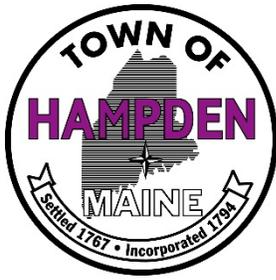


Town of Hampden  
**Planning and Development Committee**  
Wednesday November 16, 2016, 6:10 pm  
Municipal Building Council Chambers  
**Agenda**

1. Approval of November 2, 2016 Minutes
2. Committee Applications:
3. Updates:
  - A. Status of MRC/Fiberight
  - B. Staff Report
4. Old Business:
  - A. Business Park TIF – Planner K. Cullen
  - B. Market Study
    - a. Review of comparison communities
    - b. Review of invitees for focus group meetings
5. New Business:
  - A. Yard Sale Ordinance
6. Zoning Considerations/Discussion
  - A. Discussion of Ballot Question 1, Recreational Marijuana (retail stores, social clubs, cultivation facilities, product manufacturing, and testing facilities)
  - B. Discussion of draft home occupation language
7. Citizens Initiatives:
8. Public Comments:
9. Committee Member Comments:
10. Adjourn



Town of Hampden  
**Planning and Development Committee**  
Wednesday November 2, 2016, 6:10 pm  
Municipal Building Council Chambers  
**Minutes – Draft**

Attending:

Committee/Council

Ivan McPike-Chair  
David Ryder, Mayor  
Terry McAvoy  
Mark Cormier  
Dennis Marble  
Stephen Wilde  
Greg Sirois

Staff

Angus Jennings, Town Manager  
Karen Cullen, Town Planner

Public

Tom Brann  
Bill Shakespeare

Chairman McPike called the meeting to order at 6:15 p.m.

1. Approval of October 19, 2016 Minutes – Staff noted several housekeeping edits. Motion to approve as amended made by Councilor Sirois with second by Councilor McAvoy; carried 7/0/0.
2. Committee Applications: None.
3. Updates:

A. Status of MRC/Fiberight

Town Manager Jennings and Planner Cullen gave an update on the project, primary points included:

- Town has recently received notice from DEP than a modification of their permit has been issued to change the wetlands compensation to a fee-in-lieu, meaning the MRC is no longer seeking an easement holder for the 80 acre parcel that was going to be preserved.
- Construction has begun, the first construction meeting was held yesterday and they haven't run into any significant issues. They have run into clay and are needing to over-excavate those areas to put in a gravel base for the sewer lines. The next construction meeting will be in a month, by which time most of the first phase construction should be completed.
- The location of the water line continues to be a point of concern; staff and the Water District have been trying to get a meeting with representatives of MRC for some time now, and have been

**DRAFT**

pressing them as there is an urgency to iron out any differences. The primary issue is that MRC has recently mentioned that they want to run the water line through Ammo Park and not on Coldbrook Road as had been approved by the Water District and understood by the Planning Board. There are concerns regarding fire flow and adequate water for future development in the area.

- We are still waiting to hear from MRC about how they plan to address the frontage issue, as without frontage for the parcel Fiberight will be unable to get a building permit.

4. Old Business:

A. Business Park TIF: Planner Cullen led a discussion on a draft list of eligible project costs for the TIF funds, noting that the draft list had been developed based on a sample from a nearby town and state statute. The main points of discussion were:

- The idea put forth in the comprehensive plan to have an access road along Coldbrook Road is still a viable option, and the location of the water line (for MRC) would not impact the potential for an access road. It was noted that it would be done by the property owners and the town has limited ability to influence the concept.
- Town center improvements – it was noted that the holiday lighting infrastructure is going to be completed within the next few months and so that project was deleted from the list.
- Will modify the wording regarding the revolving loan program to specify it is for small businesses; large businesses have other resources they can tap into for financial assistance that most small businesses can't.
- Recreational facilities that are eligible are limited to trails, and for those DECD must make a finding that the trail project is going to have a benefit to economic development. Usually these are trails that run through a town center area, but Planner Cullen noted that with the snowmobile trail out by the MRC site and the LL Bean parcel, there might be an opportunity to expand the trail network and to provide parking for trail access.
- We will be holding a kickoff meeting with the consultants on Monday Nov. 7.
- Manager Jennings confirmed with Epstein and Sargent that they are in favor of including the undeveloped front parcels (which are not specified in the development agreement as being within the TIF) in the TIF.

5. New Business: None.

DRAFT

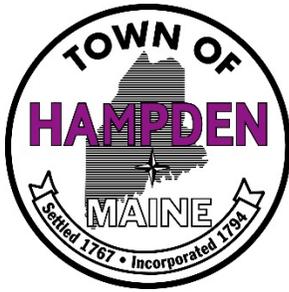
6. Zoning Considerations/Discussion:
  - A. Format of Use listings in zoning ordinance – Planner Cullen noted that she is continuing work on the use table, but hasn't gotten enough done to have any useful discussion about it tonight.
  - B. Draft language for home occupations – Planner Cullen led a discussion on the language she had drafted for businesses that are run out of a residential property. The main points of the discussion were:
    - The committee agreed with the concept of creating three levels of businesses.
    - The limitation on truck size (weight) needs more work; 10,000 pounds GVW is too small; also need to include any limit only for the home business and customary home occupation categories and not for the home based contractor.
    - The signage section needs to be looked at to ensure consistency with the sign regulations elsewhere in the ordinance as well as state law, and the size should be increased above 4 square feet.
    - Traffic generation should be consistent with residential use (not just single family), or change the language so it is consistent with the zoning district which it is in.
    - These permits should run with the land as opposed to the applicant, but the Planning Board should have the authority to set a condition for specific home occupation proposals that they will not run with the land; this would allow flexibility to the Board to limit the potential for a business to expand beyond the original home occupation proposal with transfers of owners.
    - Some of the sections retained from the current Hampden Zoning Ordinance (specifically “Additional Conditions Necessary for Approval...”, “Alterations to Land and Buildings of Previously Approved...”, and “Discontinuation and Abandonment of a Legacy Home Occupation”) are not well understood by any of those present. Karen will research this further to see if she can figure out the reasoning behind those sections and will modify the draft amendment as appropriate.
7. Citizens Initiatives: None.
8. Public Comments: Tom Brann asked about the status of the codification project; Manager Jennings stated it is still on the work plan and in fact is one of the top four priorities set by Town Council this year. There are issues, most notably costs involved and limited staff resources to devote to the project.
9. Committee Member Comments: Manager Jennings noted that Dollar General will be holding a grand opening in January; more details will follow.

DRAFT

10. Adjournment: Motion to adjourn at 7:35 by Councilor Marble; seconded by Councilor Wilde, carried 6/0/0. (Councilor Sirois left early).

*Respectfully submitted by  
Karen Cullen, Town Planner*

**DRAFT**

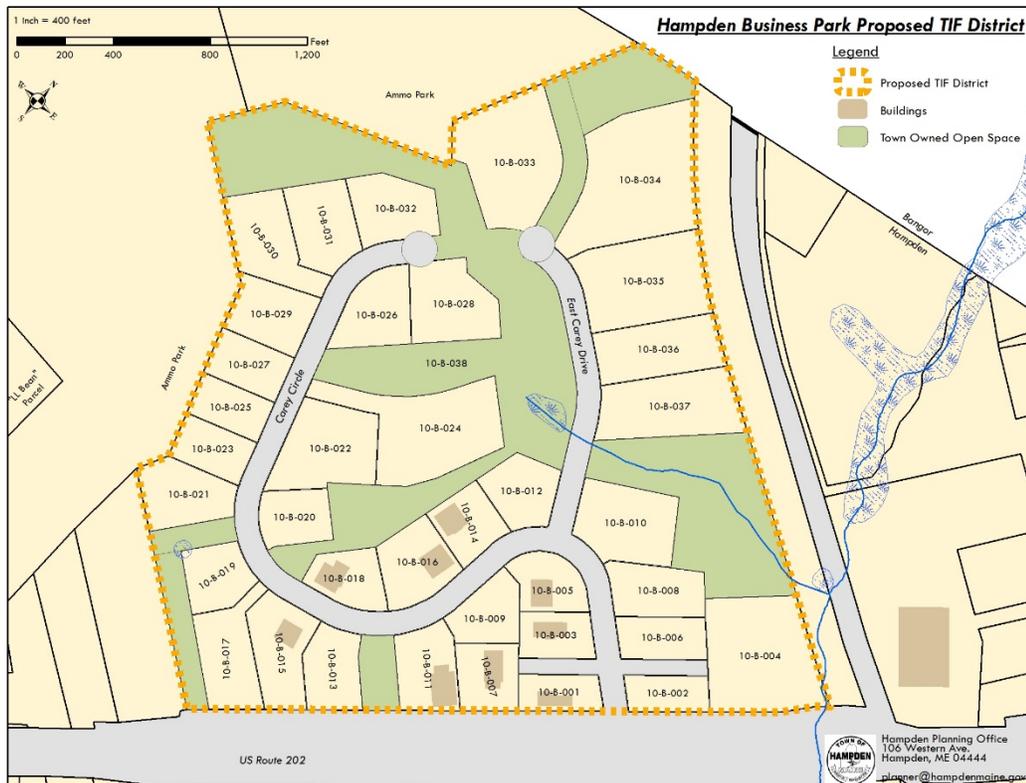


Town of Hampden  
Land & Building Services

Memorandum

To: Planning & Development Committee  
 From: Karen M. Cullen, AICP, Town Planner *KMC*  
 Date: November 14, 2016  
 RE: Business Park TIF

In my continuing work on the development of a TIF for the Hampden Business Park, I thought about the possibility of including all the parcels in the park in the TIF District, including those already built on. The reason for this is that in 10 years or so there may be a need or desire for one of the businesses already there to expand or otherwise improve their property, and there seems to be no reason why they should not get some benefit from the TIF as well. I want the TIF to be fair and as equitable as we can make it for all properties in the business park. The map below shows what we are proposing for the TIF District. Note that the Credit Enhancement Agreements would be structured differently for the different categories of parcels in the TIF District (those included in the Developer's Agreement with Sargent, those not included in the DA which are vacant, and those not included in the DA which are built on). Staff will discuss this with the consultants to be sure there are no unintended consequences or undesirable ramifications from including all parcels in the district. We would like to get the Committee's thoughts on this.



Hampden Planning Office  
 106 Western Ave.  
 Hampden, ME 04444  
 planner@hampdenmaine.gov

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



**5-A**

**Phone:** (207) 862-3034  
**Fax:** (207) 862-5067  
**Email:**  
townmanager@hampdenmaine.gov

TO: Planning & Development Committee  
FROM: Angus Jennings, Town Manager  
DATE: November 9, 2016  
RE: Yard Sale Ordinance

---

The Planning & Development Committee is requested to consider amendment or repeal of the Yard Sale Ordinance (attached).

The Council previously (before my tenure) expressed intent to repeal the Ordinance but relevant meeting minutes (attached) suggest that this item had been tabled. Due to this, and significant personnel turnover since then, I'd like to look at this as a new item.

The \$5.00 fees generate a very small amount of revenue, which does not (in my opinion) justify the impact of the issuance of yard sale permits on staff time. We're also aware that there is only sporadic compliance with the ordinance. I believe that either amendment or repeal would be justified. However, there are certain aspects of the Ordinance that, if it were to be repealed, should be considered for addition to the Zoning Ordinance.

I asked the Code Enforcement Officer (who is charged with enforcing the ordinance) and other affected staff whether there are considerations the Committee should be taking into account that may recommend amendment or repeal.

If there are yard sales that cause traffic issue, there are mechanisms other than this Ordinance for public safety to address them.

If a "yard sale" is set up for more than three consecutive days (and becomes more of a "flea market"), there is not another mechanism to prevent this. There is no mention in the Zoning Ordinance of "yard sale" or "flea market" so if the Yard Sale Ordinance were to be repealed there would be no way to differentiate between a yard sale and a flea market. This could be addressed with the addition of a definition for flea market, and adding language to the Zoning Ordinance to deal with yard sales and flea markets (as accessory uses). Ideally, this would be done in a way that could be handled administratively at the staff level (and not involving Board review).

If there are other considerations we can discuss these at the meeting. I think it may be worth preserving the time-limitation portion in the Ordinance (and perhaps other sections), through other amendments, but eliminating the Yard Sale Ordinance as a stand-alone ordinance as well as eliminating the requirement for a permit.

We look forward to receiving the Committee's direction on this matter.

4. Old Business:

- A. Draft Private Ways Ordinance Review  
CEDD stated he felt the initial draft of a Private Ways Ordinance would be ready at the August 19, 2015 Meeting.
  
- B. Home Occupation Final Draft  
CEDD presented the revised Final Draft of the modification to Section 4.10 Home Occupation Permits within the Zoning Ordinance.

**Committee Action: The Committee moved and seconded to approve the revisions to Section 4.10 Home Occupation Permits and forward to the Town Council to send to the Planning Board for review and comment. Vote 6-0.**

5. New Business

- A. Community Board(s) Membership Needs
  - 1. Appeals Board (7 Member/ 2 Associates)
  - 2. Historic Preservation Commission (5 Member/ 2 Associates)
  - 3. Conservation Commission (7 Member)

CEDD reminded the Committee Members that there is an ongoing shortage of volunteers to serve on various town committees. The primary concern is the requirement of a full and engaged Appeals Board and Historic Conservation Commission due to obligations and requirements of State and Federal Laws.

Committee discussed potential committee members who could be solicited based on potential interest, expertise and past service. CEDD was asked to request that the web page more prominently express the need for committee members.

6. Zoning Considerations/Discussion:

- 1. Yard Sale Ordinance  
In support of the philosophical change in creating and modifying land use regulations to reflect minimum standards and regulations, the CEDD posed the question as to whether the purposes for the creation of a Yard Sale Ordinance still existed or if in fact a repeal should be considered. CEDD stated approximate revenue from the permits is \$200 to \$300 dollars per year. His discussion with the Code Enforcement Officer suggests

that there are adequate provisions within the Ordinance to address issues resulting from extended yard sales acting as Home Occupations or Retail Establishments.

The CEDD supports the repeal of the Yard Sale Ordinance if in fact the Committee should elect to do so, providing the misuse of Yard Sales can be addressed in the absence of the specific Ordinance.

Committee directed the CEDD to advise at the next meeting the process for repealing the Yard Sale Permit Ordinance.

## 2. Building Height Definitions

The Code Enforcement Officer requested this item for consideration due to the inconsistency of the definition of Building Height in the MUBEC Code and in the present Zoning Ordinance. He requested the Zoning Ordinance be amended to reflect Building Height to be defined with reference to the currently adopted Building Code.

**Committee Action: The Committee moved and seconded to forward the requested change, provided by the Code Enforcement Officer to the Town Council to send to the Planning Board for review and Comment.**

7. Citizens Initiatives:
8. Public Comments
9. Committee Member Comments: None
10. Adjourn: The meeting was adjourned at 7:45pm.

4. Old Business:

- A. Draft Private Ways Ordinance  
CEDD provided copies of the previously drafted Private Ways Ordinance along with standards from Windham's Zoning and Subdivision Regulations for review and consideration moving forward. Committee to undertake review of drafted at next meeting.

- B. Yard Sale Ordinance Repeal Process  
CEDD was asked to research and present process for repealing the Yard Sale Ordinance. The suggestion for the repeal was initiated by CEDD. Upon reflection, CEDD requested the item be tabled until such time the administration of the permits was reviewed, further stating his request was initially made in haste.

5. New Business

- A. Zone Change Discussion – Dennis Melvin  
(Coldbrook/Emerson Drive)

Dennis and Debbie Melvin indicated their interest in adding an additional apartment to the two-unit dwelling located at the corner of Emerson Drive and Coldbrook Road. The desired preservation of and investment in the family home is their expressed intent. In order to move forward, a zoning change is necessary. An extension of the Business District to include their property is necessary as the currently designated Residential A does not allow their intended change in use.

In consideration of their intended residential use, the adjacent Business District, and the location in proximity to the Coldbrook Road, the Committee asked the CEDD to prepare the necessary paperwork to begin the initiation of the change. The Committee acknowledged that the nature of the area, being a residential subdivision, may require the Melvin's to explain to the neighborhood their intent with the zone change. Committee felt the Planning Board public hearing and subsequent recommendation would be helpful to the Councils ultimate decision.

**Committee Action: Motion made by Dave Ryder, seconded by Greg Sirois, to ask Community and Economic Development Director to prepare necessary documentation to initiate the process and present to the Committee at the next meeting  
Vote: 5-0**

**TOWN OF HAMPDEN, MAINE  
YARD SALE ORDINANCE**

**TABLE OF CONTENTS**

SECTION A - PERMIT REQUIRED .....	2
SECTION B - DEFINITIONS .....	2
SECTION C - REQUIREMENTS .....	2
SECTION D - ENFORCEMENT .....	3
SECTION E - VIOLATION .....	3

ADOPTED: Hampden Town Council October 4, 1982  
Effective: November 3, 1982

AMENDED: Hampden Town Council November 17, 2003  
Effective: December 17, 2003

**TOWN OF HAMPDEN, MAINE  
YARD SALE ORDINANCE**

**The Town of Hampden hereby ordains:**

**A. *Permit Required.*** No person, firm, corporation or other entity shall conduct a yard sale in the Town of Hampden without first obtaining a yard sale permit from the Code Enforcement Officer or designee.

1. **Permit Fee.** The fee for such a permit shall be paid in accordance with the Town of Hampden Fees Ordinance. Civic groups, school groups, church groups, charitable or fraternal organizations shall be issued a yard sale permit free of charge. *(Amended: 11-17-03)*
2. **Permit to be Posted.** Yard sale permits issued under this ordinance shall be posted at the yard sale in a location which is easily visible from the street.

**B. *Definitions.***

1. Words and terms not defined in this ordinance shall have the meanings given them in the Zoning Ordinance of the Town of Hampden, or in the absence of definitions in said ordinance such words and terms shall have their customary dictionary definition.
2. **Yard Sale.** The sale of goods from a residential premises, whether advertised in local media, by signs, or otherwise as a yard sale, barn sale, garage sale, household sale, moving sale, or other sale, whether accomplished by direct sale or auction; or the sale, at the seller's place of residence, of all or part of the household goods, whether accomplished by direct sale or auction; or sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other non-profit organizations if such sale is held on the organization's premises or within the Town Business Districts.
  - 2A. The sale of new or used goods purchased or consigned specifically for yard sales is prohibited.
3. **Residential premises.** A building or structure having at least one dwelling unit and the lot of land associated therewith.

**C. *Requirements.***

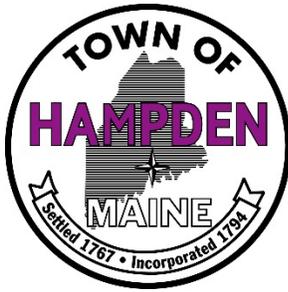
1. No yard sale may be conducted for more than three (3) consecutive days.
2. No person, firm, corporation or other entity shall conduct more than two (2) yard sales from any residential premises or location in any one (1) calendar year.
3. In the event that a hardship situation develops which may cause cancellation of a sale, the Code Enforcement Officer may issue another permit upon application from the person

conducting the sale, setting forth the reason for such cancellation. A fee as prescribed shall not be required in such cases.

4. All such sales from non-residential properties shall comply with the Zoning Ordinance of the Town of Hampden except yard sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other nonprofit organizations which shall be governed by this ordinance.
5. Signs designating yard sales shall not exceed four (4) square feet and shall bear the name of the permittee. Signs shall not obstruct traffic views and shall be removed immediately after the sale has ended.

**D. Enforcement.** This ordinance shall be enforced by the Code Enforcement Officer and/or the Hampden Police Department.

**E. Violation.** Any person who violates any provision of this section, or fails to comply with any of its requirements, shall, upon conviction thereof, be fined not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00). Each day such violation continues shall constitute a separate offense.



Town of Hampden  
Land & Building Services

Memorandum

To: Planning & Development Committee  
 From: Karen M. Cullen, AICP, Town Planner *KME*  
 Date: November 14, 2016  
 RE: Recreational Marijuana

As you know, Question 1 on the statewide referendum ballot passed by a small margin. While we understand there is a recount request in the works, we would like to move forward with local discussion on how the Town of Hampden should proceed. At the Committee's October 19<sup>th</sup> meeting it was decided to wait until the vote was tallied so we would have a better understand of how Hampden's citizens felt about it.

The results are in; there was a 16.8% margin of those opposed over those in favor:  
 1,853, or 40.9%, voted in favor  
 2,616, or 57.7% were opposed  
 63 did not vote on the question (1.4%)

The discussion should include consideration of the five different uses included in the Act:

- Retail marijuana store: an entity licensed to buy retail marijuana and retail marijuana products from licensed facilities and to sell same to consumers.
- Retail marijuana social club: an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the premises.
- Retail marijuana cultivation facility: an entity licensed to cultivate, prepare, and package retail marijuana and to sell to licensed establishments.
- Retail marijuana products manufacturing facility: an entity licensed to buy retail marijuana; manufacture, prepare, and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores, and retail marijuana social clubs.
- Retail marijuana testing facility: an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

Staff is seeking direction on whether the Committee wants to prohibit all or some of the above uses or to regulate them, and if the latter, subject to what considerations (e.g. distance from a school). In addition, staff is seeking input on local licensing requirements for these facilities if the Town Council decides to regulate any of them (as opposed to prohibiting all of them).