



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
MINUTES

MONDAY

MAY 6, 2013

7:00 P.M.

*Attending:*

*Mayor Janet Hughes  
Councilor Thomas Brann  
Councilor David Ryder  
Councilor Bill Shakespeare  
Councilor Carol Duprey*

*Town Manager Susan Lessard  
Town Attorney Thomas Russell  
Town Clerk Denise Hodsdon  
Shelby Wright  
RBMS DI Team Members  
Winterport Winery Representatives  
Jeremy Jones  
Citizens*

*The meeting was called to order by Mayor Hughes at 7:05 p.m.*

**A. CONSENT AGENDA**

*Mayor Hughes requested that Item A.3.b. be set aside. Motion by Councilor Shakespeare, seconded by Councilor Ryder to accept the balance of the Consent Agenda. Unanimous vote in favor.*

1. SIGNATURES

2. SECRETARY'S REPORTS

a. April 1, 2013

3. COMMUNICATIONS

- a. Maine Municipal Association – 2012 Property & Casualty Pool Benefits
- b. Hampden Business Association – Awards Dinner – 5/22/2013 – *Mayor Hughes encouraged everyone to attend the dinner and noted that this year the HBA is honoring Phil and Brenda Badger of Hampden Electrical with its Businessperson of the Year Award. Motion by Councilor Shakespeare, seconded by Councilor Brann to accept Item A.3.b. Unanimous vote in favor.*
- c. Representative Brian Duprey/Council – Governor's Proposed Budget - 4/1/2013
- d. American Red Cross – Thank You
- e. Victualers License Renewals:
  1. McLaughlin's at the Marina
  2. Anglers Restaurant

4. REPORTS

- a. Finance & Administration Committee Minutes – 4/1/2013
- b. Pool Board Minutes – 3/12/2013
- c. Bus Ridership Report
- d. Finance & Administration Committee Minutes – Special Meeting 3/25/13

- e. Infrastructure Committee Minutes – 4/22/2013
- f. Rapid Renewal Reports – January, February & March 2013
- g. Services Committee Minutes – 4/8/2013

**B. PUBLIC COMMENTS** – *There were none.*

**C. POLICY AGENDA**

**1. PUBLIC HEARINGS**

- a. **Application for Liquor License received from Anglers, Inc. d/b/a Anglers Restaurant at 91 Coldbrook Road** – *Mayor Hughes opened the hearing; no one spoke in favor or opposition and there were no general comments or questions; the hearing was closed. Motion by Councilor Brann, seconded by Councilor Shakespeare to approve the liquor license application from Anglers, Inc. Unanimous vote in favor.*

**2. NOMINATIONS – APPOINTMENTS – ELECTIONS** – *There were none.*

**3. UNFINISHED BUSINESS**

- a. **Papermill Park Rehab** – *Jeremy Jones of the Partridge Road is chairing an Ad hoc volunteer group, the Papermill Park Patriots, which has been organized to clean up and revitalize the old Papermill Road recreation area. He noted that the goal is to achieve improvements to the park by use of volunteers and donated materials and services whenever possible in an effort to minimize any impact on the taxpayers. He said volunteers are needed at this time to help pick up trash and debris, gather brush for chipping on the trails and to assist with projects. He encouraged anyone interested in helping out to contact him at [papermillpark@gmail.com](mailto:papermillpark@gmail.com). He pointed out that there are no restroom facilities at the site at this time and that parking is currently limited to the park side shoulder of the road only.*
- b. **Ordinance Authorizing Conveyance of Land Owned by the Town of Hampden – Transfer to Hamlin’s Marina – Introduction for Public Hearing** – *Councilor Brann introduced this item for public hearing.*
- c. **Old Hampden Academy Property – Developer Response\***  
(\*Due to the nature of this item, portions of the discussion may be conducted in Executive Session pursuant to 1 MRSA §405 (6)(C) (Real Estate)) – *This item was discussed in Executive Session and moved to the end of the agenda.*

**4. NEW BUSINESS**

- a. **Public Safety – Request for Matching Grant Reserve Funds for Stalker Dual Radar** – *Motion by Councilor Brann, seconded by Councilor Shakespeare to approve the expenditure of \$995.00 from the*

TOWN OF HAMPDEN

ORDINANCE AUTHORIZING CONVEYANCE OF LAND OWNED BY THE TOWN OF HAMPDEN

RECITALS

Whereas, the Town of Hampden owns land acquired from the City of Bangor by virtue of a deed dated June 23, 1982, recorded in the Penobscot County Registry of Deeds in Book 3314, Page 273 (hereinafter the "Marina Parcel"); and

WHEREAS, Hamlin's Marina, Hampden leases a portion of the Marina Parcel from the Town of Hampden; and

WHEREAS, Hamlin's Marina, Hampden acquired a parcel of land adjacent to the Marina Parcel by deed dated December 27, 2010, recorded in said Registry of Deeds in Book 12366, Page 3 (hereinafter the "Peninsula Parcel"); and

WHEREAS, the Town of Hampden and Hamlin's Marina, Hampden entered into a Land Transfer Agreement dated October 24, 2011, whereby Hamlin's Marina, Hampden agreed to convey the Peninsula Parcel to the Town of Hampden in exchange for the Town conveying a portion of the Marina Parcel to Hamlin's Marina, Hampden; and

WHEREAS, Hamlin's Marina, Hampden conveyed the Peninsula Parcel to the Town of Hampden by deed dated March 29, 2012, recorded in said Registry of Deeds in Book 12772, Page 144; and

WHEREAS, the Town of Hampden has received the necessary governmental approvals to convey the contemplated portion of the Marina Parcel to Hamlin's Marina, Hampden;

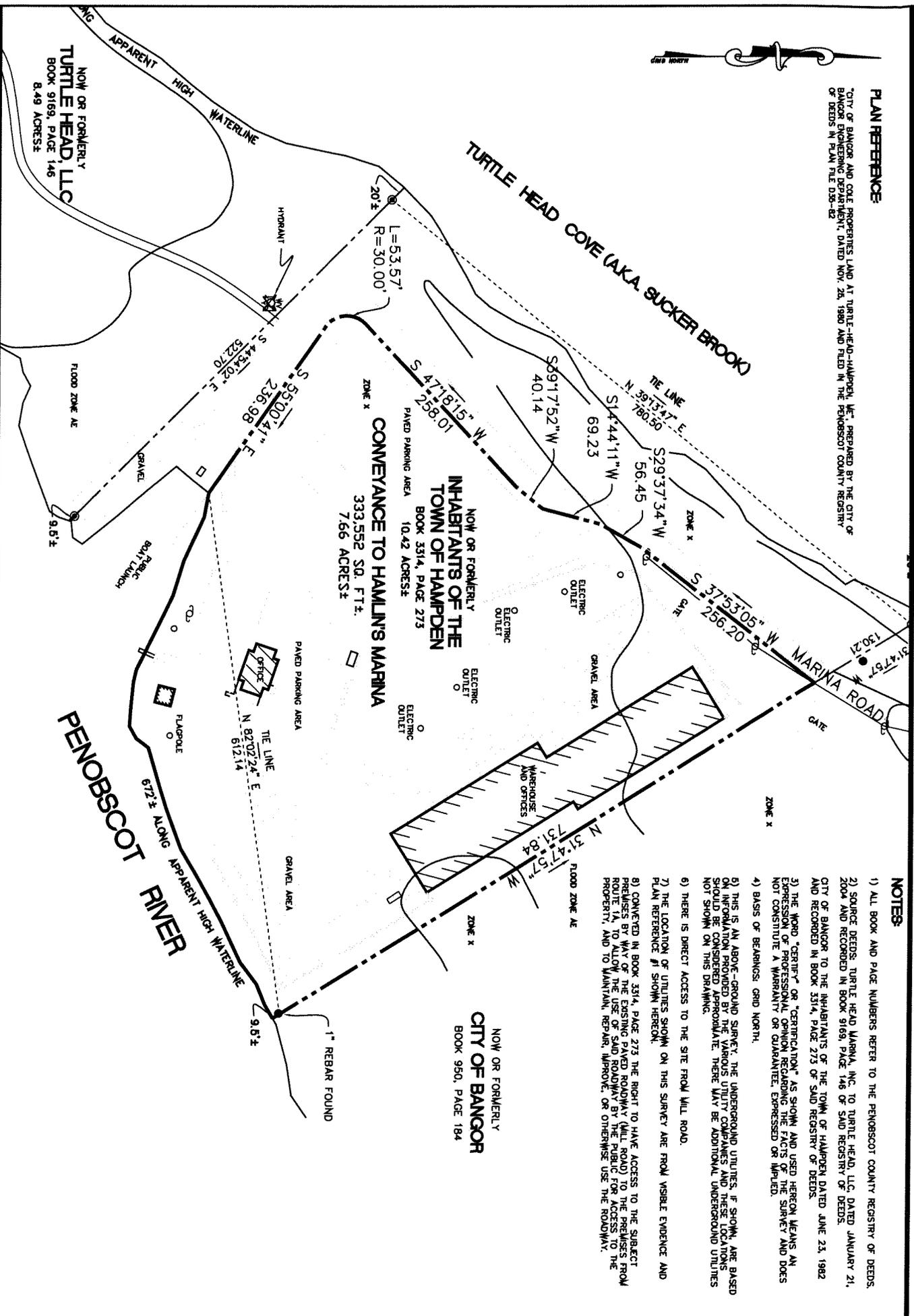
NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS AND IN FURTHERANCE OF THE LAND TRANSFER AGREEMENT, THE TOWN OF HAMPDEN HEREBY ORDAINS:

1. That the Town of Hampden shall convey a portion of the property it acquired from the City of Bangor by deed dated June 23, 1982, recorded in the Penobscot County Registry of Deeds in Book 3314, Page 273, to Hamlin's Marina, Hampden, its successors or assigns, in accordance with the terms and conditions of a Land Transfer Agreement between the parties dated October 24, 2011. The portion of the Marina Parcel to be conveyed being the 7.66 acre parcel depicted on the plan by CES INC, dated October 13, 2011, attached hereto and incorporated herein by reference, along with access and utility easements.
2. That the Town Manager is hereby authorized to execute any and all documents deemed necessary or appropriate to accomplish the transaction contemplated by the Agreement.
3. That the Town Manager is hereby authorized to execute any and all documents deemed necessary or appropriate to terminate the existing lease between the parties, or at the election of Hamlin's Marina, Hampden, to assign it to an entity designated by Hamlin's Marina, Hampden.
4. That this Ordinance shall become applicable upon the date of adoption by the Town Council.

5/6/2013 - Introduced for public hearing.

**PLAN REFERENCE:**

CITY OF BANGOR AND COLE PROPERTIES LAND AT TURTLE-HEAD-HAMPDEN, ME. PREPARED BY THE CITY OF BANGOR ENGINEERING DEPARTMENT, DATED NOV. 28, 1980 AND FILED IN THE PENOBSCOT COUNTY REGISTRY OF DEEDS IN PLAN FILE D39-82



**NOTES:**

- 1) ALL BOOK AND PAGE NUMBERS REFER TO THE PENOBSCOT COUNTY REGISTRY OF DEEDS.
- 2) SOURCE DEEDS: TURTLE HEAD MARINA, INC. TO TURTLE HEAD, LLC DATED JANUARY 21, 2004 AND RECORDED IN BOOK 9169, PAGE 146 OF SAID REGISTRY OF DEEDS.
- 3) CITY OF BANGOR TO THE INHABITANTS OF THE TOWN OF HAMPDEN DATED JUNE 23, 1982 AND RECORDED IN BOOK 3314, PAGE 273 OF SAID REGISTRY OF DEEDS.
- 4) THE WORD "CERTIFICATE" OR "CERTIFICATION" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
- 5) BASIS OF BEARINGS: GRID NORTH.
- 6) THIS IS AN ABOVE-GROUND SURVEY. THE UNDERGROUND UTILITIES, IF SHOWN, ARE BASED ON INFORMATION PROVIDED BY THE VARIOUS UTILITY COMPANIES AND THESE LOCATIONS SHOULD BE CONSIDERED APPROXIMATE. THERE MAY BE ADDITIONAL UNDERGROUND UTILITIES NOT SHOWN ON THIS DRAWING.
- 7) THERE IS DIRECT ACCESS TO THE SITE FROM HILL ROAD.
- 8) THE LOCATION OF UTILITIES SHOWN ON THIS SURVEY ARE FROM VISIBLE EVIDENCE AND PLAN REFERENCE #1 SHOWN HEREON.
- 9) CONVERTED IN BOOK 3314, PAGE 273 THE RIGHT TO HAVE ACCESS TO THE SUBJECT PREMISES BY WAY OF THE EXISTING PAVED ROADWAY (HILL ROAD) TO THE PREMISES FROM ROUTE 1A, TO ALLOW THE USE OF SAID ROADWAY BY THE PUBLIC FOR ACCESS TO THE PROPERTY, AND TO MAINTAIN, REPAIR, IMPROVE, OR OTHERWISE USE THE ROADWAY.

**TOWN OF HAMPDEN TO HAMLIN'S MARINA**  
**TOWN OF HAMPDEN**  
**PROPERTY CONVEYANCE EXHIBIT**

BY:	JAT
DATE:	10-13-2011
REV:	
REV DATE:	

DWG:	1 OF 1
JN:	5479
SCALE:	1"=150'



*Matching Grant Reserve fund for the purpose of purchasing a Stalker dual radar unit. Unanimous vote in favor.*

- b. Reed's Brook Middle School Destination Imagination Team – Request for Funding for Trip to Global Competition** – *This item was moved to the beginning the Policy Agenda following the public hearing. Members of the Reeds Brook Middle School Destination Imagination Team gave a presentation outlining their project for this year's DI challenge. They raised \$448.65 to buy helicopter landing lights and jump kits for Newburgh Rescue. They won the DI State competition and will be going to the Global competition in Knoxville, TN. They are doing several fundraising events to raise funds for the trip and asked if the Town could help in any way. Motion by Councilor Brann, seconded by Councilor Shakespeare to contribute \$200.00 from the Council's General Expense Account. Vote on the motion was 3-2 (Ryder and Duprey); motion carried.*
- c. Winterport Winery – Request for Approval to Sell Bottled Wine & Beer at Hampden Farmers' Market – Doug Winslow** – *This item was also moved up on the agenda following the presentation by the RBMS DI Team. Mike Anderson and Doug Winslow from Winterport Winery informed the Council that they would like to sell their bottled wine and beer at the Hampden Farmers' Market this summer. Their liquor license does allow them to sell these products off-premise, but it does require the permission of the municipality. Motion by Councilor Brann, seconded by Councilor Shakespeare to approve the sale of sealed bottles of wine and beer by Winterport Winery at the Hampden Farmers' Market. Unanimous vote in favor.*
- d. Proposed Zoning Ordinance Text Amendment, Interchange District – Referral to Planning Board** – *Motion by Councilor Brann, seconded by Councilor Ryder to refer this to the Planning Board. Unanimous vote in favor.*
- e. Salt Bid Results – Recommendations of Infrastructure Committee and Finance & Administration Committee** – *Motion by Mayor Hughes, seconded by Councilor Brann to accept the bid of \$57.21/ton from HARCROS. Unanimous vote in favor.*
- f. Paving Bid Results - Recommendations of Infrastructure Committee and Finance & Administration Committee** – *Motion by Councilor Brann, seconded by Councilor Ryder to accept the bid from Vaughn Thibodeau II in the amount of \$69.69/ton for main line paving and \$110.00/ton for hand-place mix. Unanimous vote in favor.*
- g. Arbor Day Proclamation** – *Motion by Councilor Brann, seconded by Councilor Shakespeare to proclaim May 22, 2013 as Arbor Day and to authorize the Mayor to sign the proclamation on behalf of the Town. Unanimous vote in favor.*

C-4-d



**TO:** Mayor Hughes and Hampden Town Council  
**FROM:** Robert Osborne, Town Planner *RO*  
**SUBJECT:** Draft Zoning Ordinance Text Amendment, Interchange District  
**DATE:** April 30, 2013

At a recent Planning and Development Committee meeting there was a unanimous vote to refer this item to the Hampden Planning Board for review and recommendation. The purpose of this draft zoning ordinance text amendment is to allow single family residence as a permitted use on Old Coldbrook Road. Currently there appears to be only single family residential uses active on Old Coldbrook Road. This stems from a request by Linda Avril to reuse their former beauty shop as a single family residence.

5/6/2013 - Referred to Planning Board

**TOWN OF HAMPDEN**  
**Draft**

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

**3.6. Interchange District**

**3.6.1. Purpose** - This district is intended to provide areas for motels, restaurants, service stations and similar uses that provide accommodations for tourists and other travelers using Interstate 95. Residential structures in existence prior to January 1, 1979 may be repaired or modified and accessory structures may be added, provided minimum setback requirements are met.

**3.6.2. Permitted Uses (Subject to Site Plan Review)** – Any retail or service business, hotel, motel, take-out restaurant, small restaurant, sit-down restaurant, automobile and truck service station and repair facility, gift shop, truck terminal, business or professional office, indoor recreation, single family dwelling on Old Coldbrook Road, home occupation (subject to *Article 4.10*), accessory uses or structures, essential services, and wireless telecommunications facilities (subject to *Article 4.22*).  
(Amended: 03-08-99, 05-21-01, 10-01-01, 12-6-04, 03-21-05, 1-17-12).

**3.6.3. Conditional Uses (Subject to Site Plan Review)** - Fast-food restaurant, outdoor dining restaurant, tavern, bar, dance hall, outdoor recreation, stockpiles (subject to *Article 4.9*) not accessory to excavation, gravel pit and quarry activities and buildings necessary for essential services. Any establishment which provides in excess of 5,000 square feet of outdoor display or storage of goods or equipment (Amended: 05-21-01, 12-6-04, 12-17-07, 1-17-12)

**3.6.4. Lot Dimensions**

Minimum Area	-	1 acre
Minimum Road Frontage	-	200 feet
Minimum Setbacks:		
Street Yard	-	30 feet
Side Yard	-	20 feet
Rear Yard	-	20 feet
Maximum Ground Coverage	-	25 percent
Maximum Building Height	-	50 feet

(Amended: 01-19-06)

**3.6.5. Special District Regulations**

1. Fast-food restaurant use shall be located on a lot having a minimum lot size of 1.5 acres, minimum frontage of 200 feet and no part of the vehicle queue shall be located within 100 feet of a residential structure. (Amended: 12-6-04)
2. Sale or consumption of alcoholic beverages is prohibited for outdoor dining restaurant uses in conjunction with take-out restaurants and fast-food restaurants. (Amended: 12-6-04)
3. Outdoor dining areas proposed for outdoor dining restaurant uses shall be clearly delineated on a site plan including barriers required under M.R.S.A. *Title 28-A*. Outdoor dining restaurant uses

proposing outdoor consumption of alcoholic beverages shall comply with M.R.S.A. *Title 28-A: LIQUORS §1051. Licenses generally* which requires that outside areas be controlled by barriers and by signs prohibiting consumption beyond the barriers. *(Amended: 12-6-04)*

4. No bar or dance hall shall be located within 500 feet of a residence. *(Amended: 12-6-04)*
5. Buildings in excess of 35 feet in height shall provide additional setbacks on all yards as herein stipulated: Subtract 35 feet from the proposed building height and add that difference to each yard setback requirement. *(Amended: 01-19-06)*

*EXAMPLE:* A 48 foot tall building is proposed. By subtracting the base Interchange District maximum building height from the proposed height the following is the result  $48' - 35' = 13'$ . Then add that amount to each yard or setback.

Setback Type		Base Setbacks:	Total Setback
Street Yard	-	30 feet	43 feet
Side Yard	-	20 feet	33 feet
Rear Yard	-	20 feet	33 feet

*(Amended: 01-19-06)*

C-4-g

# ARBOR DAY PROCLAMATION

**WHEREAS**, In 1872, Sterling Morton proposed that a special day be set aside for the planting of trees, and

**WHEREAS**, the holiday called Arbor Day, was first observed with the planting of more than a million trees in a single state, and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world, and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**WHEREAS**, trees in Hampden increase property values, enhance the economic vitality of business areas, and beautify our community, and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal.

**THEREFORE, I JANET HUGHES, MAYOR OF THE TOWN OF HAMPDEN, TOGETHER WITH THE HAMPDEN TOWN COUNCIL, DO HEREBY PROCLAIM MAY 22, 2013 AS**

## ARBOR DAY

**IN THE TOWN OF HAMPDEN, AND WE URGE ALL CITIZENS TO SUPPORT THE EFFORTS TO PROTECT OUR TREES AND WOODLANDS, and**

**FURTHER, We urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.**

**DATED** this 6th day of May in the year 2013.

Mayor \_\_\_\_\_

- h. **Sewer Commitment – 1/1/2013 to 3/31/2013** – *Motion by Councilor Brann, seconded by Councilor Shakespeare to approve and sign the Certificate of Sewer Commitment. Unanimous vote in favor.*
- i. **Water District Trustee Resignation** – *Motion by Councilor Brann, seconded by Councilor Ryder to accept the resignation of Donald Darling from the Hampden Water District Board of Trustees. Under the terms of the Water District's Charter, in the event of a vacancy on the Board of Trustees the Town Council is required to appoint a replacement to fill the unexpired term. Motion by Councilor Brann, seconded by Councilor Shakespeare to refer this to the Infrastructure Committee to initiate the process of finding a replacement to fill the vacancy. Unanimous vote in favor.*
- j. **Councilor Resignation** – *This item was moved up on the agenda following the Winterport Winery request. Councilor Shelby Wright has moved to Newburgh and therefore submitted her resignation from the Town Council effective May 6, 2013. Motion by Councilor Shakespeare, seconded by Councilor Brann to regrettably accept Shelby Wright's resignation. Unanimous vote in favor. Mayor Hughes thanked Shelby for her service and presented her with an engraved clock from the Council.*

**D. COMMITTEE REPORTS**

**Planning & Development Committee** – *the next meeting will be at 6:00 pm on May 15<sup>th</sup>.*

**Services Committee** – *Committee Chair Lawlis was absent so no report was given.*

**Infrastructure Committee** – *Former Councilor Wright was Chair of this committee so no report was given. It was noted that the Mayor will need to amend committee assignments due to Shelby's resignation.*

**Finance & Administration Committee** – *Mayor Hughes reported that the committee met earlier and discussed proposed amendments to the Council portions of the Town Charter.*

- E. MANAGER'S REPORT** – *A copy of the Manager's Report is attached and made a part of the minutes. Manager Lessard pointed out that there is a conflict with the Budget meeting scheduled for May 22<sup>nd</sup>, which is the same evening as the HBA Awards Dinner and that some members of the Council would be attending the dinner. The Budget meeting was re-scheduled for Thursday, May 23<sup>rd</sup> at 6:00 pm.*

**F. COUNCILORS' COMMENTS**

**Councilor Brann** *commented that the Town currently has restroom facilities at Dorothea Dix Park and at all baseball/softball/soccer fields and he recommended putting one at the Papermill Park area. This will be included on the agenda for the next Services Committee meeting.*

**Mayor Hughes** *noted that the purpose of Arbor Day is to identify a holiday which was first observed in 1872 with the planting of more than a million trees in a single state.*

## MANAGER'S REPORT

May 6, 2013

PVRDD Settlement – I am pleased to report that the Eastern Maine Development Corporation has turned over the disputed funds to the Penobscot Refuse Disposal District. These monies will be distributed to the 28 member communities that originally contributed to that organization.

Spring Spectacular – The Spring Spectacular put on by the Recreation Department at the Skehan Center on Saturday, May 4<sup>th</sup> was a success. It was a well-attended event for the first year. Appreciation goes to Kids Korner Director Jill McLaughlin and her staff as well as Shelley Abbot, Assistant Rec Director and Kurt Mathies, Rec Director. This event highlights some of the possibilities for use of the center.

Stream Cleanup – Many thanks go to the more than 30 volunteers who helped with the Hampden Streamside Cleanup on Saturday, May 4<sup>th</sup>. The areas cleaned up included Marina Road, Coldbrook Road from Main Road North to Route 202, the school campus from Reed's Brook to the new Academy, the back of Irving, the Kiwanis Property, and the VFW baseball fields, Western Avenue from the Town Office to the Pool, the last block of Sunset Avenue, Mecaw Road, and the Hampden Business Park. A thank-you barbecue was hosted by the Town following the clean-up. Thanks also to Town Planner Bob Osborne who coordinated and participated in the event.

Budget – Budget meetings start next Monday with public safety, police and fire. You will have the entire budget in hand by Thursday of this week. Suffice it to say – this is the most challenging one in years!

Tree City USA – The Town of Hampden has received Tree City USA status again for the 6<sup>th</sup> year. The award ceremony will be in Auburn on May 20<sup>th</sup>. Gretchen Heldmann will be attending on behalf of the Town.

Channel 7 Live Broadcast – On July 11<sup>th</sup>, Channel 7 news will be broadcasting live from Hampden. They will be doing the telecast from the Skehan Center. This offers the opportunity for more advertisement of the use of the facility as a community center.

- G. EXECUTIVE SESSION** – *Motion by Councilor Shakespeare, seconded by Councilor Brann to enter Executive Session pursuant to 1 MRSA §405 (6)(C) to discuss a real estate matter and to include the Council, Town Manager, Town Attorney and the Developer. Unanimous vote in favor. Motion by Councilor Brann, seconded by Councilor Duprey to re-enter regular session. Unanimous vote in favor.*
- H. ADJOURNMENT** – *The meeting was adjourned at 10:15 p.m.*

*Denise Hodsdon  
Town clerk*