

Planning and Development Committee

June 6, 2012

6:00 PM

Council Chambers

AGENDA

1. Approval of Revised April 18, 2012 Minutes
Approval of Revised March 21, 2012 Minutes
Approval of May 2, 2012 Minutes
Approval of May 29, 2012 Minutes
2. Committee Interviews
3. Updates/Old Business
 - A. Updates
 - Recreation Plan
 - Marina Project
 - School Redevelopment
 - June 20: Lawrence Barrett, President
Eastern Maine Community College
 - Comprehensive Plan – Consistent Findings
 - B. Old Business
 1. Fireworks Ordinance Draft
 2. Community Building Definition Draft
 3. Model Excise Tax Ordinance
4. New Business:
 - A. John Holden, Eaton Peabody Consulting
TIF Discussion-Proposal
 - B. Geo-Library Ortho Proposal – June 6, 2012
 - C. Museum in the Streets Initiative
5. Public Comments:
6. Committee Member Comments:

7. Adjourn

**Planning and Development Committee
Minutes of March 21, 2012
6:00 PM
Hampden Council Chambers - Town Office**

Attendees: Tom Brann, Chair
Janet Hughes
Jean Lawlis

Staff:
Dean Bennett, CEDD
Bob Osborne, Planner

1. Approval of March 7, 2012 Minutes

Approved by Consensus

2. Committee Interviews

None

3. Old Business/Updates

A. Updates

- ◆ Recreation Plan – In Progress
- ◆ Marina Project – CEDD informed Committee that closing is soon to be scheduled..
- ◆ School Negotiations – Awaiting purchase/sale draft from Attorney Russell.
- ◆ Child Care Use Consideration - Awaiting update from Mr. & Mrs. Melman with regard to their continuing plans.

✦ Fireworks Draft:

Committee Action: Committee requested Town Planner to draft ordinance to address the concerns raised by Chief Rogers and develop a permitting process for use of fireworks and ways which to address public nuisance, such as harassment and noise levels which have negative impacts on abutting properties, neighborhoods and animals.

**B. Redevelopment Process – Rip Patten
Crede Associates, LLC**

Per quest of CEDD, Rip Patten, Vice President of Crede Associates, LLC, appeared before the Committee to introduce himself and provide background on his company. CEDD recommended Mr. Patten's firm for the Phase One Environmental Site Survey. Mr. Patten explained that Crede Associates specializes in keeping the overall focus on the marketability and development potential of the site, while protecting the municipality from the liability associated with the clean-up of hazardous materials. Mr. Patten further shared his knowledge of grant funding opportunity and timing of availability of applicable grants.

Committee Action: Motion to fund up to \$4,000 of operational funds to contract with Crede Associates for a Phase One Environmental Site Assessment. Motion: 3-0

4. New Business

A. Masonic Lodge: Community Building Definition

CEDD reported to the Committee that he has had discussions with Herb Frost with regard to the implications of the school vacating the Masonic Lodge and the challenges ahead to find a replacement tenant. Mr. Frost stated that the current zoning of the property forbids many uses but allows

such things as funeral homes, day care, etc.. CEDD met with Code Enforcement Officer to review the limitations as described by Mr. Frost and found that indeed the area is limited in its use allowance. CEDD noted the use of Community Building and discussed the possible modification of its definition to allow for a bit more flexibility of use within the Masonic Lodge without compromising the integrity of the purpose of the district. CEO concurred that a definition amendment would be possible.

Committee Chairperson Brann suggested that the CEDD discuss with the CEO the replacement of one non-conforming use with another as a means to address the issue and support the Masons. CEDD indicated he would discuss with CEO.

If necessary, Town Planner will present an amended definition of community building for the Committee's consideration at a future meeting.

- 5. Public Comments**

- 6. Committee Member Comments**

- 7. Adjourn**

**Planning and Development Committee
Minutes of April 18, 2012
6:00 PM
Hampden Council Chambers - Town Office**

Attendees: Committee Members Staff
Tom Brann, Chair Dean Bennett
Jean Lawlis Bob Osborne

**1. Approval of April March 21, 2012 Revised Minutes.
Approval of April 4, 2012 Minutes.**

April 4, 2012 Minutes Approved by Consensus

2. Committee Interviews - None

Zachery Malloy – Board of Appeals

3. Updates/Old Business

A. Updates

- Recreation Plan - Ongoing
- Marina Project – Close to Submission
- School Negotiations/Redevelopment – CEDD indicated Phase One is being conducted. MSAD #22 has been very accommodating in providing access to school property and all related existing materials/reports.

B. Old Business

1. Fireworks Ordinance Draft

Town Planner reports draft in progress

2. Community Building Definition Draft

Town Planner reports draft in progress

4. New Business

A. CEDD Request - Determining Build-Out Costs for Hampden Business Park.

CEDD requests up to \$2,500 for determining the build out costs for the business park from a reserve account.

Committee Action: Committee approved CEDD request and directed item to the next Finance Committee Meeting (May 7, 2012)

B. Ariel Photography Update – Gretchen Heldmann

Gretchen Heldmann will present update/needs to Committee at June 6, 2012 P&D Meeting.

C. TIF Policy Update/Evaluation

CEDD requested permission to invite John Holden of Eaton Peabody Consultants to present to the P&D Committee his prospective on the benefits of updating of TIF Policy and TIF designation of both the remaining Hampden Business Park and former MSAD 22 property.

5. Public Comments – None

6. Committee Member Comments

Note: The May 16, 2012 Planning and Development Committee will be canceled due to a conflict with budget discussions.

7. Adjourn

**Planning and Development Committee
Minutes of May 2, 2012
6:00 PM
Hampden Council Chambers - Town Office**

Attendees:	Committee Members	Staff	Guests
	Tom Brann, Chair	Dean Bennett	Tim Lo
	Jean Lawlis	Bob Osborne	
	Janet Hughes		

1. **Approval of March 21, 2012 Revised Minutes.
Approval of April 4, 2012 Revised Minutes.**

2. **Committee Interviews - None**

3. **Updates/Old Business**
 - A. **Updates**
 - ◆ Recreation Plan - Ongoing
 - ◆ Marina Project – Close to Submission
 - ◆ School Redevelopment – Environmental Ongoing
 - ◆ Comprehensive Plan – Submission Signatures Needed

 - B. **Old Business**
 1. **Fireworks Ordinance Draft**

Town Planner reports draft in progress. Councilor Lawlis indicated that she would like to hear from Chief Rogers with regard to his ability to deal with nuisances not directly related to the use of fireworks.

 2. **Community Building Definition Draft**

Town Planner reports draft in progress

3. Purchase/Sale Agreement w/MSAD22 -

Attorney Tom Russell reviewed the revised draft purchase/sale agreement with the Committee.

Committee Action: Committee agreed to engage the services of Woodard & Curran to walk the site of the Town Parcel and the Reed's Brook School parcel, and to make a recommendation on the proposed location of the sanitary sewer easement.

4. New Business

A. John Holden, Eaton Peabody Consulting – TIF Discussion.

At the request of CEDD, John Holden discussed with the Committee the various advantages of creating TIF Districts of the Hampden Business and Commerce Park and what will be the former MSAD 22 property. Benefits discussed included captured tax dollars, now offset by State funding formulas based on municipal valuation; incentives for development attraction; dedication of resources for economic and community development.

Committee Action: Committee requested that John prepare a proposal which seeks to review current TIF policy and make recommendations for both newly created TIF districts and the extension of existing TIF's in order to maximize captured dollars.

B. GeoLibrary Ortho Proposal – June 6, 20120 – Gretchen Heldmann

CEDD distributed information on the proposal and advised the Committee that Gretchen Heldmann will be briefing them at the June 6, 2012 meeting.

5. Public Comments

6. Committee Member Comments

Tim Lo, Co-founder and Executive Director of Kah Bang was asked to address the Committee to discuss his anticipated request for the use of a portion of the Hampden Business and Commerce Park as the festival campground. Tim explained the history of Kah Bang in that it is a 14 day Film, Art and Music Festival which takes place annually on the Bangor Waterfront. Tim will be presenting a proposal for the 3 day use of the park and address other issues arising from a contractual agreement if approved by the Committee and forwarded to Town Council. Kah Bang will assume all costs related to the festival including park rental, liability insurance, and contact with current business owners within the park.

7. Adjourn

**Planning and Development Committee
Minutes of May 29, 2012
Special Meeting
6:00 PM
Hampden Council Chambers - Town Office**

Attendees:	Committee Members	Staff	Guests
	Tom Brann, Chair	Dean Bennett	Tim Lo-KahBang
	Jean Lawlis	Bob Osborne	Joshua Gass-KahBang
	Janet Hughes		Abbey Mahan-KahBang

Business Park Representatives:
Barbara Farren – Hampden Vet Clinic Jeff Small – Clean Harbors
Keith Bourgion –Haverlock/Estes/Curren Steve Phillips - Homans

1. KahBang: Proposal for Use of Hampden Business Park, August 9-12, 2012, for the Purpose of Festival Campground – Tim Lo, Co-founder and Executive Director.

Tim Lo, Executive Director of KahBang presented the organizations proposal for the use of the Hampden Business Park as the Campsite for the KahBang Festival to be held in August 2012. Tim presented the organizations history, campsite design and utilization, safety, emergency, security, and transportation provisions.

Committee asked the attending public/businesses owners for their comments and questions. Issues of Concern:

Noise	Traffic Congestion
Emergency Access	Loss of Revenue
Customer Ingress	Inconsistent w/Park Goals

KahBang representatives discussed the stated concerns and indicated their willingness to address issues raised by the business owners. KahBang will revise plan proposal to address known concerns and resubmit.

Committee Action:

Committee voted to direct KahBang to the June 4, 2012 Council meeting to present their revised proposal to the entire Town Council.

2. MSAD #22 Purchase/Sale Discussion with Regard to Personal Property Exhibit B.

Committee, at the request of Attorney Russell, was asked to specify those personal property items to be listed on Exhibit B in the Purchase/Sale Agreement. Items identified:

Bleachers Scoreboards (Gym/Field) Backboard/Hoops
Lockers Kitchen/Cafeteria (functional as possible)

Committee Action:

Committee requested Community and Economic Development Director to forward information to Town Attorney.

3. Adjourn



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Fireworks Ordinance
DATE: June 4, 2012

Please find attached a copy of the Draft Fireworks Ordinance for the Town of Hampden. This document is very similar to the one that the Planning and Development Committee saw previously except that there is some clarification regarding red flag days.

The ordinance regulates the use of "Consumer Fireworks" and does not propose licensing of retail sales of fireworks nor does it require a local permit to utilize Consumer Fireworks.

Generally, many of the regulations that are contained in this ordinance are similar if not identical to those found in the state statute. There are a few however that are locally proposed such as cessation after complaints, prohibition during certain weather conditions and the prohibition for visibly intoxicated individuals from using Consumer Fireworks.

It should be noted that there may be certain types of fireworks that can be purchased out of state that are not legal under the Maine statute such as rockets and bottle rockets.

**TOWN OF HAMPDEN, MAINE
DRAFT CONSUMER FIREWORKS ORDINANCE**

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**ARTICLE 1:
PURPOSE**

1.1 Purpose. This Ordinance regulates the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Hampden and of the general public.

**ARTICLE 2:
TITLE AND AUTHORITY**

2.1 Title and Authority. This Ordinance shall be known as the "Town of Hampden Consumer Fireworks Ordinance." It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions 8 M.R.S.A. § 223-A.

**ARTICLE 3:
DEFINITIONS**

3.1 Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consumer Fireworks – "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and

C. Sky rockets and bottle rockets. For purposes of this definition, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

Display Fireworks - Any combustible or explosive of such compositions or substances; or any other producing a visible or audible effect by combustion, including any device containing any explosive fireworks are classed as Explosives, 1.3G and Department of Transportation. Display fireworks in 8 M.R.S.A §221-A. [amended 03/07/2012]

Red Flag Warning – A term designated by the NOAA’s National Weather Service (www.weather.gov) and used by fire-weather forecasters to call attention to limited weather conditions of particular importance that may result in extreme burning conditions. The warning is issued when it is an ongoing event or the fire-weather forecaster has a high degree of confidence that the Red Flag criteria will occur within 24 hours of issuance. Red Flag criteria occurs whenever a geographical area has been in a dry spell for a week or two, or for a shorter period, if before spring green-up or after fall color, and the National Fire Danger Rating System (NFDRS) is high to extreme and the following forecast weather parameters are forecasted to be met: 1) a sustained wind average 15 miles per hour or greater, 2) a relative humidity less than or equal to 25 percent and 3) a temperature of greater than 75 degrees F. In some states, dry lightning and unstable air are criteria. A Fire Weather Watch may be issued prior to the Red Flag Warning.

**ARTICLE 4:
USE OF CONSUMER FIREWORKS RESTRICTED**

4.1 Limits on Hours and Dates. A person shall not use, display, fire, or cause to be exploded consumer fireworks within the Town of Hampden or in or from any watercraft within waters of the Town except on the following times:

9:00 a.m. and 10:00 p.m. except that on the following dates they may be used between the hours of 9:00 a.m. and 12:30 a.m. the following day:

- a) July 4th;
- b) December 31st; and
- c) The weekends immediately before and after July 4th and December 31st.

4.2 Limits on Locations. A person may use, display, fire, or cause to be exploded consumer fireworks only on that person’s property or on the property of a person who has consented to the use of consumer fireworks on that property.

4.3 Cessation After Multiple Complaints. Upon complaints from multiple households to Hampden’s Public Safety Department the Public Safety Director or his designee shall have the

authority to require that person(s) immediately cease use, display, firing, or explosion of consumer fireworks for a 12 hour period from the time of notification to cease.

4.4 Cessation After Single Complaint. Upon complaint from a single household to Hampden's Public Safety Department the Public Safety Director or his designee shall have the authority to require that person(s) cease use, display, firing, or explosion of consumer fireworks if in the judgment of the Public Safety Department the complainant has special aggravating circumstances such as a sick family member or agitated animal(s) that are not entirely within the control of the complainant. The length of the cessation required by Public Safety will be at the discretion of the Public Safety Director or his designee. In instances where the required cessation extends beyond the 12 hour period from the time of notification to cease users of consumer fireworks will be provided with the cessation order in writing.

4.5 Red Flag Warning Days. A person may use not use, display, fire or cause to be exploded consumer fireworks on days that are designated by the Maine Forest Service and or NOAA as Red Flag Warning Days. It is the sole responsibility of persons using consumer fireworks to ascertain the fire danger rating for the day that the consumer fireworks are used.

4.6 Collateral Debris on Neighboring Properties and Right of Ways. A person may use not use, display, fire or cause to be exploded consumer fireworks in a manner that does not contain all fireworks falling debris to the user's property.

4.7 Visible Intoxication. A person may use not use, display, fire or cause to be exploded consumer fireworks while visibly intoxicated due to use of alcohol or drugs.

ARTICLE 5: VIOLATION AND ENFORCEMENT

5.1 Penalty For Violation. Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs to be recovered by the Town of Hampden for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.

5.2 Enforcement. This Ordinance shall be enforced by the Town of Hampden Police Department.

5.3 Injunction. In addition to any other remedies available at law or equity, the Town of Hampden, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

5.4 Seizure & Disposal Of Consumer Fireworks. The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

**ARTICLE 6:
EXCEPTIONS**

6.1 Exceptions. This Ordinance does not apply to a person or group of persons exhibiting Display Fireworks producing a visible or audible effect by combustion, including any device containing any explosive fireworks are classed as Explosives, 1.3G and Department of Transportation. Display fireworks in 8 M.R.S.A§221-A. and displayed in accordance with 8 M.R.S.A. §§ 227-A to 237, and any other applicable state or federal law or regulation.

**ARTICLE 7:
SEVERABILITY**

7.1 Severability. In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

DRAFT



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendment, Article 7.1 Definitions
Community Building
DATE: June 4, 2012

Please find attached a copy of the Draft Zoning Ordinance Text Amendment to the definition of Community Building. The purpose of the amendment is to encourage and facilitate the full utilization of buildings that meet the definition of community building.

TOWN OF HAMPDEN
Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

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:

Community building: A building owned by either the municipality RSU22 and/or a non profit organization used for ~~the community's educational and recreational activities such as auditorium, library, historical building, indoor swimming, performing arts, etc~~ either:

1. Community educational, cultural and recreational activities such as an auditorium, library, historical building, indoor swimming, performing arts, etc.
2. Low impact non-residential and residential uses, subordinate to the primary use (community building), located within the existing structure, and requiring no additional lot modifications.

The intent of this definition is to encourage and facilitate the full utilization of buildings that meet the definition of community building.

Community facility: Any land area, structure, building, location, equipment or combination thereof, operated for the purpose of providing public services for the residents of the Town of Hampden by the municipality, Hampden Water District, or local United States Post Office.

(Amended 11-20-00 10-21-02)

Mr. Collins,

I wanted to write to let you know that the Town of Hampden is interested in the GeoLibrary ortho update proposal. Council Committees here currently have it on their radar and are discussing it, in order to plan for the 2014 collect, and are very interested in the program. The Town of Hampden spent over \$38,000 to collect half-foot resolution color imagery in April 2006. With this program, the town could buy-up to the same resolution for a fraction of the price. Imagery is vastly important for a variety of reasons, including keeping up to date on changes throughout the land - the Assessor picking up on decks that were built without a permit, for example. One big thing we have used the imagery for, saving us a LOT of money, is mapping impervious cover and other stormwater structures and features, in order to meet our state stormwater permit requirements. However, landscape features change over time and we need updated imagery in order to keep this information current. The alternative would be to spend a lot of time and money to send someone into the field to collect new features with a GPS. I have also used our imagery to aid our Economic Development Director in creating datasets and maps necessary to see our recent waterfront marina/park deal happen.

As you know, times are tough, and the town would not be able to afford a whole new set of imagery on its own, and finding the resources to send people into the field to collect data is just as difficult. This program is the answer since it is cost-shared by all and we all gain a very valuable product from it. Imagery does NOT magically appear in Google Earth as many think. Google and other companies harvest data from other sources - much of what is seen in Google Earth is in fact an original GeoLibrary Board imagery product from 2003-2004, or imagery (lower resolution) from the National Agricultural Imagery Program. The "copyright 2012" stamp on the bottom of the Google Earth screen is misleading. It's not 2012 imagery - you have to look in the lower left corner to see the actual imagery date.

Attached is a short article written by the town of Rockport assessor, which went out in the latest MMA Today email newsletter. The article describes the program and why Rockport finds it valuable.

In short, this program cannot happen without the support of the County. Please support this program. The Board is also working hard to secure the support from the other two necessary supporters - the state and the federal governments; they are also working hard to inform towns and cities about the program and the buy-up possibilities.

I would be happy to discuss further and/or make presentations at meetings, please let me know. Further information is available here:

<http://www.maine.gov/geolib/orthophotography.htm>

Also, as a matter of full disclosure, and it's obvious from my email signature - I am the Chair of the GeoLibrary Board. The Town has supported me being on the Board since 2006.

Thank you for your time,
Gretchen

Gretchen Heldmann
GIS/IT Specialist, Town of Hampden
GeoLibrary Board - Chair & Municipal Representative
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A heritage discovery
trail for local
inhabitants and
tourists

The enhancement
of a community's
historical identity

The preservation,
transmission and
promotion of local
traditions



VIEW OF AN INSTALLATION IN HALLOWELL, MAINE

THE MUSEUM IN THE STREETS™

Recalling our past

Sharing an international design