

Town of Hampden

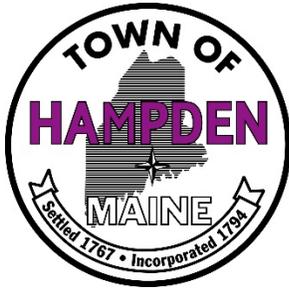
Planning Board

Wednesday August 10, 2016, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Administrative
 - a. Introduction – New Town Planner Karen Cullen
 - b. Minutes – July 19, 2016
2. Old Business – None
3. New Business
 - a. Referral of Zoning Amendment to Planning Board – Off-premises Signage
 - b. Referral of Zoning Amendment to Planning Board – Building Permit Threshold
 - c. Referral of Shoreland Zoning Amendment to Planning Board – Consistency with DEP model ordinance
 - d. Overview of Town's Work Plan; Planner's Responsibilities
 - e. Status of Comprehensive Plan Committee
4. Planning Board Comments
5. Adjournment



Town of Hampden
Office of the Town Planner

Memorandum

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner
Date: August 4, 2016
RE: Amendments to Zoning and Shoreland Zoning

Attached you will find the draft language for two amendments to the Zoning Ordinance that have been referred to the full Planning Board from the Ordinance Committee, both by unanimous vote. The first is regarding off-premises signage and the second is regarding the threshold for when a building permit is required.

The purpose of the change to the off-premises signage provisions is to allow one sign near the intersection of Main Road North and Marina Road to make the public aware of and direct them to the Waterfront Park. Due to requirements of the Maine Department of Transportation that prohibit the placement of off-premises commercial signs within the state right-of-way, and complexities with ownership of Marina Road, there are challenges to erecting signs that this proposed amendment will help to resolve. The vision is to have one freestanding sign, with a maximum sign size of 50 square feet (per side assuming the sign would be double sided), with placards “embedded” into the design of the overall sign for each business in the Waterfront I Zoning District. The municipal park would be the primary use being advertised on the sign.

P. Weatherbee made a motion, seconded by J. Reilly, to send this amendment to the Planning Board with a recommendation of “ought to pass.”

The purpose of the amendment regarding the building permit threshold is to eliminate the existing conflict between Hampden’s code and the Maine Uniform Building and Energy Code (MUBEC). Rather than our zoning ordinance specifying what requires a building permit, this amendment refers back to the MUBEC.

P. Weatherbee made a motion, seconded by J. Davitt, to send this amendment to the Planning Board with a recommendation of “ought to pass.”

The third amendment is to the Shoreland Zoning Ordinance, and is not included with this portion of the packet since I have found dozens of instances where the red-lined version recently circulated does not actually have any change, which is confusing to everyone. I had planned to clean that

document up today, but unfortunately I am unable to locate the Word version of the document. I plan to work with Myles Block on Monday to address this, and hope to have the cleaned up version showing the changes that are actually proposed by the close of business on Monday. Nearly all of the actual changes are to bring the Shoreland Zoning Ordinance into compliance with the DEP model ordinance, and most of it relates to the expansion of non-conforming structures or to tree removal.

P. Weatherbee made a motion, seconded by J. Davitt, to send this amendment to the Planning Board with a recommendation of "ought to pass."

Should the Planning Board agree, the next step in the process is for the Planning Board to set a public hearing to address these amendments.

The Ordinance Committee is continuing to work on the accessory apartment amendment, as I have raised a number of broader issues which led the committee to direct me to rewrite the draft as a combination of the two family conversion provisions with the proposed accessory apartment provisions. Once redrafted, the Ordinance Committee will reconvene to discuss the new draft.

Off-Premises signage for the Waterfront Park area

Add a new section 4.8.1.4 of the Hampden Zoning Ordinance to read:

In order to promote the use and enjoyment of the Waterfront Park and uses within the Waterfront 1 Zoning District, such uses and businesses within said district shall be permitted to have signage located on Main Road North (Route 1A) in the vicinity of Marina Road subject to the following conditions:

- a. One freestanding sign structure is permitted, on which all signage for the Waterfront District 1 shall be installed.
- b. The signage may be double-faced, and the cumulative area shall not exceed 50 square feet per side, exclusive of the sign structure.
- c. Each individual sign for a non-municipal entity shall not exceed 15 square feet in area (per side for a double faced sign).
- d. The maximum height of the sign shall not exceed 15 feet in height from the ground level under the sign.
- e. Lighting of the sign shall only be by an externally located steady stationary white light source, shielded and directed solely at the sign.
- f. If located on private property, the owner of the property must have given permission in writing to allow the installation of the sign.
- g. Authorization for placement of a sign under this section shall be obtained from the Code Enforcement Officer.

ARTICLE 5 - ENFORCEMENT

(Amended: 6/ 3/02)

5.1. Administrative Officer - This Ordinance shall be enforced by a Code Enforcement Officer appointed by the Town Manager with confirmation by the Town Council.

5.2. Duties - The Code Enforcement Officer, in enforcing this Ordinance, shall be responsible for establishing reasonable procedures for enforcement, keeping all activities within the jurisdiction of this Ordinance under surveillance, issuing building and/or use permits where applicable, keeping public records of his proceeding and instituting or causing to be instituted any or all actions that might be appropriate for the enforcement of this Ordinance.

5.3. Permits - Application for a building permit and a certificate of compliance shall be made concurrently with the initial application.

5.3.1. Building Permits

5.3.1.1. Building Permit Required - ~~An application shall be submitted to the Code Enforcement Officer for the following activities, and these activities shall not commence in the Town of Hampden without a permit being issued.~~ Building Permits shall be required per the Maine Uniform Building and Energy Code as amended from time to time.

- ~~1. Construct or alter a structure.~~
- ~~2. Change of exterior dimensions of an existing structure;~~
- ~~3. Construct a sign or change the exterior dimensions of a sign;~~
- ~~4. Reconstruction of a disaster damaged or disaster destroyed structure.~~

5.3.1.2. No building permit shall be issued except in conformity with the provisions of this Ordinance.

5.3.1.3. Within fourteen (14) days of the filing of an application for a building permit, the Code Enforcement Officer shall approve or deny such application or shall refer the applicant to the planning board or the Board of Appeals. The decision shall be in writing and communicated directly to the applicant. In the case of a denial of an application, the decision shall include reasons for such. One (1) copy of the Code Enforcement Officer's decision shall be filed in the municipal office. (Amended:09-18-06)

5.3.1.4. No building permit for a building or structure on any lot shall be issued except to the owner of record thereof, or his authorized agent. The Code Enforcement Officer may require that any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, an on site soils survey, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure, and other such information as may be necessary to provide for the execution and enforcement of this Ordinance.

5.3.1.5. Applications for permits with their accompanying plans and building permits shall be maintained as a permanent record by the Code Enforcement Officer.

5.3.1.6. A building permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within ~~six (6)~~ twelve (12) months of the date on which the permit is granted, or if the work or change is not substantially completed within two (2) years of the date on which the permit is granted.

5.3.1.7. No building permit, demolition permit, earth moving permit, sign permit or certificate of compliance shall be issued without payment of fees in accordance with the Town of Hampden Fees Ordinance. *(Amended: 11-17-03)*

Any structure on which construction, including but not limited to foundation work, has begun before the issuance of a building permit will be assessed double the above described fees.

5.3.1.8. Building permits for structures to be located on subdivision lots shall not be issued by the Code Enforcement Officer until all improvements, including public utilities (sewer, water and electrical), roads and drainage facilities as approved by the Planning Board and required by town ordinances, are completed to the satisfaction of the Town designated engineering consultant and the road, if any, has been accepted by the Town Council as a town way. *(Amended: 03-01-10)*

5.3.1.9. *Wastewater Disposal Permit Required* - No building permit shall be issued for any structure or use involving the construction, installation, or alteration of plumbing facilities unless either a subsurface wastewater disposal permit or sewer hook-on permit has been secured by the applicant or his authorized agent in conformance with the State of Maine Subsurface Wastewater Disposal Rules or the Town of Hampden Sewer Ordinance. *(Amended: 03-01-10)*



Town of Hampden
Office of the Town Planner

Memorandum

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner
Date: August 4, 2016
RE: Overview of Town’s Work Plan / Status of Comprehensive Plan Committee

As a prelude to the discussion on the status of the Comprehensive Plan Committee, Town Manager Jennings and I thought it would be useful for the Planning Board to see the attached “Town Manager Project Management.” This document highlights the projects already under consideration or planned to be addressed sometime within the next year or so; at five pages long you can see there is a lot to do. This listing has been sorted to put all the items which the Town Planner is either to be the lead on or should have a role in at the beginning of the list; at just over two pages (51 projects) this is quite a long list.

Projects shown with a yellow background are in progress, those with a pink background have yet to be started, and those with a green background have been completed. Of the 51 projects which I will have some role in, 4 have been completed.

That said, and recognizing that there are no projects directly related to the Comprehensive Plan, my recommendation to the Ordinance Committee and to the Planning Board is that regulatory amendments (to the Subdivision Ordinance, Zoning Ordinance, and Shoreland Zoning Ordinance) should be reviewed in light of consistency with the Comprehensive Plan. They should be analyzed to determine if they further the goals of the community and help the town achieve the vision set forth in the Plan.

