



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY

JULY 15, 2013

7:00 P.M.

Attending:

*Mayor Janet Hughes
Councilor Tom Brann
Councilor David Ryder
Councilor Jean Lawlis
Councilor Bill Shakespeare
Councilor Carol Duprey*

*Town Manager Susan Lessard
Town Attorney Thomas Russell
Town Clerk Denise Hodsdon
Town Planner Bob Osborne
Economic Dev. Director Dean Bennett
Recreation Director Kurt Mathies
A Member of the Press
Citizens*

The meeting was called to order by Mayor Hughes at 7:08 pm.

A. CONSENT AGENDA – *Motion by Councilor Lawlis, seconded by Councilor Shakespeare to accept the Consent Agenda. Unanimous vote in favor.*

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. June 3, 2013
- b. July 1, 2013

3. COMMUNICATIONS

- a. Reeds Brook Middle School DI Team – Thank You

4. REPORTS

- a. Infrastructure Committee Minutes – Special Meeting – 7/1/2013
- b. Finance & Administration Committee Minutes – 7/1/2013

B. PUBLIC COMMENTS – *There were none.*

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. Ordinance Authorizing Conveyance of Land owned by the Town of Hampden (Old Hampden Academy Property) – *Mayor Hughes*

moved this item to the end of Public Hearings and asked that Item C.3.d be discussed before this hearing. There was no objection to the change in order. Following discussion of Item C.3.d., Mayor Hughes opened the public hearing at 8:55 p.m.

Proponents: Alex King of 75 Ichabod Lane said he was originally against the Town taking possession of the property. That hasn't changed as he does not think the Town should be in the position to develop property. He feels that the ordinances are there to protect what the property is used for. He is for the sale of the property and feels that there needs to be further discussion on how much the Town wants to spend on the Recreation Department in whole.

Terry McAvoy of 59 Monroe Road said he is for the sale and agrees that the Town should not be in the development business. He noted that by selling the property, the avoided costs would be a good start on a new recreation facility and he would like to think that the Council could accomplish something in 6 years. He doesn't think the Town needs a building like the Skehan Center, but this gives time to determine what the Town does need. He said get rid of the property and sell it to the private entity that wishes to take it over and pay taxes of some sort.

Tom Channel, Pastor of the Apostolic Church said in looking at the proposal, he sees a 6-year lease with free utilities for the rec center for up to 18 months and the property will generate tax revenue for the Town. He sees a tried and true developer willing to assume responsibility for the removal of contaminants and feels that this would be a wise choice and encouraged the sale.

No one spoke in opposition and there were no general questions or comments.

Mayor Hughes and Councilor Brann noted that this is the first time that these documents have been available for public review and comment and suggested that the Council keep the public hearing open and postpone any action until the next meeting.

Motion by Councilor Brann, seconded by Councilor Lawlis to keep the public hearing open and continue it at the next meeting. Vote on the motion was 5-1 (Ryder); motion carried.

Motion by Councilor Brann, seconded by Councilor Lawlis to postpone the decision on this agenda item and the Purchase & Sale Agreement and Lease Agreement until the next meeting. Vote on the motion was 5-1 (Ryder); motion carried.

- b. Ordinance Authorizing Appropriation and Borrowing of Funds to Finance Various Sewer Projects through the Issuance of General Obligation Bonds or Notes of the Town of Hampden which may be Callable in the Principal Amount not to Exceed \$902,050 –**
Manager Lessard explained that the purpose of this project is to rebuild the pump stations on Route 202 and on the Mayo Road and to make necessary repairs to the sewer line from the intersection of Routes 1A and 9 to the bottom of the water works hill. She noted that this was

originally going to be a joint project with the Water District, but due to favorable construction prices at the present time, the Water District is moving ahead with their project during this construction season. Mayor Hughes opened the public hearing. No one spoke in favor or opposition and there were no general questions or comments. The hearing was closed. Motion by Councilor Shakespeare, seconded by Councilor Brann to approve the Ordinance authorizing appropriation and borrowing of funds to finance various sewer projects through the issuance of general obligation bonds or notes of the Town of Hampden which may be callable in the principal amount not to exceed \$902,050 and to send to referendum. Unanimous vote in favor.

- c. Zoning Ordinance Text Amendment – Article 3.6.2 Interchange District – to add Single Family Dwelling to the Permitted Uses in the District** – *Town Planner Bob Osborne explained that the purpose of this amendment is to add single family dwelling as a permitted use in the area of the Interchange District that is located on Old Coldbrook Road. He reported that the Planning Board returned an “ought to pass” recommendation. Mayor Hughes opened the public hearing at 7:22 pm.*

Proponents: *Bob Averill of Bangor is the owner of property at 12 Old Coldbrook Road which was most recently used for a day spa business. He explained that the business was closed and the property has been on the market for a couple of years but there has been no interest in it. He and his wife would now like to make renovations to the property and make it their primary residence.*

Opponents: *Kathy Walker of 5 Old Coldbrook Road had submitted a letter to the Council (copy attached) and she wanted to make it clear that her opposition to the amendment is not about the Averills or housing in Hampden; it is about the integrity of the Zoning Ordinance. She stated that we have zoning in Town so that those who live in a particular zone know what is allowed and what is not. She noted that the intent of the interchange zone was to attract businesses with the understanding that all the houses on the Old Coldbrook would eventually be gone. She hoped there would be some way to accommodate this request without going overboard and she proposed that single family dwelling be allowed as a conditional use instead of a permitted use. She hoped the Council would consider some alternatives.*

General Questions/Comments: *Bob Averill said it was his understanding that in the past, the Town has allowed residential in commercially zoned areas and he does not think it is that far a stretch to allow it in the Interchange District.*

Kathy Walker added that the lot in question is a non-conforming use at the present time. The Interchange District requires 1 acre of minimum lot size and this is only .85 acres. She questioned if we would now allow this as a non-conforming residential use? She feels it is not okay to allow one non-conforming use to become another non-conforming

use.

The hearing was closed at 7:31 p.m.

Councilor Shakespeare recused himself from any discussion of this matter because he personally knows both Bob Averill and Kathy Walker. There was no objection from the Council.

For purposes of discussion, Councilor Lawlis moved and Councilor Brann seconded to recommend adoption of the Zoning Ordinance amendment for the Interchange District to add single family dwelling as a permitted use in the district.

During discussion, Councilor Brann said he understands Kathy Walker's concerns and rather than opening the whole zone up to residential properties, he thought a better way to handle this would be to amend Section 3.6.1 by striking the word "Residential" from the third line and adding "Single family dwellings" in its place. Attorney Russell advised that the Council would have to defeat this amendment and start the process over again. Attorney Russell further advised that this is not currently a non-conforming use; it is a non-conformity because the lot is too small, but the use is not a non-conformity. He explained no matter what the use is, that lot existed prior to adoption of the ordinance so it can be developed for that purpose. Councilor Lawlis and Councilor Brann withdrew the motion.

Councilor Brann moved to send this back to the Planning & Development Committee for rapid re-wording of the ordinance and going back through the process; Councilor Lawlis seconded the motion. During discussion, Attorney Russell suggested that Section 3.6.2 could be amended by keeping the same language as proposed but add "in existing principle structures" after "single family dwelling". He advised that this would be making it less restrictive so the Council could make that amendment without going back through the process. Councilor Brann and Councilor Lawlis withdrew the motion to send it back to the Planning & Development Committee. Councilor Brann then moved to amend the proposed language in Article 3.6.2 to read "single family dwelling in existing principle structures on Old Coldbrook Road". Councilor Lawlis seconded the motion and vote was 5-0-1

(Shakespeare recused)

Motion by Councilor Brann, seconded by Councilor Lawlis to adopt the Zoning Ordinance text amendment as amended. Vote was 5-0-1

(Shakespeare recused)

- d. General Assistance Ordinance – Adoption of revised Appendix A to be effective July 1, 2013 to June 30, 2014; and Adoption of Revised Appendices B through E to take effect October 1, 2013 to September 30, 2014** – Mayor Hughes opened the public hearing. No one spoke in favor or opposition and there were no general questions or comments. The hearing was closed.

Motion by Councilor Brann, seconded by Councilor Shakespeare to adopt the revised appendices as submitted. Unanimous vote in favor.

C-1-b

TOWN OF HAMPDEN

ORDINANCE AUTHORIZING APPROPRIATION AND BORROWING OF FUNDS TO FINANCE VARIOUS SEWER PROJECTS, INCLUDING THE CONSTRUCTION, RECONSTRUCTION, REPLACEMENT OR REPAIR OF SEWER LINES, MANHOLES, PUMP STATIONS, APPURTENANCES, STORMWATER SEPARATION FACILITIES AND OTHER INFRASTRUCTURE IMPROVEMENTS TO THE TOWN OF HAMPDEN SEWER SYSTEM THROUGH ISSUANCE OF GENERAL OBLIGATION BONDS OR NOTES OF THE TOWN OF HAMPDEN WHICH MAY BE CALLABLE IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$902,050.

The Town of Hampden hereby ordains as follows:

Section 1. That pursuant to Section 5772 of Title 30-A, Maine Revised Statutes, as amended, the Charter of the Town and any other applicable authority under Maine law, the Town of Hampden is hereby authorized to borrow a principal amount not to exceed Nine Hundred Two Thousand Fifty Dollars (\$902,050), said amount to be payable over a period not to exceed thirty (30) years, less the term of the Note described below, at such interest rates and on such further terms and conditions as may be approved by the Treasurer and a majority of the Town Council, the proceeds of said loan to be used substantially for various sewer projects, including the construction, reconstruction, replacement or repair of sewer lines, manholes, pump stations, appurtenances, stormwater separation facilities and other infrastructure improvements to the Town of Hampden Sewer System (the "Project"), said loan to be evidenced by the General Obligation Bond or Bonds of the Town to be executed and delivered on behalf of the Town by the Town Treasurer and countersigned by a majority at least of the Town Council (the "Bond") in a principal amount not to exceed \$902,050 in the aggregate. The Bond may be subject to call for redemption as determined by the Town Treasurer and majority of the Town Council.

Section 2. That in anticipation of the receipt of the Bond proceeds for the Project, pursuant to the Charter of the Town and Section 5772 of Title 30-A of the Maine Revised Statutes, as amended, and any other applicable authority under the laws of the State of Maine, the Town of Hampden is hereby authorized to borrow from a lending institution approved by the Town Treasurer and a majority at least of the Town Council a principal amount not to exceed Nine Hundred Two Thousand Fifty Dollars (\$902,050) and in evidence thereof to execute and deliver one or more General Obligation Bond Anticipation Notes (the "Note") of the Town for a period not to exceed one year and to bear interest at such rate and said Note to be subject to such further terms and conditions as the Town Treasurer and a majority at least of the Town Council shall approve, and said Note, together with interest thereon, to be a general obligation of the Town, and intended to be repaid from the Bond, said Note to be executed and delivered on behalf of the Town by the Town Treasurer and countersigned by a majority at least of the Town Council, and such Note may be refunded from time to time for a period not to exceed an

7/1/2013 - Introduced for public hearing
7/15/2013 - Adopted by Council & sent to Referendum

aggregate of three years, with proceeds to be used to provide temporary funds to accomplish the Project.

Section 3. That the Town Treasurer, Mayor or other officers designated by the Town Council be and each of them hereby is authorized to execute such documents and do all things necessary or convenient in order to issue the Bond or Note or any part authorized to execute and deliver such loan applications as may be necessary or appropriate to the Maine Municipal Bond Bank, or other lender. The Treasurer, Mayor, or other officers designated by the Town Council are further authorized to execute any and all loan agreements or resolutions required by Maine Municipal Bond Bank or other lender as may be selected by the Town Treasurer and approved by a majority at least of the Councilors, in such form as may be required by each lender.

Section 4. That the Town Clerk shall distribute a copy of this ordinance to each Council member and to the Town Manager, and shall file a reasonable number of copies of this ordinance in the office of the Town Clerk and shall post a copy of this ordinance together with a Notice of Public Hearing at the following public places: Municipal Building, Post Office, Dyer Library, Hampden Transfer Station, McK's Variety, Pizza Gourmet and R & K Variety, as well as such other places as may be directed by the Town Manager.

Section 5. That a Public Hearing be held at 7:00 p.m. in the Hampden Municipal Building in Hampden, Maine on July 15, 2013, for the purpose of taking testimony and comments from the public with respect to the proposed issuance of the Bond, and that notice of the public hearing be given by the Town Clerk by publishing a summary of this ordinance and a place where copies of the complete ordinance have been filed and times available for inspection in the Bangor Daily News on or before July 6, 2013, together with a notice setting forth the time and place for the public hearing, and for the consideration of the proposed ordinance by the Town Council at a meeting to be held on July 15, 2013, immediately following the public hearing.

Section 6. That all actions heretofore taken by the Town Council of the Town of Hampden relating to the selling of the Town's General Obligation Bond and Note authorized hereby be and they hereby are ratified, approved and confirmed.

Section 7. That pursuant to the requirements of the Internal Revenue Code of 1986, as amended, the Town designates the Bond and the Note to be "qualified tax exempt obligations" of the Town.

Section 8. That the Town shall take any and all actions required under the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status of the interest on the Notes and Bonds, and to maintain the status of the Bond and the Note as "qualified tax exempt obligations" of the Town; and that in connection with the Notes and the Bonds, the Town Treasurer shall be authorized to execute and deliver on behalf of the Town one or more such Arbitrage and Use of Proceeds Certificates in form approved by the Town's bond counsel, and to covenant on behalf of Town to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds and Notes; and that the Notes and the Bonds may be subject to such further terms and conditions as may be agreed to by a majority at least of the Councilors and the Treasurer of the Town to carry into effect the full intent of this ordinance.

Section 9. That the Town Council is hereby authorized to retain bond counsel for the Town to advise the Town with respect to the issuance and sale of the Bond and the Note, and to prepare documents and render opinions as may be necessary or convenient for that purpose.

Section 10. That the Town Council and officials of the Town are hereby authorized to execute all documents and certificates, and to take all action, including affixing the seal of the Town, as may be necessary or convenient to carry out the full intent of this ordinance, and to accomplish the Project and issue the Bond and the Note, including approval and signing of contracts and other agreements obligating the Town.

Section 11. That pursuant to Section 902 of the Town Charter, this ordinance shall go into effect only upon approval by the voters of the Town of Hampden. Be it further ordained that a referendum of the Town of Hampden be held to decide this question on November _____, 2013, on the ballot question pursuant to the Town Charter and the laws of Maine. The ballot question shall be substantially as follows:

TOWN OF HAMPDEN
BALLOT QUESTION NO. 1

Ordinance authorizing appropriation and borrowing of funds to finance various sewer projects, including the construction, reconstruction, replacement or repair of sewer lines, manholes, pump stations, appurtenances, stormwater separation facilities and other infrastructure improvements to the Town of Hampden Sewer System through issuance of general obligation bonds or notes of the Town of Hampden which may be callable in the principal amount not to exceed \$902,050.

Shall the above described ordinance be adopted and the municipal officers have the authority to issue general obligation bonds or notes of the Town and accomplish the Project as described above and in the ordinance?

Yes

No

Financial Statement
TOWN OF HAMPDEN

1. Total Town Indebtedness

- A. Bonds outstanding and unpaid: \$ 9,144,126.00
 - B. Bonds authorized and unissued: \$ 0.00
 - C. Bonds to be issued if this question is approved: \$ 902,050.00
- TOTAL: \$ 10,046,176.00

2. Costs

At an estimated maximum interest rate of 4.5 %, the estimated costs of this bond issue will be: 1,504,166.00 (25) Years Twenty-five

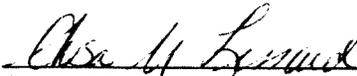
Principal: \$ 902,050.00

Interest: \$ 602,116.00

Total Debt Service: \$ 1,504,166.00

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service or the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.



Susan M. Lessard
Treasurer, Town of Hampden

C-1-C



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Zoning Ordinance Text Amendment Article 3.6.2 Interchange District
DATE: June 25, 2013

At the June 12, 2013 meeting of the Hampden Planning Board a public hearing was held on the subject draft amendment which the Council referred to the Board at your May 6, 2013 meeting.

No one spoke in favor of the amendment although Mr. Averill was there in support of the amendment. Kathy Walker spoke against the proposed amendment to add single family dwelling to the permitted uses of the Interchange District.

After some discussion the Planning Board made and seconded an "ought to pass" recommendation which received six in favor and one against.

The draft Planning Board Minutes of the meeting are attached.

7/1/2013 - Introduced for Public Hearing
7/15/2013 - Adopted by Council

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)

**TOWN OF HAMPDEN
PLANNING BOARD
DRAFT MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, June 12, 2013 at the Hampden Municipal Building Council Chambers by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Michael Avery, Mort Syversen, Eugene Weldon, Peter Frazier, Kelley Wiltbank and Associate Member Jim Davitt.

Also in attendance: Town Planner Robert Osborne and applicants for tonight's meeting.

1. APPROVAL OF MINUTES (May 8, 2013)

Member Syversen made a motion to approve the minutes as written this was seconded by Member Avery. The vote was unanimous in favor of the motion.

2. NEW BUSINESS

A. Zoning Ordinance Text Amendment – Town of Hampden requests amendment to Article 3.6.2 Interchange District Permitted Uses to add single family dwelling on Old Coldbrook Road to the list of permitted uses in the district. – Public Hearing and Recommendation to Town Council.

Chairman Weatherbee asked if this item had been noticed, Mr. Osborne replied that it had been public noticed.

Chairman Weatherbee opened the public hearing asking for anyone wishing to speak in favor of the application, anyone with general questions or comments then anyone wishing to speak in opposition of the application.

Kathy Walker, 5 Old Coldbrook Road, spoke in opposition of the proposed text amendment, to permit single family dwellings on the Old Coldbrook Road in the Interchange District. She stated that the history of the street was that there were six houses there when she first moved there and four of them were subsequently became dilapidated as rentals and were burned down by the fire department after the houses were vacated. She does not want any more trashed and burned houses in the neighborhood.

Ms. Walker expressed some relief that she had spoken to Bob Averill who was also in attendance at this meeting, he is the owner of the former beauty shop and that he intends to convert the building to a single family residence for his family's use as an owner occupied residence.

Ms. Walker questioned why the town would want a residential pod surrounded by industrial uses. She questioned what does this change mean for the surrounding vacant properties? She indicated that the Averill property was constructed by Downeast Associates and has never been a residence although it may have been designed and constructed with the thought that it might be re-used as a house.

Ms. Walker questioned if the town might make the use conditional in a fashion where the town could assess how it had worked out?

Ms. Walker expressed concern for many houses to be built and more rentals to be trashed and burned. She questioned where this fits into the comprehensive plan.

Bob Osborne, town planner, spoke about the text amendment. This draft zoning text amendment which was referred to the Planning Board comes from the Council Planning and Development Committee. The town had received a written request to consider allowing the Averill property to be used as a single family residence. The text amendment limits the area of impact to Old Coldbrook Road (approximately 900 feet in length). He noted that many of the commercial districts in the Town of Hampden contemplate single family residential uses (including Commercial Service, Business, Rural Business, Village Commercial and Village Commercial II Districts however the Interchange and Business B Districts do not). The lot area and frontage requirements of any newly created lots would as stated in the Interchange District (lot area 1 acre and 200 feet of street frontage). Staff recommends that the Planning Board return this item to the Town Council with an "ought to pass" recommendation.

Member Frazier asked Mrs. Walker what the major concern was with having single family dwelling in the Interchange Zone.

Mrs. Walker stated that Dysart's and Bouchard's owned several of the houses that had been rentals, then eventually burned down by the fire department due to the poor condition of the dwelling. She stated that it is more fitting to the comprehensive plan that the Coldbrook and Old Coldbrook Road be developed for service industry, not single family dwellings.

Member Weldon stated his understanding of the concerns voiced after living on the Coldbrook Road corridor.

Member Avery made a motion that this is consistent with other zones and an "ought to pass" recommendation be sent back to Town Council, this motion was seconded by Member Syversen. The vote was six in favor of the "ought to pass" recommendation to Town Council and one against the motion. (Member Weldon voted no)

Chairman Weatherbee requested that the Town Planner's memo to be made part of the public record.

3. STAFF REPORT

Bob Osborne has nothing to report.

4. BOARD MEMBER CONCERNS

5. ADJOURNMENT

Meeting was adjourned at 7:35 p.m.

MEMORANDUM

TO: Town of Hampden Planning Board
FROM: Robert C. Osborne, Town Planner
RE: 7:00 PM, Wednesday, June 12, 2013, Planning Board Agenda
DATE: June 5, 2013

2. NEW BUSINESS

A. Zoning Ordinance Text Amendment – Town of Hampden requests amendment to Article 3.6.2 Interchange District Permitted Uses to add single family dwelling on Old Coldbrook Road to that list of permitted uses in the district - Public Hearing and Recommendation to Town Council

Overview. This item was referred to the Board by the Town Council. As you may be aware Old Coldbrook Road is a short stretch of Coldbrook Road that was realigned when the interstate was constructed. The only current uses on Old Coldbrook Road are single family dwellings. The amendment came to the Council from the landowner of the former Aphrodite and Adonis Beauty Shop who wish to convert this building to a residence which it probably was back in the day but not in recent years. The effect of the amendment which simply adds single family dwelling the list of permitted uses on this short street is of very little impact.

Recommendation. Staff recommends that the Planning Board return this item to the Town Council with an "ought-to-pass" recommendation.

Linda and Robert Averill

100 Sanford Street

Bangor, Me 04401

Hampden Town Council

Town of Hampden

106 Western Ave.

Hampden, Me 04444

Re: Old Coldbrook Road proposed zoning amendment

Councilors,

In November of 2006 we purchased the property on 12 Old Coldbrook Road from the Postal Union. At that time the Union had it on the market for a couple of years. My wife and I saw the potential in the property for a business she wanted to open. After almost a year of remodeling and updating the building and property we opened the business as a day spa. Despite advertising thru all medias available there was no customer traffic and after two years we had to close the business. The property has been on the market since then for both sale and rental but with no success.

We would now like to make this our primary residence which can only happen if the Council accepts the recommendations of the Planning and Development Committee and Planning Board to allow residential on this short section of road. Mortgage, utilities, insurance, and taxes are ongoing with the vacant building and we see no long term prospect of selling or renting it. We feel if there is activity in the Interchange District it will be at first along Coldbrook Road where there is better exposure, a wider road, and a better possibility of future water and sewer access.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Robert Averill". The signature is written in a cursive style with a large, prominent "R" and "A".

Robert Averill

Kathy W. Walker
5 Old Coldbrook Road
Hampden, ME 04444

Hampden Town Council
Town of Hampden
106 Western Avenue
Hampden, ME 04444

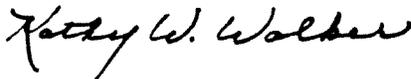
Dear Councilors:

The Hampden Planning Board voted on June 12, 2013 to amend Article 3.6.2 of the town Zoning Ordinance to allow single family dwellings on the Old Coldbrook Road as a permitted use in the Interchange District. The reason for the amendment is to allow the owner of a building that has been the site of many businesses since the mid-sixties to convert this building into a home. I have lived on the Old Coldbrook Road for over forty years and spoke in opposition to the amendment for the following reasons:

- The road now consists of mostly vacant lots. In recent years, the homes previously located on these lots were rented, were trashed by the occupants and were eventually demolished. Only three structures remain on the road. Two remaining structures are homes and the third structure is the business building. The Ordinance amendment does not appear to honor the intent of the comprehensive plan or the interchange zone because it potentially allows new houses to be built in an area of Hampden zoned specifically to encourage business development.
- Lot size is a concern because of the vacant properties on the road. I was told at the public hearing that a one acre minimum lot size would be required for single family dwellings with two hundred feet minimum road frontage. The lot in question at 12 Old Coldbrook Road is only 37,000 square feet in size.
- This amendment adds a new use to the list of permitted uses in the Interchange District. The new use of "single family dwelling", however, is not defined in the amendment. Although I don't support any part of the amendment, I certainly do not want mobile housing units moved into the vacant lots beside my home but there is nothing in the amendment to preclude this from occurring.

The track record of single family dwellings located on the Old Coldbrook road has not been a good one in recent years, especially compared to the businesses that have occupied 12 Old Coldbrook Road. I do not want to encourage any new homes in this area and do not believe it is in the best interest of the Town to do so. Thank you for your careful consideration of this amendment.

Sincerely,



Kathy W. Walker

**GENERAL ASSISTANCE ORDINANCE
APPENDICES A
2013-2014**

C-1-d

The Municipality of _____ adopts the MMA Model Ordinance GA Appendices A for the period of July 1, 2013 ▪ June 30, 2014. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) _____ (year) by the municipal officers:

| | |
|--------------|-------------|
| _____ | _____ |
| (Print Name) | (Signature) |
| _____ | _____ |
| (Print Name) | (Signature) |
| _____ | _____ |
| (Print Name) | (Signature) |
| _____ | _____ |
| (Print Name) | (Signature) |
| _____ | _____ |
| (Print Name) | (Signature) |
| _____ | _____ |
| (Print Name) | (Signature) |

7/15/2013 Adopted by Council

GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendix A* are effective from **July 1, 2013 to June 30, 2014**. The maximums found in *Appendices B, C, D, E, and F* are effective from **October 1, 2013 to September 30, 2014**.

APPENDIX A - OVERALL MAXIMUMS

| <u>County</u> | <u>Persons in Household</u> | | | | | |
|---------------|-----------------------------|----------|----------|----------|----------|----------|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| | \$579 | \$669 | \$845 | \$1061 | \$1223 | |

NOTE: For each additional person add \$68 per month.

(The applicable figures from Appendix A, *once adopted*, should be inserted here.)

GENERAL ASSISTANCE ORDINANCE
APPENDICES B - E
2013-2014

The Municipality of _____ adopts the MMA Model Ordinance GA Appendices B - E for the period of October 1, 2013 ▪ September 30, 2014. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) _____ (year)
by the municipal officers:

(Print Name)

(Signature)

Appendix B

Effective: 10/01/13 to 09/30/14

Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through October 1, 2013, those amounts are:

| Number in Household | Weekly Maximum | Monthly Maximum |
|---------------------|----------------|-----------------|
| 1 | 46.51 | 200 |
| 2 | 85.35 | 367 |
| 3 | 122.33 | 526 |
| 4 | 155.35 | 668 |
| 5 | 184.42 | 793 |
| 6 | 221.40 | 952 |
| 7 | 244.65 | 1,052 |
| 8 | 279.53 | 1,202 |

Note: For each additional person add \$150 per month.

Appendix C

Effective: 10/01/13-10/01/14

GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should **ONLY consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

| <u>Aroostook County</u> | | <u>Unheated</u> | | <u>Heated</u> | |
|-------------------------|--------|-----------------|--------|---------------|---------|
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 82 | 353 | 106 | 455 | |
| 1 | 82 | 353 | 107 | 460 | |
| 2 | 93 | 401 | 130 | 558 | |
| 3 | 120 | 514 | 166 | 714 | |
| 4 | 124 | 535 | 181 | 777 | |
| Franklin County | | | | | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 95 | 408 | 117 | 505 | |
| 1 | 97 | 418 | 121 | 520 | |
| 2 | 114 | 491 | 144 | 620 | |
| 3 | 135 | 579 | 181 | 779 | |
| 4 | 206 | 887 | 263 | 1,129 | |
| Hancock County | | | | | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 105 | 451 | 124 | 533 | |
| 1 | 117 | 503 | 140 | 602 | |
| 2 | 145 | 622 | 180 | 775 | |
| 3 | 197 | 845 | 240 | 1,031 | |
| 4 | 197 | 845 | 241 | 1,035 | |
| Kennebec County | | | | | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 83 | 359 | 106 | 454 | |
| 1 | 94 | 404 | 123 | 527 | |
| 2 | 123 | 529 | 159 | 682 | |
| 3 | 159 | 685 | 200 | 862 | |
| 4 | 159 | 682 | 212 | 911 | |

Appendix C

Effective: 10/01/13-10/01/14

Non-Metropolitan FMR Areas

| <u>Knox County</u> | | <u>Unheated</u> | | <u>Heated</u> | |
|----------------------------------|--------|------------------------|--------|----------------------|---------|
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 128 | 552 | 150 | 647 | |
| 1 | 128 | 552 | 150 | 643 | |
| 2 | 150 | 645 | 186 | 798 | |
| 3 | 197 | 846 | 240 | 1,032 | |
| 4 | 209 | 899 | 252 | 1,083 | |
| <u>Lincoln County</u> | | | | | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 119 | 513 | 132 | 568 | |
| 1 | 124 | 535 | 145 | 622 | |
| 2 | 159 | 684 | 195 | 837 | |
| 3 | 200 | 862 | 244 | 1,048 | |
| 4 | 207 | 889 | 260 | 1,118 | |
| <u>Oxford County</u> | | | | | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 89 | 382 | 114 | 490 | |
| 1 | 101 | 434 | 120 | 516 | |
| 2 | 113 | 487 | 153 | 657 | |
| 3 | 161 | 693 | 209 | 900 | |
| 4 | 216 | 928 | 274 | 1,179 | |
| <u>Piscataquis County</u> | | | | | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 96 | 413 | 111 | 479 | |
| 1 | 103 | 441 | 125 | 539 | |
| 2 | 123 | 527 | 154 | 663 | |
| 3 | 157 | 675 | 196 | 844 | |
| 4 | 157 | 675 | 205 | 881 | |
| <u>Somerset County</u> | | | | | |
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 94 | 405 | 122 | 523 | |
| 1 | 94 | 405 | 126 | 542 | |
| 2 | 107 | 459 | 151 | 650 | |
| 3 | 164 | 703 | 209 | 899 | |
| 4 | 164 | 703 | 209 | 899 | |

Appendix C

Effective: 10/01/13-10/01/14

Non-Metropolitan FMR Areas

| <u>Waldo County</u> | | <u>Unheated</u> | | <u>Heated</u> | |
|---------------------|--------|-----------------|--------|---------------|---------|
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 116 | 497 | 128 | 552 | |
| 1 | 119 | 510 | 136 | 583 | |
| 2 | 139 | 597 | 162 | 698 | |
| 3 | 174 | 749 | 217 | 935 | |
| 4 | 176 | 758 | 230 | 987 | |

| <u>Washington County</u> | | <u>Unheated</u> | | <u>Heated</u> | |
|--------------------------|--------|-----------------|--------|---------------|---------|
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 93 | 402 | 108 | 463 | |
| 1 | 95 | 410 | 118 | 507 | |
| 2 | 108 | 465 | 141 | 607 | |
| 3 | 134 | 575 | 182 | 782 | |
| 4 | 163 | 703 | 222 | 954 | |

Metropolitan FMR Areas

| <u>Bangor HMFA</u> | | <u>Unheated</u> | | <u>Heated</u> | |
|--------------------|--------|-----------------|--------|---------------|---------|
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 100 | 432 | 123 | 527 | |
| 1 | 113 | 487 | 142 | 610 | |
| 2 | 145 | 625 | 181 | 778 | |
| 3 | 183 | 789 | 227 | 975 | |
| 4 | 210 | 904 | 263 | 1,133 | |

| <u>Penobscot County HMFA</u> | | <u>Unheated</u> | | <u>Heated</u> | |
|------------------------------|--------|-----------------|--------|---------------|---------|
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 99 | 424 | 114 | 491 | |
| 1 | 99 | 424 | 114 | 491 | |
| 2 | 100 | 429 | 131 | 565 | |
| 3 | 136 | 587 | 172 | 741 | |
| 4 | 155 | 668 | 214 | 919 | |

| <u>Lewiston/Auburn MSA</u> | | <u>Unheated</u> | | <u>Heated</u> | |
|----------------------------|--------|-----------------|--------|---------------|---------|
| Bedrooms | Weekly | Monthly | Weekly | Monthly | Monthly |
| 0 | 89 | 381 | 111 | 476 | |
| 1 | 103 | 445 | 132 | 566 | |
| 2 | 139 | 597 | 174 | 750 | |
| 3 | 178 | 766 | 221 | 952 | |
| 4 | 180 | 774 | 233 | 1,003 | |

Appendix C

Effective: 10/01/13-10/01/14

Metropolitan FMR Areas

| | | <u>Unheated</u> | | <u>Heated</u> | |
|--|----------|-----------------|---------|---------------|---------|
| | Bedrooms | Weekly | Monthly | Weekly | Monthly |
| <u>Portland HMFA</u> | | | | | |
| | 0 | 142 | 611 | 154 | 666 |
| | 1 | 166 | 715 | 183 | 788 |
| | 2 | 214 | 922 | 238 | 1023 |
| | 3 | 271 | 1165 | 300 | 1292 |
| | 4 | 274 | 1180 | 318 | 1367 |
| <u>York/Kittery/S. Berwick HMFA</u> | | | | | |
| | 0 | 170 | 729 | 182 | 784 |
| | 1 | 170 | 729 | 182 | 784 |
| | 2 | 191 | 823 | 221 | 949 |
| | 3 | 289 | 1241 | 318 | 1368 |
| | 4 | 300 | 1289 | 343 | 1473 |
| <u>Cumberland County HMFA</u> | | | | | |
| | 0 | 111 | 479 | 124 | 534 |
| | 1 | 131 | 563 | 148 | 636 |
| | 2 | 167 | 720 | 119 | 821 |
| | 3 | 228 | 982 | 259 | 1115 |
| | 4 | 271 | 1167 | 308 | 1326 |
| <u>Sagadahoc County HMFA</u> | | | | | |
| | 0 | 140 | 603 | 153 | 658 |
| | 1 | 140 | 603 | 153 | 658 |
| | 2 | 155 | 667 | 179 | 768 |
| | 3 | 186 | 798 | 228 | 976 |
| | 4 | 271 | 1167 | 314 | 1351 |
| <u>York County HMFA</u> | | | | | |
| | 0 | 126 | 541 | 139 | 596 |
| | 1 | 126 | 541 | 147 | 633 |
| | 2 | 156 | 672 | 188 | 810 |
| | 3 | 216 | 928 | 259 | 1,114 |
| | 4 | 216 | 928 | 266 | 1,143 |

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established applicants must demonstrate need.

1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

| <u>Number in Household</u> | <u>Weekly</u> | <u>Monthly</u> |
|----------------------------|---------------|----------------|
| 1 | \$14.00 | \$60.00 |
| 2 | \$15.70 | \$67.50 |
| 3 | \$17.45 | \$75.00 |
| 4 | \$19.20 | \$86.00 |
| 5 | \$23.10 | \$99.00 |
| 6 | \$25.00 | \$107.00 |

NOTE: For each additional person add \$7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

| <u>Number in Household</u> | <u>Weekly</u> | <u>Monthly</u> |
|----------------------------|---------------|----------------|
| 1 | \$19.10 | \$82.00 |
| 2 | \$23.75 | \$102.00 |
| 3 | \$27.70 | \$119.00 |
| 4 | \$32.25 | \$139.00 |
| 5 | \$37.30 | \$160.00 |
| 6 | \$41.00 | \$176.00 |

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

| <u>Month</u> | <u>Gallons</u> | <u>Month</u> | <u>Gallons</u> |
|--------------|----------------|--------------|----------------|
| September | 50 | January | 225 |
| October | 100 | February | 225 |
| November | 200 | March | 125 |
| December | 200 | April | 125 |
| | | May | 50 |

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month

FOR MUNICIPAL USE ONLY

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. **James Feverston – Reappointment to Pool Board – Services Committee Recommendation** – *Motion by Councilor Lawlis, seconded by Councilor Brann to reappoint James Feverston to the Pool Board of Trustees. Unanimous vote in favor.*

3. UNFINISHED BUSINESS

- a. **Zoning Ordinance Map Amendment to change the old Hampden Academy property (Tax Map 36, Lot 76; Map 41, Lot 5; and Map 41, Lot 4) from Residential B and Residential A Districts to Village Commercial II District – Introduction for Public Hearing** – *Councilor Brann introduced this item for public hearing.*
- b. **Zoning Ordinance Text Amendment – Article 4.8.7.5 Signs in the Village Commercial and Village Commercial II Districts; and Article 4.8.7.7 Signs in Shopping Centers – Introduction for Public Hearing** – *Councilor Brann introduced this item for public hearing.*
- c. **Zoning Ordinance Text Amendment – Article 3.8.4 Residential B District Conditional Uses to add bed and breakfast and child care center as conditional uses; and Article 3.8.6.10 Special District Regulations by further defining the bed and breakfast regulations – Introduction for Public Hearing** – *Councilor Brann introduced this item for public hearing.*
- d. **Proposed Sale of Old Hampden Academy Property to Historic Hampden Academy, LLC and proposed Lease of Skehan Center by Town of Hampden from Historic Hampden Academy, LLC** – *This item was discussed prior to the public hearing on the Ordinance Authorizing Conveyance of Land owned by the Town of Hampden (Item C.1.a.). Mayor Hughes summarized the process of the Town's negotiations with Historic Hampden Academy, LLC (HHA, LLC) regarding the proposed sale of the Old Hampden Academy property. Attorney Russell has reviewed the proposed Purchase & Sale Agreement and Lease Agreement for the Skehan Center and provided summaries of both documents (copy attached). There was discussion relative to the uncertainty as to how HHA, LLC will use the property. Attorney Russell pointed out that any use will be limited to those allowed in the Village Commercial II District. There was also discussion about some of the items contained in the lease agreement for the Skehan Center. Councilor Shakespeare noted that during negotiations, the leased premises included the entire Skehan Center, but the proposed lease does not include the band room, storage area, nor a portion of the boys' locker room. He also expressed concern that the Town would be responsible for lawn care and snow removal for the entire property with a reimbursement from HHA, LLC of only \$500 per*

C-3-a



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Map Amendment, Old Hampden Academy
DATE: July 11, 2013

At the June 17, 2013 Town Council meeting this item was referred to the Hampden Planning Board for public hearing, review and recommendation.

The Planning Board held a public hearing on this item at their July 10, 2013 meeting. There were comments from Jennifer Dysart who indicated that they wished for the zoning to extend to their property and questioned what uses the Village Commercial II District allows, question from Jeff O'Sullivan questioning why his lot at the end of Cottage Street is Residential B while the rest of Cottage Street is Residential A District and Dennis Patterson who indicated that while he supports the proposed amendment he wanted to bring to the Planning Board and Town Council's attention that there are significant drainage issues at 17 Cottage Street that appear to be at least in part of uncontrolled runoff from the old academy site development.

The Planning Board voted to recommend "ought-to-pass to the zoning map amendment with the noted comment about the drainage issues in the neighborhood.

The proposal is to amend the Zoning Ordinance Map to change Map 36, Lot 76, Map 41, Lot 5, and Map 41, Lot 4, which are the three parcels that the old Hampden Academy property are comprised of from Residential B District and a smaller portion of Residential A District to Village Commercial II District. The neighboring commercial plaza including Schacht's, Eastern Maine Healthcare's new facility and Bangor Savings Bank is zoned Village Commercial II.

It was also discussed that the Comprehensive Plan contains language that would encourage the Council to consider such a change in zoning.

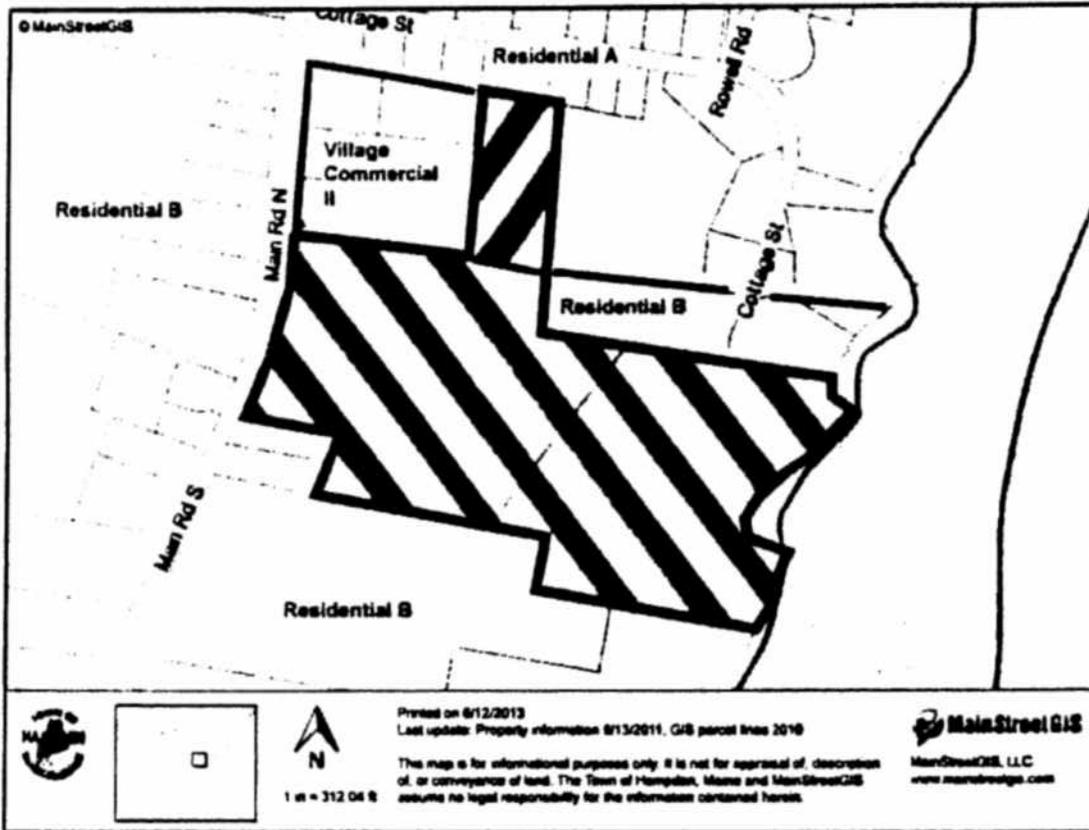
Four Mile Square

- 1.) *Create an institutional zone to accommodate the school complex on the western side of Route 1A within the Four Mile Square.*
- 2.) *Determine the appropriate re use for the "old" Hampden Academy once the new high school is constructed (east side of Route 1A)...*

7/15/13 - Introduced for Public Hearing

TOWN OF HAMPDEN
Draft

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



Residential A to Village Commercial II



Residential B to Village Commercial II

C-3-b



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendment, Village Commercial Signs
DATE: July 11, 2013

At the June 17, 2013 Town Council meeting this item was referred to the Hampden Planning Board for public hearing, review and recommendation

The Planning Board held a public hearing on this item at its July 10, 2013 meeting and no one from the general public spoke concerning this item. The Planning Board voted unanimously to recommend "ought-to-pass" with two minor amendments.

Both changes were in Article 4.8.7.7 Signs in Shopping Centers: The first was the language "In addition to signs allowed under Article 4.8.7".... The Planning Board indicated that the language should be changed to "In lieu of"... because the intent of the shopping center signage language is to replace the district language in the case of a shopping center. The second change was to clarify that the shopping center "place name" element of the sign is optional given the fact that not all shopping centers will in fact have a place name.

This draft amendment of the sign provisions of the Zoning Ordinance allow internal illumination of signs in the Village Commercial Districts and also make adjustments on shopping center signage including increasing the height allowed in the VC Districts to 20 feet.

A number of changes are also proposed to shopping center signage to clarify that it is limited to one freestanding sign and to provide adequate space on the sign for major tenants as well as additional signage for multiple building site developments.

7/15/13 - Introduced for Public Hearing

TOWN OF HAMPDEN
Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

4.8.7. Signs in the Commercial Districts *Amended 01/21/03*

1. **Signs in the Business District and Rural Business District** - Two (2) of the following sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Business District and the Rural Business District: *Amended 01/21/03*
 - a. One (1) freestanding sign, not to exceed thirty-six (36) square feet. *Amended 01/21/03*
 - b. Wall signs not to exceed one and one-half (1-1/2) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed one hundred fifty (150) square feet.
 - c. One (1) projecting or roof sign not to exceed thirty-six (36) square feet in area. *Amended 01/21/03*
2. **Signs in the Business B District** - Two (2) of the following sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Business B District provided total signage does not exceed 250 square feet in area. *Amended 01/21/03*
 - a. One (1) freestanding sign, not to exceed fifty (50) square feet in area. *Amended 01/21/03*
 - b. Wall signs not to exceed two square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed two hundred (200) square feet.
 - c. Projecting signs not to exceed (25) square feet in area.
3. **Signs in the Commercial Service District** - The following signs, identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Commercial-Service District: *Amended 01/21/03*
 - a. One (1) freestanding sign, not to exceed thirty-six (36) square feet. *Amended 01/21/03*
 - b. Wall signs not to exceed two (2) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed two hundred (200) square feet.
 - c. One (1) projecting, or roof sign not to exceed seventy-two (72) square feet in area. *Amended 01/21/03*

- d. Industrial Parks, as defined, may erect one industrial park sign per entrance. Such sign shall not exceed fifty (50) square feet.
4. *Signs in the Interchange District* - The following signs, identifying on-premises business names, uses or goods sold or services rendered, shall be allowed for uses in the Interchange District: *Amended 01/21/03*
- One (1) freestanding, projecting, or roof sign not to exceed one hundred fifty (150) square feet in area. *Amended 01/21/03*
 - Wall signs not to exceed four (4) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed four hundred (400) square feet.
 - Industrial parks, as defined, may erect one (1) industrial park sign per entrance. Such sign shall not exceed fifty (50) square feet.
5. *Signs in the Village Commercial and Village Commercial II Districts* - Two (2) of the following sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Village Commercial District provided total signage does not exceed 30 square feet in area. *Amended 01/21/03*
- One (1) freestanding sign ~~indirectly illuminated~~ not to exceed twenty-four (24) square feet in area and fifteen (15') feet in height. *Amended 01/21/03*
 - Wall signs not to exceed twelve (12) square feet in area.
 - Projecting signs not to exceed (12) square feet in area.
 - Prohibited signs* - No ~~internally illuminated or~~ roof signs shall be permitted in the Village Commercial District.
 - Shopping center signs* - Shopping Center Signs shall be allowed in conformance with *Article 4.8.7.7*, provided the sign ~~is neither internally illuminated nor does not~~ does not exceeds ~~fifteen (15') twenty (20')~~ feet in height.
6. *Fuel sales* - In addition to signs allowed under *Article 4.8.7* of the Ordinance, uses selling gasoline or diesel fuel may display one sign not to exceed sixteen (16) square feet in area, advertising the price of said gasoline or diesel fuel.
7. *Signs in shopping centers* - ~~In addition to~~ lieu of signs allowed under *Article 4.8.7* of the Ordinance, Shopping centers, as defined, each ~~store or shop~~ tenant within the shopping center may have a projecting or roof sign (where permitted) not to exceed thirty-six (36) square feet. Additionally stores each tenant within the shopping center shall be allowed wall signs as allowed in 4.8.7.1.b above not to exceed thirty (30) square feet. Notwithstanding the foregoing limitation on wall signage the wall signs may be increased to fifty (50) sq. ft. if both the exterior wall of the tenant space is 50 feet or more from the street frontage and if that tenant has a floor area of at least 10,000 sq. ft. and one (1) detached or freestanding sign as allowed under Article 4.8.7.1.a. above. Each shopping center may display a shopping center sign naming the shopping center and identifying uses or services rendered on the premises and/or the name(s) of stores on the premises. The main panel of the sign, which names and gives general information about the

~~shopping center shall not exceed twenty four (24) square feet in area. In addition, each store or shop in the shopping center may display a single sign, attached to the shopping center sign, identifying the name of the store or shop and services it provides. Such store or shop sign shall not exceed six (6) square feet in area.~~ shopping centers shall not have individual freestanding signs for each tenant, but instead shall have one common freestanding sign identifying the shopping center and the tenants therein. The overall size of the freestanding shopping center sign shall not exceed sixty (60) sq. ft. The shopping center freestanding sign may include a place name for the shopping center located at the top of the sign not to exceed twelve (12) sq. ft. in area and shall include tenant identification not to exceed forty-eight (48) sq. ft. in area. No one tenant's sign content shall exceed twenty-four (24) sq. ft. of the shopping center sign's area and shall not be less than six (6) sq. ft. unless the space demands on the sign requires it. The tenant area of the shopping center sign may either be utilized by identifying the name of the tenant's premises (such as Smith's Pet Shop) or by categorically identifying what the tenant's use is (such as bakery or florist). Additional signage shall be permitted on the interior of such shopping centers to provide building identification and serve on-site pedestrian and vehicular movements provided that each individual sign has a maximum size of sixteen (16) square feet and is set back a minimum of 20 feet from all property lines.

C-3-c



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendment, Bed and Breakfasts and Child Care Center in the Residential B District
DATE: July 11, 2013

At the June 17, 2013 Town Council meeting the Bed and Breakfast item was referred to the Hampden Planning Board for public hearing, review and recommendation

This amendment was prompted by a request.

The Town of Hampden has also received a request to consider Child Care Center as a contemplated use in the district as well. The item was advertised for both uses as conditional uses.

The Planning Board held a public hearing on this item. Jennifer Dysart spoke in favor of the child care center language and David Spang spoke in favor of the bed and breakfast language. No one spoke against the amendment.

The Planning Board voted to in favor of a motion to recommend "ought-to-pass" in favor of both amendments.

Child Care Centers allow more four or more children in daycare and does not require that the building be a residence.

7/15/2013 - Introduced for Public Hearing

**TOWN OF HAMPDEN
Draft**

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

3.8. Residential B District

3.8.1. Purpose - These areas are designated for a mixture of residential uses: single family, multi-family, and mobile home parks, developed as either individual lots, conventional subdivisions or cluster subdivisions. In addition, the RB District shall allow certain low impact nonresidential uses.

3.8.2. Deleted - *(Amended 12-05-05, Effective 01-04-06)*

3.8.3. Permitted Uses (Subject to Site Plan Review where applicable) - Single family dwellings, certified manufactured homes, home day care (subject to *Article 4.19*), accessory uses and structures; non commercial parks or playgrounds, essential service, congregate care facility, public schools, multi-family structures, multi-family attached structures, elderly housing, mobile home parks (subject to *Article 4.13.3*) home occupation (subject to *Article 4.10*),. *(Amended: 8-22-94, 1-21-97) (03-21-05)*

3.8.4. Conditional Uses (Subject to Site Plan Review) - Day care facility (subject to *Article 4.19*), churches, non-profit schools, funeral homes, community buildings, community facilities, nursing homes, bed and breakfast, child care center, institutional buildings in excess of 35 feet in height, buildings necessary for essential services, animals other than usual pets provided the premises consists of at least 2.5 acres, and animals shall be kept a minimum of fifty (50) feet from any property line. *(Amended: 8-22-94) (Amended: 12-04-01) (03-21-05) (Amended: 08-11-2008)*

3.8.5. Lot Dimensions

| | | Public Sewer & Water | | On-Site Waste Disposal |
|-------------------------|---|-------------------------|---|---------------------------|
| Minimum Lot Area | - | 16,500 sq. ft. | - | 25,000 sq. ft. |
| Minimum Road Frontage | - | 100 feet | - | 125 feet |
| Minimum Setbacks: | | | | |
| Street Yard | - | 25 feet | - | 30 feet |
| Other Yards | - | 20 feet* | - | 30 feet |
| Maximum Ground Coverage | - | 25 percent | - | 25 percent |
| Maximum Building Height | - | 35 feet | - | 35 feet |

(Amended 12-05-05, Effective 01-04-06)

*Any lawfully existing lot of record situated in a Residential B District containing road frontage of 100' or less as of July 3, 1991 which is served by public sewer may be developed for single family dwellings and accessory structures with minimum side yards of not less than 10' each. Any such lots containing between 100' and 120' of road frontage may be developed for single family dwellings and accessory structures with minimum side yards of 10' each, plus .5' per side yard for each foot of road frontage in excess of 100'. *(Amended 7-6-92)*

Notwithstanding the above requirements, accessory structures which are not attached to a principal building may be located on a lot in accordance with the following:

| | | |
|--|---|-----------------------|
| Accessory Structures Ground Floor Area | | Up to 250 Square Feet |
| Maximum Height | - | 16 feet |
| Minimum Other Yard | - | 5 feet |

Once located in accordance with the foregoing requirements, said accessory structures shall not be attached to a principal building unless said structures are in compliance with the Other Yard requirement of the District. *(Amended: 10-3-94)*

3.8.6. Special District Regulations

1. No multi-family structures, cluster developments, and group developments in the RB District shall be established without public sewer and water service. Notwithstanding this regulation a single multifamily structure may be established with public water only
2. A single multi-family structure of up to six units may be located in areas with public water only provided that an additional 10,000 sq. ft. of lot area is provided for each dwelling unit over the base lot area requirement. Adequate area must be provided for an approved on-site waste disposal design and for an approved replacement on-site waste disposal system design.
3. Any combination of multi-family structures shall be allowed provided the maximum gross density does not exceed five (5) units per acre, nor shall any structure contain more than ten (10) units.
4. For multi-family structures in excess of four (4) units, the required yards shall be increased by two (2') feet per unit over four (4).
5. For churches, schools, funeral homes, community buildings, nursing homes and congregate care facilities, which abut an existing residential use or district shall increase the required other yard(s) setback by fifty 50% along the applicable property line(s). *(Amended: 1-16-96)*
6. Nursing homes shall not exceed a density of twenty-five (25) beds per acre.
7. No churches, schools, funeral homes, or community buildings shall be established unless it has public sewer and water service and access from, and frontage on an arterial street.
(Amended 12-05-05, Effective 01-04-06)
8. Notwithstanding the maximum building height regulation herein building height for institutional uses may be up to 60 feet maximum height under the following condition: 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 base yard setback requirement. *(Amended: 08-11-2008)*

EXAMPLE: A 60 foot tall building is proposed. By subtracting the base district building height from the proposed height the following is the result $60 - 35 = 25$. *(Amended: 08-11-2008)*

| | Minimum Setbacks: Modified Setback | |
|-------------|------------------------------------|---------|
| Street Yard | - 25 feet | 50 feet |
| Other Yard | - 20 feet | 45 feet |

9. *Infill Uses of Existing Community Buildings.* Community buildings of which portions are occupied by qualified community educational, fraternal, cultural and recreational activities such as an auditorium, library, historical building, lodge, indoor swimming, performing arts, etc. may also infill their vacant space with low traffic uses such as a single residential apartment unit, business or professional office, a single storage space consisting of records management and other similar uses as determined by the Code Enforcement Officer. Nonresidential infill uses may not be open between the hours of 9:00 pm and 8:00 am, except for special events upon a prior determination by the Code Enforcement Officer that the proposed event will not be unreasonably disruptive to other occupied buildings in the vicinity. The Planning Board review of the infill use must determine that the existing site development can either function properly with no changes or the Planning Board must be provided with a revised site plan that details the changes to the building and site development that will function properly and with minimal disruption to the neighborhood and limited modifications to the existing site development and building. Existing community buildings are not required to satisfy the area and yard requirements of Article 3.8.6.5. to utilize the provisions of Article 3.8.6.9. *Amended: 10-29-2012.*

10. *Bed and Breakfast and Child Care Center.* Bed and breakfast and child care center use shall be limited to the re-use of existing buildings in the Residential B District however alterations and expansions are contemplated in the reuse of such existing buildings.

year. There were concerns that the parking spaces proposed for the Rec Center's use would not be sufficient and that the lease term is only for five years and whether that would be enough time for the Town to plan for a new rec center. Councilor Lawlis pointed out that it is not a given that the Town needs a rec center. The recent citizen survey shows that the community wants a recreation center, but doesn't want to use tax dollars to pay for it. Councilor Ryder noted that there had been no planning for the last five years for a rec center and that we should go ahead with the lease. Councilor Brann asked to move on to the public hearing.

4. NEW BUSINESS

- a. Hampden Water District Trustee Vacancy – Dana Skinner – Term Expires 12/31/16** – *This item was referred to the Infrastructure Committee to consider the existing applicants who had applied and were interviewed by the Committee back in June when the Council made the appointment to fill Don Darling's vacancy.*
- b. Use of Marina Reserve Funds – Repair of Town Float** – *This item was postponed.*

D. COMMITTEE REPORTS

Services Committee – *Councilor Lawlis – The committee met on July 8th and heard a report on the Recreation Department's ongoing use of the Skehan Center. She noted that the Senior Citizens are excited about the expanded use of the Skehan Center and that at the next meeting the committee will review the quarterly financial summary for the center. She also noted that Dorothea Dix Park now has a new drinking fountain.*

Planning & Development Committee – *Councilor Brann noted that the items discussed at the last committee meeting have already been discussed by the Council tonight. The next meeting will be at 6:00 pm on Wednesday, July 17th.*

Infrastructure Committee – *Councilor Shakespeare – The next meeting will be at 6pm on Monday, July 22nd.*

Finance & Administration Committee – *Mayor Hughes – The committee met earlier in the evening and reviewed the results of the citizens' survey relative to the old Hampden Academy property/Skehan Center, the pool, the library, the elimination of Council districts and limiting Council service for persons holding County or State elected positions.*

- E. MANAGER'S REPORT** – *A copy of the Manager's Report is attached and made a part of the minutes.*

F. COUNCILORS' COMMENTS

Councilor Duprey *commented that a lot of the work on the proposed sale of the old Hampden Academy property had been done prior to her service on the Council and that she is not necessarily opposed to the sale, but is still processing the information.*

Councilor Brann *informed everyone that Public Works has mowed a pathway to the new marina property. He said it is a nice walk but that there is still some poison ivy in*

SUMMARY OF PURCHASE AND SALE AGREEMENT
OLD HAMPDEN ACADEMY PROPERTY

Seller: Town of Hampden

Buyer: Historic Hampden Academy, LLC

Property: Parcels of land and improvements thereon that Town acquired from MSAD #22.
Town to retain easement for sanitary sewer line.

Purchase Price: \$60,000, payable as follows:

Deposit: \$20,000

Cash at Closing: \$40,000

Lease of a portion of Skehan Center Building to Town for \$1/yr.
(Lease terms set forth in separate summary)

Conveyance: By Quitclaim Deed With Covenant

Conveyed in "AS-IS, WHERE-IS" Condition

Buyer shall be responsible for any abatement or remediation of any existing
environmental conditions of the property.

Closing Date: August 19, 2013

Conditions to Buyer's obligation to close:

1. Buyer's satisfaction with approach and methodology of assessor's assessment of property after acquisition by Buyer.
2. Buyer's satisfaction with zoning applicable to the property.
3. Removal of portable classrooms from property prior to closing.
4. Agreement by parties to inventory of personal property.
5. Buyer's satisfaction with ordinance provisions dealing with signs.

SUMMARY OF LEASE AGREEMENT

- Landlord: Historic Hampden Academy, LLC
- Tenant: Town of Hampden
- Leased Premises: Portion of the so-called Skehan Center Building, to include gymnasium, girls locker room, boys locker room, weight room, and lobby, plus parking spaces. *See*: Exhibits A & B attached.
- Rent: \$1 / year
- Additional Rent: Town responsible for costs associated with the leased premises, including heat, electricity, water, sewer, taxes, insurance premiums, capital repairs, repairs and maintenance, etc.
- Town may terminate lease if any capital repair or routine repair is greater than \$10,000.00
- Terms: Initial term is 5 years.
- Thereafter: Automatically renewable year-to-year, subject to right of Landlord or Town to terminate with one year advance notice.
- Security Deposit: None
- Permits / Compliance with laws: Town's responsibility
- Obligations of Landlord:
1. Repair leaks in roof, if any, existing at closing.
 2. Install alternative hearing system within 18 months of closing.
 3. Separate electric service and heating system within 18 months of closing.

Note: Landlord to pay for electricity and heat until separation accomplished.

Use of Premise:

Town: Primarily as a community center and public recreational facility. Can be used to raise funds to offset Town's costs of renting and operating property, or to fund its recreational programs.

Landlord: With advance notice, Landlord can use property for Landlord sponsored events for up to 3 days in duration. Number of events not to exceed 6 per year.

Lawn Care / Snow Removal: Town's responsibility. Landlord reimburses Town \$500 per year.

Capital Repairs: Other than boiler, Town responsible to make capital repairs to leased premises. If capital repair exceeds \$10,000, Town gets reimbursed for prorata share of useful life if lease terminated and remaining useful life of repair is at least one year.

Town can terminate lease if capital repair estimated to exceed \$10,000.

Repairs and Maintenance:

Town's responsibility. If cost of any repair exceeds \$10,000, Town can terminate lease.

Indemnification / Insurance:

Landlord to maintain property and casualty insurance on Skehan Center building. Town reimburses Landlord for premium attributable to Town's leased portion of building.

Each party to maintain liability insurance.

Each party has limited duty to defend, indemnify and hold the other party harmless from claims involving the property.

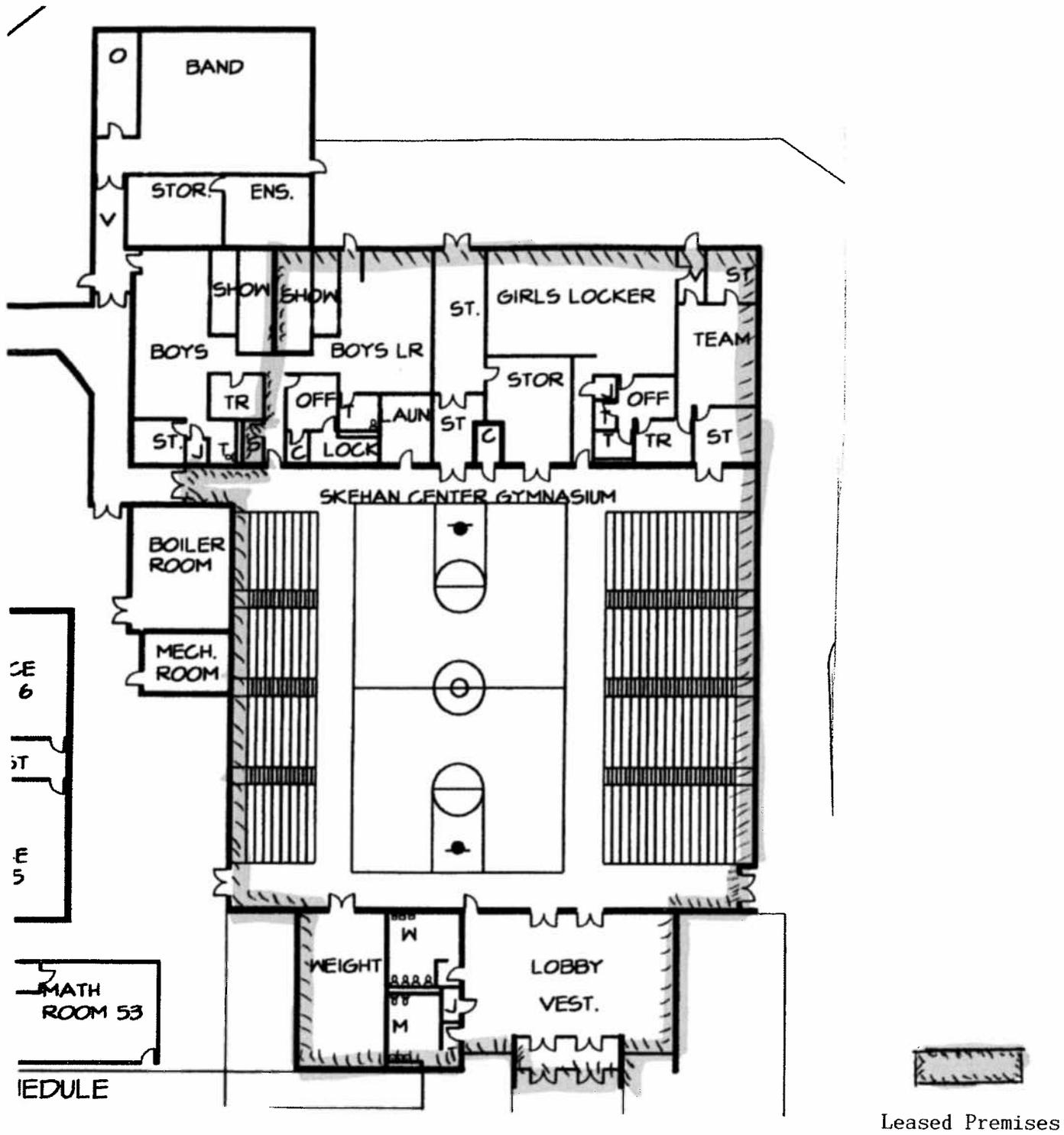


Exhibit A
 Town of Hampden/Historic Hampden Academy, LLC
 Lease Agreement

MANAGER'S REPORT
July 15, 2013

2012-2013 Tax Liens – 30 day notices for unpaid 2012-2013 property taxes will be mailed on Tuesday, July 16th. Reminder notices were sent in May to property owners with outstanding 2012-2013 taxes who did not have outstanding liens from prior years. Those notices resulted in a flurry of payments and I am pleased to report that the amount of taxes for which 30 day notices are being sent is less than the amount of taxes for which 30 day notices were sent in 2011/2012. This is significant because the total amount of property taxes to be collected for 2012/2013 was \$152,846 more than for 2011/2012.

Census Block Data – I have contacted the State in regard to census data that is used to determine the need for redistricting. They have not yet responded. We have the census block information from the US Census website, but after the 2000 census, the Maine State Planning Office provided information that assisted the Town with the process. We have twelve months following the redistricting by the legislature of House and Senate districts to review the information and complete the process. The penalty for not redistricting within that time frame if districts are no longer equal in population is that any candidate elected would be an at-large position. I have a copy of the reapportionment statute if any councilor or resident would like one.

Town Council Meeting
July 15, 2013

the area so people should wear protective clothing.

Mayor Hughes asked the Council to reconsider putting the Business Park proposal in executive session unless the developer requests it.

G. ADJOURNMENT – *The meeting adjourned at 9:42 p.m.*

A handwritten signature in cursive script, reading "Denise Hodsdon".

Denise Hodsdon
Town Clerk