing, Thomas Brann, William Shakespeare, Jean Lawlis and Janet Hughes

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: None

Eric McVay – Cottage Street Resident

A. CONSENT AGENDA

Motion by Councilor Cushing, seconded by Councilor Lawlis to accept the Consent Agenda – unanimous vote in favor.

B. PUBLIC COMMENTS

Eric McVay of 23 Cottage Street urged the Council to support Saturday bus service in Hampden due to the high cost of taxis, and because people depend on the bus to do errands. Mayor Arnett informed Mr. McVay that the matter had been assigned to the Services Committee for further consideration. Councilor Hughes informed the Council that Main Road North resident Joyce Rankin had presented a list of 34 people who are interested in Saturday bus service. The Town Manager explained that this matter would be reviewed in Committee and that a decision regarding funding would be made during the next budget process.

C. POLICY AGENDA

1. PUBLIC HEARINGS

A. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE RECEIVED FROM BLUE SKY ENTERPRISES, LLC D/B/A HAMPDEN NATURAL FOODS AT 281 WESTERN AVENUE

The public hearing was opened by Mayor Arnett. Eric McVay spoke in support of the application. There was no opposition to the application voiced nor was there any neither-for-nor-against information presented. The public hearing was closed. Motion by

TOWN OF HAMPDEN POLICY ON NEW STREET LIGHTS

In order to establish a policy that is fair, consistent and economically practical, the Hampden Town Council will address the installation of new street lights to insure safe movement of vehicles and public safety in the following manner:

1. By Petition or Individual Request – Any resident may bring forth a petition by January 15th of each year which must include signatures from their neighborhood requesting one or more street lights. The petition must be submitted to the Town Manager. The Town Manager will forward the request to the Public Safety Director for evaluation and recommendation.
2. Action by Public Safety – The Public Safety Director shall provide an evaluation and recommendation for all street light requests by March 1st. This will allow for appropriate time to include the request in the next fiscal year budget. The Public Safety Director will use the following criteria when considering a request:
 - a. Are there a large number of vehicles using this road, especially during darkness?
 - b. Intersections
 - c. Line of sight
 - d. Dead End Streets
 - e. Past occurrences of accidents at night
 - f. Past occurrences of crimes in immediate area
 - g. Is this a high pedestrian area (i.e. walkers, joggers, etc.)?
 - h. Do sidewalks exist in the area
 - i. Number of people to benefit
 - j. Number of residents to benefit
 - k. Number of businesses to benefit

Once the Public Safety Director has evaluated all the requests based on the cited criteria, he will make a recommendation on each request to the Town Council Infrastructure Committee. The positive recommendations will be listed in an order of priority that assigns the #1 priority to the request that Public Safety determines has the highest rating in terms of public safety concerns. Those not recommended for installation will have a brief statement explaining the reason for denial. The Infrastructure Committee shall review the list of recommendations and prepare a recommendation to the Town Council in regard to the requests by April 1st of each year.

Adopted by Town Council 9/7/2010

RESOLUTION

In Support of Extending the Truck Weight Limit Pilot Study Increasing the Truck Weight Limit on the Entire Length of Maine's Interstate System

WHEREAS, the provision in the *Federal Department of Transportation Appropriations Act, 2010* (PL 111-117), which increased the weight limit for six-axle vehicles traveling on Maine's entire Interstate System from 80,000 to 100,000 pounds will expire on December 16, 2010; and

WHEREAS, prior to the enactment of PL 111-117, the truck weight limit on Interstate 95 north of Augusta and on Interstate 295 and 395 was 80,000 pounds, while the weight limit on the Maine Turnpike was 100,000 pounds; and

WHEREAS, since 1999, municipal officials across the state and the Maine Municipal Association have urged Maine's Congressional Delegation to support legislation enacting a uniform 100,000 pound truck weight limit on the entire length of Maine's Interstate System; and

WHEREAS, the section of Maine's I-95 running north of Augusta was originally designed and built for military freight movements to Loring Air Force Base at weights that exceeded 100,000 pounds; and

WHEREAS, municipal officials believe that the temporary weight limit increase provided for in PL 111-117 will have demonstrable impacts on the preservation of the road and bridge infrastructure and improved public safety on Maine's smaller and less substantially built state and local roads; and

WHEREAS, as a result the economy, fuel prices and improvements in motor vehicle performance, which is contributing to the stagnation of the revenue available to fund state and local projects, Maine's Department of Transportation is falling seriously behind on its highway and bridge maintenance and repair program and is now exploring avenues to share state-level capital improvement responsibilities over the minor collector road system with local property taxpayers; and

WHEREAS, the enactment of a permanent and uniform 100,000 pound truck weight limit increase for six-axle trucks will keep these more productive trucks on the federal Interstate System where they belong, and thereby take some of the pressure off the smaller state and local roads;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Hampden, Maine hereby expresses its support for the extension of the federal truck weight limit increase on Maine's entire Interstate System so that the 100,000 pound limit is made permanent.

Councilor Brann, seconded by Councilor Cushing to grant the license. Unanimous vote.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

None

3. UNFINISHED BUSINESS

a. NEW STREETLIGHT REQUEST POLICY – INFRASTRUCTURE COMMITTEE RECOMMENDATION

Motion by Councilor Shakespeare, seconded by Councilor Cushing to adopt the New Streetlight Request Policy as presented. Unanimous vote.

b. RESOLUTION SUPPORTING EXTENSION OF PILOT TRUCK WEIGHT INCREASE – INFRASTRUCTURE COMMITTEE RECOMMENDATION

Councilor Shakespeare reported that the Infrastructure Committee had reviewed the information regarding the extension of the pilot program for truck weight increases on the interstate system north of Augusta and was in support of its continuation. Motion by Councilor Shakespeare, seconded by Councilor Cushing to support the resolution presented and forward it to our Congressional delegation. Unanimous vote.

c. WESTERN AVENUE SIDEWALK GRANT APPLICATION – INFRASTRUCTURE COMMITTEE RECOMMENDATION

Councilor Shakespeare reported that the Infrastructure Committee had reviewed the grant application options for a sidewalk on Western Avenue. The Committee supported the grant application for the entire length from the intersection of Route 202 to Mayo Road on the 'inside' of Western Avenue. Since that is a very expensive project to fund through grants, they also supported the continuation of the sidewalk on Western Avenue from where it currently ends to Mayo Road – with the caveat that the remainder of the sidewalk be constructed on the inside of Western Avenue with a crossing at the end of the current sidewalk to avoid creating pedestrian crossings right at Mayo Road. Motion by Councilor Shakespeare, seconded by Councilor Brann to apply for the grants as recommended by the Infrastructure Committee. Unanimous vote

d. BID RESULTS – MUNICIPAL BUILDING BOILERS – FINANCE COMMITTEE RECOMMENDATION

The Finance Committee reviewed bids and recommended acceptance of the low bid of \$71,600 from Industrial Heating and

Piping Company. Motion by Councilor Brann, seconded by Councilor Cushing. Unanimous vote.

4. NEW BUSINESS - NONE

D. COMMITTEE REPORTS

Councilor Shakespeare – Reported that the Infrastructure Committee had discussed the “Vote the Cockroaches Out” sign on Western Avenue because of complaints received from people driving on Western Avenue. The subject has been researched by the Public Safety Director and the Code Officer and the sign falls within the bounds of what is considered to constitute freedom of speech.

Councilor Lawlis – The Services Committee will meet on September 13 at 6 p.m.

Councilor Brann – The State Planning Office sent a letter indicating that the Town’s Comprehensive Plan was complete and consistent. It is introduced for Public Hearing at the next Council Meeting. Councilor Brann also referred the zoning ordinance day care provision amendments to the Planning Board for review.

Councilor Cushing – Updated the Council on the status of the project to upgrade the cable TV equipment to digital. The Communications Committee has initiated purchase of the necessary equipment.

Councilor Hughes – The Planning and Development Committee has been working on a number of issues including zoning for accessory structures, and Medical Marijuana licensing. There will be a special meeting of Planning and Development on September 15th at 6 p.m. to meet with the Consultants regarding the BEAR report.

Finance Committee – The Town Manager reported that the Finance Committee had discussed Municipal Building boiler bids, the SAD #22 Re-use, Saturday Bus Service with Mrs. Rankin, the acceptance of credit and debit cards at the Town Office and why the Town does not offer a discount for pre-payment of taxes.

E. MANAGER’S REPORT

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

F. COUNCILOR’S COMMENTS

Councilor Cushing noted that the reunion for Hampden Academy Classes of 1937 to 1969 was held the prior weekend and that he had done interviews with alumni for creation of a Hampden Happenings video. He also reported that Forrest Hart is working on a new statue for the new Hampden Academy.



TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendment: Day Care Provisions
DATE: September 2, 2010

At the September 1, 2010 Planning and Development Committee meeting the committee voted unanimously to recommend to the Town Council that they refer the attached amendments to Article 3.9 Rural District and Article 4.19 Day Care Provisions to the Planning Board for review and public hearing. The purpose of the draft amendments is to consider allowing day care facility in buildings other than a primary residence but retaining the idea that the operator of the day care facility resides in the associated house on site similar to the principal established for customary rural business. The draft amendment also considers adding child care center as a conditional use to the rural district. Finally a number of other housekeeping questions are addressed in the remaining amendments to Article 4.19.

Referred to Planning Board 9/7/2010

TOWN OF HAMPDEN
Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

ARTICLE 3
REGULATIONS PERTAINING TO INDIVIDUAL ZONES

3.9. Rural District

3.9.1. Purpose - The intent of this district is to protect and promote the rural use and character of the area, to provide for traditional agricultural and open space uses, and to provide for low density residential development where appropriate. It is intended that much of the residential development occurring in this district will be either dispersed in nature or, where the developer chooses, will be clustered with extensive open space surrounding the development. *(Amended: 12-18-95)*

3.9.2. Permitted Uses (Subject to Site Plan Review where applicable) - Agriculture, forestry, single family dwelling, certified manufactured home, two family dwelling, three or four family dwelling when serviced by public sewer and water, home day care (subject to *Section 4.19*), accessory use, golf course or other outdoor recreational facilities, home occupation (subject to *Article 4.10*), cluster subdivisions, essential service, and wireless telecommunications facilities (subject to *Section 4.22*). *(Amended: 9-19-83, 8-22-94, 12-18-95, 10-01-01, 6-3-02, 03-21-05)*

3.9.3. Conditional Uses (Subject to Site Plan Review) - Daycare facility, child care center (subject to *Section 4.19*), nursing home, non-profit school, public schools, church, non-profit club, hospital or clinic, mobile home park (subject to *Section 4.13*), campground, cemetery, buildings and parking for recreational facilities, processing agricultural products which are not accessory to an agricultural use, processing and excavation, gravel pit and quarry activities (subject to *Article 4.23 Excavations, Gravel Pits and Quarries*), stockpiles (subject to *Article 4.9*) not accessory to excavation, gravel pit and quarry activities, commercial nursery, indoor recreational facilities, boarding of animals; to include training and grooming, veterinary hospital, buildings necessary for essential services, community facility (including solid waste facility), Customary Rural Business (subject to *Section 4.20*). *(Amended: 8-22-94, 12/18/95, 12-2-96, 1-21-97, 03-21-05, 12-17-07)*

TOWN OF HAMPDEN
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The Town of Hampden Hereby Ordains
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4.19. Day Care Provisions

4.19.1. Purpose - In order to provide suitable day care opportunities in all areas of Hampden without adversely impacting the peaceful enjoyment of residential neighborhoods, day care facilities of all types which provide for the supervision and care of children under the age of sixteen shall comply with the following provisions.

4.19.2. Day Care Types:

1. Home Day Care
2. Day Care Facility
3. Child Care Center

4.19.3. Performance Standards

1. Density: ~~Home Day Care~~ and Day Care Facilities shall not exceed a density of 12 children per acre.
2. Outside Outdoor Play Area: Outside play areas proposed as part of Home Day Care, and Day Care Facility Facilities or Child Care Center which provide outside play areas, such play areas shall be fenced and no closer than 25 feet to any adjacent property lines.
3. Hours of Operation: Home Day Care and Day Care Facilities located in the Residential A, Residential B or Rural Districts shall not operate between the hours of 6:00 pm and 6:00 am.
4. Parking: Home Day Care, and Day Care Facilities and Child Care Centers shall provide one off-street parking space per four (4) children plus one (1) space per employee who does not reside on the premises.
5. Signs: Home Day Care shall not display any outdoor signage. Day Care Facilities located in the Residential A, Residential B or Rural Districts may have an unlighted sign not to exceed two (2) square feet.
6. Employees: Day Care Facilities located in the Residential A, Residential B or Rural Districts may employ one (1) person who does not reside on the premises. *(Amended: 8-22-94)*
7. Day Care Facility. Notwithstanding the definition of Day Care Facility when located in a commercial or industrial district this use is not required to be operated within a dwelling or by a person residing on the premises. Notwithstanding the definition of Day Care Facility when located in a Rural District this use may be operated within a separate building on a lot common to a dwelling in which a person or persons resides.

4.19.4. Approvals Required.

1. Home Day Care. Home Day Care shall be subject to Article 5.3.2 Certificate of Compliance regulations.
2. Day Care Facility. Day Care Facility located in the Residential B or Rural Districts shall be subject to Planning Board approval pursuant to Article 4.1.9.1 Site Sketch.
3. Child Care Center. All Child Care Centers operated as Service Businesses shall require Site Plan Approval pursuant to Article 4.1 Site Plan Review. Child Care Center operated as accessory to a church or community building does not require site plan review.

ARTICLE 7
DEFINITIONS

7.1. Construction Language - In this Ordinance, certain terms or words shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

7.2. Definitions - In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

Accessory use or structure: A use or structure of a nature customarily incidental and subordinate to those of the principal use or structure. For residential uses, accessory structures shall not be used as habitable space. (Amended: 11-18-02)

Business or professional office: An enclosed place of business where the primary activity is the collection, manipulation, evaluation, recording and dissemination of information. Office uses may include service businesses whereby there is no storage, sales, service, or repair of goods and products.

Child Care Center: A building or buildings in which a person or persons maintains or otherwise carries out a program, for any part of the day, providing care and protection for 3 or more children. Child Care Centers, with or without consideration for the services rendered, may be operated as a service business or within a church or community building. (Amended: 8-22-94)

Day Care Facility: A dwelling in which a person or persons residing on the premises provides or maintains a regular program for consideration, for any part of the day, providing care and protection for four to twelve children. (Amended: 8-22-94)

Group development: Two (2) or more primary uses or structures on one (1) lot/parcel.

Home Day Care: A dwelling in which a person or persons residing on the premises provides or maintains a regular program for consideration, for any part of the day, providing care and protection for up to three children. (Amended: 8-22-94)

Preschool: A service business whereby an instructional program is provided for compensation to three (3) or more children between the ages of one (1) and five (5) years.

Principal building: The primary use to which the premises is devoted, and the main purpose for which the premises exists.

DISTRICT	Child Care Center		Day Care Facility	Home Day Care
	Stand alone as service business	Accessory to Church or Community Building	Accessory to Dwelling	Accessory to Dwelling
Industrial Park	Yes	No	Yes	No
Commercial Service	Yes	No	No	No
Industrial	No	No	No	No
Business	Yes	No	No	No
Rural Business	Yes	No	No	No
Interchange	Yes	No	No	No
Residential A	No	Yes	No	Yes
Residential B	No	Yes	Yes	Yes
Rural	No	Yes	Yes	Yes
Seasonal	No	No	No	No
Industrial 2	Yes	No	No	No
Business B	Yes	No	No	No
Village Commercial	Yes	No	Yes	Yes
Village Commercial II	Yes	No	No	No

MANAGER'S REPORT
September 7, 2010

Saturday Bus Service – I received a letter and a list of signatures from residents who are interested in Saturday bus service. This is a subject that has been discussed but if the Council wishes to revisit the issue, perhaps the Services committee would be the appropriate Committee to discuss it.

Newburgh – I am meeting with staff in Newburgh on Thursday afternoon to see if I can assist in helping them get financial reports prepared.

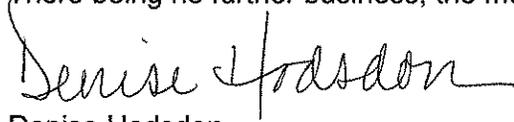
Maine Townsman – This month's magazine contains information related to the upcoming Municipal Association convention that is being held on October 12th. Please look over the agenda and see if there are sessions that you wish to attend. I will be happy to make reservations for your attendance.

Fairfield Town Manager – My condolences go out to the family of Paul Blanchette, Town Manager of Fairfield who passed away unexpectedly this past Friday. He had managed four Maine communities in his tenure and had been in Fairfield for ten years. He was fifty-two years old.

Mayor Arnett reminded the Council that a Special Council Workshop would be held on September 14th at 7 p.m. in Winterport to discuss a municipal response to SAD #22's decision to retain the old Hampden Academy property

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:54 p.m.

A handwritten signature in cursive script that reads "Denise Hodsdon". The signature is written in black ink and is positioned above the printed name and title.

Denise Hodsdon
Town Clerk