



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
AGENDA

MONDAY

JULY 20, 2015

7:00 P.M.

• **6:00 pm – Finance & Administration Committee Meeting**

A. PLEDGE OF ALLEGIANCE

B. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. July 6, 2015 Minutes

3. COMMUNICATIONS

a. Marsha Richardson – Application for Appointment to Pool Board – Referral to Services Committee

4. REPORTS

a. Finance Committee Minutes – 6/1/2015  
b. Pool Trustees Minutes – 6/9/2015

C. PUBLIC COMMENTS

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

2. PUBLIC HEARINGS

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

a. David Barrett – Reappointment to Library Board – Services Committee Recommendation

4. UNFINISHED BUSINESS

a. Discussion re Elimination of Saturday Bus Service

b. Proposed Amendments to Subdivision Ordinance – Planning & Development Committee Recommendation to refer to Planning Board

**NOTE: The Council will take a 5-minute recess at 8:00 pm.**

- c. Proposed Zoning Ordinance Text Amendments – Section 4.8 Signs – Planning & Development Committee Recommendation to refer to Planning Board
- d. Zoning Ordinance Text Amendment – Article 4.7 Off-Street Parking – Introduction for Public Hearing
- e. Zoning Ordinance Map Amendment – Main Road North – Introduction for Public Hearing

5. NEW BUSINESS

- a. Maine Municipal Association Annual Election Voting Ballot
- b. Local Road Assistance Program – Acceptance of Funds – Finance Committee Recommendation

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT

B-2-a



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
MINUTES

MONDAY

JULY 6, 2015

7:00 P.M.

*Attending:*

*Mayor David Ryder  
Councilor Bill Shakespeare  
Councilor Terry McAvoy  
Councilor Dennis Marble  
Councilor Carol Duprey  
Councilor Stephen Wilde*

*Town Attorney Tom Russel  
Town Manager Susan Lessard  
Town Clerk Denise Hodsdon  
Citizens*

*Mayor Ryder called the meeting to order at 7:06 pm.*

- A. PLEDGE OF ALLEGIANCE** – *Mayor Ryder led the Pledge of Allegiance*
- B. CONSENT AGENDA** – *Motion by Councilor McAvoy, seconded by Councilor Marble to accept the Consent Agenda. Unanimous vote in favor.*

**1. SIGNATURES**

**2. SECRETARY’S REPORTS**

- a. June 15, 2015 Minutes**

**3. COMMUNICATIONS**

- a. Victualers License Renewal – Circle K Store #7057**
- b. Victualers License Renewal – Nealley’s Corner Store**
- c. MRC/Fiberight – Public Notice of Intent to File**

**4. REPORTS**

- a. Infrastructure Committee Minutes – 5/26/2015**

**C. PUBLIC COMMENTS**

*Jeremy Jones of the Partridge Road said following the Council's public hearing regarding Saturday Bus service, he started checking out some the stories and reasons different people had as to why they needed Saturday Bus service. He said he also emailed Bus Supt. Laurie Linscott inquiring whether they would have 1) a Bangor South run containing the current Hampden bus route, the bulk of which being rightly funded by the City of Bangor with Hampden riders contributing only their fairs; 2) will you have Hampden subsidize only that portion of the bus run within the Town of Hampden; 3) will you have Hampden subsidize only those riders that board in Hampden; and 4) will you have only 4 runs to Hampden on Saturday as stated in 1, 2, and 3 above. He has not yet received a response to that email.*

*Mr. Jones noted that one citizen had suggested the number of runs be reduced to 4 to cut the budget in half, but there are currently 12 runs so the budget amount would be reduced to one-third. One Bangor resident stated he uses Saturday Bus to get to his boat at Hamlin's Marina and Mr. Jones noted that the cost of a mooring or slip at the marina is between \$600 and \$1600 for a luxury. The same gentleman stated that the average cost of a parking space is between \$5000 and \$6000 and the cost of keeping the Saturday Bus service would be equal to 4½ parking spaces. Mr. Jones noted that there is no shortage of parking spaces at Hannaford's or Shaw's and the Bangor parking garage is open free of charge on Saturday from 6am to 6pm. Another Hampden resident needed Saturday Bus service because she ran out of her prescription medication on Saturday. Mr. Jones wondered what she would do if her medications ran out on Sunday? He said most people know their meds and have a little reserve. He talked to five different pharmacists who all stated that any prescription can be filled 3 to 4 days prior to running out. He said this has nothing to do the Bus; it is personal responsibility; and any family member or friend can pick up medications for someone else. Mr. Jones said he will continue to look into the other reasons people gave for needing Saturday Bus service.*

**D. POLICY AGENDA**

**1. NEWS, PRESENTATIONS & AWARDS - None**

**2. PUBLIC HEARINGS - None**

**3. NOMINATIONS – APPOINTMENTS – ELECTIONS - None**

**4. UNFINISHED BUSINESS**

**a. Police Department Contract – Finance Committee**

**Recommendation - Mayor Ryder reported that the Finance Committee recommends approval of the contract. Motion by Councilor Wilde, seconded by Councilor McAvoy to approve the Police Department Contract. Unanimous vote in favor.**

**b. Manhole Replacements – Old County Road/Route 1A Pipe**

**bursting Project – Infrastructure Committee Recommendation – Councilor Marble explained that this request is to replace the old brick manholes at each end of the pipe bursting project across Route 1A. The additional cost would be \$9,700, with the funds to come from Sewer Reserve and the Infrastructure Committee is recommending approval. Motion by Councilor Marble, seconded by Councilor Wilde to authorize the Public Works Director to proceed with the manhole replacement at a cost of \$9,700, to be paid from Sewer reserve. Unanimous vote in favor.**

**c. Ambulance Bid Results – Finance Committee Recommendation –**

**Mayor Ryder reported that the Finance Committee reviewed the ambulance bids with Fire Department personnel, who recommended purchase of the 2015 PL Custom Ford E450 from Sugarloaf Rescue**

*Vehicles, including 2 monitors and a stretcher for \$227,159.00. It was the recommendation of the Finance Committee to approve that purchase. Motion by Councilor Wilde, seconded by Councilor Marble to authorize the Fire Department to purchase the 2015 PL Custom E450 ambulance, including 2 monitors and a stretcher from Sugarloaf Rescue Vehicles at a cost of \$227,159.00 to be funded from the Ambulance Reserve account. Unanimous vote in favor.*

## **5. NEW BUSINESS**

- a. **Wheelden Heights Block Party Road Closure Permission – Finance Committee Recommendation** – *Motion by Councilor Shakespeare, seconded by Councilor Marble to approve the Wheelden Heights Block Party road closure from 3:00 to 9:00 pm on July 19<sup>th</sup>. Unanimous vote in favor.*
- b. **Personal Property Tax Abatement Request – Hughes Bros.** – *This item was postponed to a later date.*

## **E. COMMITTEE REPORTS**

**Services Committee** will meet on Monday, July 13<sup>th</sup>.

**Infrastructure Committee** – Councilor Marble reported that the committee met on June 22<sup>nd</sup> and discussed additional parking for the municipal building and pool, expansion of the parking area at the Kiwanis Hall, and a proposal from BACTS to treat the final 1.73 miles of the Route 1A project as one project instead of several small ones, with an estimated Town share of \$465,000 in 2018/2019. The Town Manager suggested putting it out to referendum in November 2016 to gain approval for borrowing of the funds. The committee also reviewed information received from the State bridge inspection program about the deteriorated condition of the Manning Mill and Sawyer Road bridges. The State has no funding to assist with replacing the bridges and the Town Manager noted that the cost of these repairs could be combined with the referendum proposal for the Route 1A project.

**Planning & Development Committee** – Councilor Shakespeare reported that the committee met on July 1<sup>st</sup> and discussed the codification portfolio, downtown development plan, municipal marina signage, and reviewed proposed amendments to the Subdivision Ordinance and Sign Standards of the Zoning Ordinance.

**Finance Committee** – Mayor Ryder reported that in addition to items already discussed, the committee also voted to send out a Request for Qualifications for a new Town Attorney.

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

## **G. COUNCILORS' COMMENTS**

**Councilor Shakespeare** thanked Jeremy Jones for his comments and reminded everyone that there will be a public hearing regarding Saturday Bus service at 4:00 pm on July 15<sup>th</sup> in Bangor.

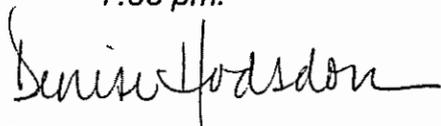
**Councilor McAvoy** reminded everyone to have fun, but be safe with fireworks, and to buy local and shop American.

Town Council Meeting

July 6, 2015

*Mayor Ryder noted that the Council would be interviewing the two finalists for the Town Manager position and there is some important business going on in Town. He said the Council makes decisions that it thinks are best for the Town, but he's sure there a lot of people who have a viewpoint. He encouraged feedback from anyone who wants to share their opinions and views with the Council so we have an accurate idea of what the residents really like.*

**H. ADJOURNMENT** – *There being no further business, the meeting was adjourned at 7:35 pm.*

A handwritten signature in cursive script that reads "Denise Hodsdon". The signature is written in black ink and is positioned above the printed name and title.

Denise Hodsdon  
Town Clerk

MANAGER'S REPORT  
July 6, 2015

Candidate Public Meetings – A reminder to all that there are public meetings with the two finalists for the Town Manager position on Tuesday, July 7<sup>th</sup> and Wednesday July 8<sup>th</sup> from 5:30 p.m. – 6:30 p.m. On July 7<sup>th</sup> Candidate Angus Jennings and his wife will be here and on July 8<sup>th</sup> Candidate Ryan Pelletier will be here. This is a great opportunity for residents to meet the candidates and learn a bit more about them.

Health Plan Meeting – A meeting is scheduled for employees with the representatives of Med-A-Vision and Maine Municipal Association to talk about the new health plan and how it would work on Thursday afternoon.

Schedule – My schedule this week was today as well as tomorrow afternoon and a few hours each on Wednesday and Thursday for meetings. Unless I clear it with the Council I will keep my hours to 20 hours most weeks and not exceed 25 hours without council permission.

30 day Notices – 30 day notices for unpaid 2014/15 property taxes will be mailed out on July 20, 2015. Tax liens will be placed on properties whose 2014/15 taxes remain unpaid by August 19<sup>th</sup>.

Nomination Papers – Nomination papers will be available for three at-large Council seats, several school board openings and for a trustee for the Water District as of Wednesday, August 5<sup>th</sup>! All those interested in helping the community through service on one of these Boards should see Denise Hodsdon, the Town Clerk, to take out nomination papers starting August 5<sup>th</sup>.



Check One:  Initial Application

Reapp: B-3-a

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Richardson MARSHA J  
LAST FIRST MI  
ADDRESS: 337 South Main St. Winterport 04496  
STREET TOWN ZIP

MAILING ADDRESS (if different): PO Box 260

TELEPHONE: 207 223 8886 \_\_\_\_\_  
HOME WORK

EMAIL: capnstoker@aol.com

OCCUPATION: CPA/Auditor (Retired.)

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Pool Board

SECOND CHOICE (OPTIONAL): \_\_\_\_\_

How would your experience, education and/or occupation be a benefit to this board or committee? Years of Church fund raising, recruiting, teaching training, interfacing w/executive management and OGC/FRA Examiners

Are there any issues you feel this board or committee should address, or should continue to address? \_\_\_\_\_

3 YEAR

- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL
- ECONOMIC DEVELOPMENT COMMITTEE
- FRIENDS OF DOROTHEA DIX PARK

- DYER LIBRARY
- RECREATION COMMITTEE
- BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- TREE BOARD

5 YEAR

PLANNING BOARD

<b>FOR TOWN USE ONLY</b>		Date Application Received: <u>JUL 0 8 2015</u>
COUNCIL COMMITTEE ACTION: _____	DATE: _____	
COUNCIL ACTION: _____	DATE: _____	
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

## FINANCE & ADMINISTRATION COMMITTEE MINUTES

Monday, June 1, 2015

**Attending:**

Mayor David Ryder	Councilor Stephen Wilde
Councilor William Shakespeare	Councilor Greg Sirois
Councilor Terry McAvoy	Councilor Dennis Marble
Town Manager Sue Lessard	Residents

The meeting was opened at 5:30 p.m. by Mayor Ryder.

1. 5:30 – 6:00 pm – Med-A-Vision Presentation – The Town Manager introduced Carl McNally of Med-A-Vision, a third party administrator of HRA accounts associated with medical insurance plans. He then explained the proposal to change the Town's health insurance from a no-deductible plan to a \$2500 deductible plan and to use the premium savings to pay 90% of the out of pocket deductible costs associated with the plan. Employees would be responsible for the other 10%. The premium savings associated with this plan will be used to meet employee deductible costs and still offer budget reductions. Questions related to costs, coverage, and management of the program were asked by Committee members. The Town Manager will work with Med-A-Vision and the Maine Municipal Association to implement a change with an effective date of August 1, 2015. Meetings will be held with employees to educate them on the change and how the program will work.
2. Meeting Minutes
  - a. May 18, 2015 – Motion by Councilor Marble, seconded by Councilor McAvoy to approve the minutes as presented.
3. Review & Sign Warrants – Warrants were reviewed and signed by Committee members.
4. Old Business
  - a. Saturday Bus Service – The Town Manager presented information that had been provided by Laurie Linscott of the Community Connector that documented the estimated cost reduction to Hampden if the Saturday service was eliminated, which is cited as \$16,254.56. It also cited the 'cost' per ride for each community based on the total amount that each town contributed divided by the ridership for each route. Due to lower ridership, Hampden's estimated cost 'per ride' for taxpayer funding is \$2.20 per ride for 2015/16. Bus superintendent Laurie Linscott attended the meeting and answered questions from the committee related to the cost of the program and how to reduce that, what the earliest was that Saturday service could be eliminated based on requirements for hearings, etc., and what would the City of Bangor do to serve Bangor residents that utilize the Hampden run if it were eliminated. Councilor Wilde indicated that he had not had any calls

related to this issue from constituents in support of retaining the bus service. Councilor Shakespeare expressed frustration with the high cost of the system and the low number of actual Hampden residents who utilize it. Councilor Marble spoke in favor of the program as a public service that actually costs very little in the overall mix of taxation dollars. Motion by Councilor McAvoy, seconded by Councilor Shakespeare to recommend to the Council to hold a public hearing to consider the elimination of Saturday bus service. Vote 5 – 1 (Marble opposed). Motion carried.

- b. License Plates Issuance Information – The Committee reviewed information related to what is necessary for the Town Office to begin issuing license plates. It was the consensus that all staff should be trained and that October 1<sup>st</sup> should give time enough to get training, storage issues, and process figured out. The Manager asked that plate issuance be limited to Hampden residents only. Resident Lisa Carter indicated that she did not believe that would be a problem because other towns in the area already issue plates. After some discussion the date was moved to November 1, 2015 because the first week in October contains the first tax due date of the fiscal year. Motion by Councilor Marble, seconded by Councilor McAvoy to recommend to the Town Council that the Town begin issuing license plates no later than November 1, 2015. Unanimous vote in favor.
- c. Town Attorney Retirement – Councilor Sirois suggested that this issue would best be addressed by the new Town Manager and the Mayor. Councilor Marble recommended that we ask the current Town Attorney for a list of work priorities that reflect how the town uses his services so that the Council will have a better idea of what to look for in their next attorney. Councilor McAvoy and Duprey indicated that they did not think an attorney needed to be at every meeting. Councilors Sirois and Shakespeare indicated that the Town attorney was helpful with process issues at meetings on an ongoing basis. It was the consensus of the Committee to have the Town Manager work with the current Town Attorney to come up with a list of work priorities that reflects how the Town uses the services of its attorney.
- d. Council Rules – This item was not discussed due to lack of time.

## 5. New Business

## 6. Public Comment

Resident Alex King stated that he thought it would be a good idea for Council minutes to be approved in the year that they were generated to avoid having Councilors voting on them that were not part of the meetings. This was in response to a list of meeting minutes on the Council agenda. The Manager responded that the Clerk was working to insure that they did not get behind again.

## 7. Committee Member Comments – None

Motion by Councilor Sirois, seconded by Councilor McAvoy to adjourn at 7 p.m.  
Unanimous vote in favor.

Respectfully submitted,

Susan Lessard  
Town Manager

## Lura Hoit Pool -board Meeting June 9, 2015

The meeting was called to order at 7:08 pm

**Board members present:** Josh Sargent, Karen Brooks, Ben Curtis, Sam Manhart, Sarah McVeigh, Darcey Peakall, Greg Hawkins, Sue O'Brian, and Pat Foley.

**Board members not present:** Victoria Levesque, Mike Jellison

Jim Feverston was also present.

**The Secretary's minutes were accepted.**

### The Directors report

- Participants were down by 510.
- Rentals were down by \$763.00. One rental time was used for staff training.
- Receipts were down by \$1,500.00.
- Fuel usage was up by 241 gal.
- Lessons, registration started this week for summer session

### Treasure's report was accepted

- Trustee's account had deposits of \$400 and \$210.
- The new checking account has been opened
- The Endowment fund: \$1,000 was transferred to the new checking account.
- A check was written to the town for \$47.44 for the difference of the vacuum.
- Susan Abraham account paid for 1 scholarship of \$48.00 during Session III

### Unfinished business

- Josh is the only Board member allowed to sign the checks.
- The Go-Pro camera raffle was a success and the winner was Russell Irwin. Congratulations Russell.
- Sarah has not heard back from Tom Brann about Children's day. The Board decided not to be involved with Children's day.
- The trees damaged by the ice storm are gone. Pat is planning to bring in some large rocks to cover the stumps.
- Greg is contacting the Kiwanis to see about using their facilities for the spaghetti dinner.

### New Business

- The Board discussed Jim Feverston being dismissed at the May meeting due to attendance issues as a result of medical problems. Jim Feverston was voted off the Board due to the Attendance Policy in the bylaws.
- Jim Feverston has made an agreement with Maine Savings, selling them a Banner for 6 years at the cost of 5 years. The Board voted 7 to 1, to go forward with the offer Jim had made.
- Darcey contacted Ice Cream for a Cause to come to the Water Carnival. They give out free ice cream and ask for donations for the organization.
- The Board moved to make Jim Feverston an Honorary member of the Board, in recognition of his years of service.

### Committee Reports

#### Annual Giving Letter

- The Annual giving Letter still has money coming in.

#### Community Relations

#### Fund Raising

- The board will be having a spaghetti dinner in September or October to raise money.

### Member Comments



Check One:  Initial Application  Reappointment Application

D-3-a

### TOWN OF HAMPDEN APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Barrett Daniel J  
LAST FIRST MI

ADDRESS: 5 Independence Hampden 04444  
STREET TOWN ZIP

MAILING ADDRESS (if different): \_\_\_\_\_

TELEPHONE: 862 3685 581 1978  
HOME WORK

EMAIL: dbarrette.maine.edu

OCCUPATION: Professor

BOARD OR COMMITTEE PREFERENCE:  
 FIRST CHOICE: Library  
 SECOND CHOICE (OPTIONAL): \_\_\_\_\_

How would your experience, education and/or occupation be a benefit to this board or committee?  
CPA ☺

Are there any issues you feel this board or committee should address, or should continue to address?  
 \_\_\_\_\_

- |  |               |   |
|--|---------------|---|
| CONSERVATION COMMITTEE<br>BOARD OF ASSESSMENT REVIEW<br>PERSONNEL APPEALS BOARD<br>LURA HOIT MEMORIAL POOL<br>ECONOMIC DEVELOPMENT COMMITTEE<br>FRIENDS OF DOROTHEA DIX PARK | <u>3 YEAR</u> | DYER LIBRARY<br>RECREATION COMMITTEE<br>BOARD OF APPEALS<br>HISTORIC PRESERVATION COMMITTEE<br>TREE BOARD |
| <u>5 YEAR</u><br>PLANNING BOARD  |               |   |

MAR 09 2015

<b>FOR TOWN USE ONLY</b>	Date Application Received: _____
COUNCIL COMMITTEE ACTION: _____	DATE: _____
COUNCIL ACTION: _____	DATE: _____
<input type="checkbox"/> NEW APPT <input type="checkbox"/> REAPPOINTMENT            DATE APPOINTMENT EXPIRES: _____	

**DRAFT.....DRAFT....DRAFT.....**

**SERVICES COMMITTEE MEETING MINUTES**  
**Monday, July 13, 2015**

Attending:

Councilor Terry McAvoy	Councilor Dennis Marble
Councilor William Shakespeare	Councilor Stephen Wilde
Councilor Greg Sirois	Mayor David Ryder
Interim Town Mgr. Susan Lessard	Recreation Director Shelley Abbott

The meeting was opened at 6 p.m. by Chairman McAvoy.

1. MINUTES – June 8, 2015 – Motion by Councilor Marble, seconded by Mayor Ryder to approve the minutes. Unanimous vote in favor.

2. OLD BUSINESS

- a. Parks Update – The Manager reported that the barbecues had been installed at Dorothea Dix and that picnic tables and trash cans had been installed at other parks. Mayor Ryder updated the Committee during Councilor Comments on the Dorothea Dix trails project. He had spoken with a representative from Prentiss & Carlisle and the project is on track to be done during two weeks in August. He and the company representative and the public works director will be meeting to walk the property and review the trails locations.
- b. David Barrett - Re-appointment to Library Board of Trustees – Motion by Councilor Marble, seconded by Mayor Ryder to recommend to the Council that David Barrett be re-appointed to the Library Board of Trustees. Unanimous vote in favor.

3. NEW BUSINESS

- a. Equipment Donation – Skehan Center – The Town Manager presented a proposal submitted by resident Danny Lafayette to donate weight lifting equipment to the Town to be used at the Skehan Center. Recreation Director Shelley Abbott discussed the proposal with the Committee. Concerns raised were related to lack of sight lines and ventilation to the room where they would be located, the need to change the flooring in the room to accommodate the weight equipment, the lack of hot water for showers due to the high electrical cost of maintaining the currently installed system, limited hours of operation, the location of the room which would create foot traffic through the gym area when it was otherwise in use, limited staffing to monitor use, lack of trained staff, and additional cleaning costs. It was the consensus of the Council that the Town was not in the position at this time to accept this donation and add this to the list of activities available at the Skehan Center.

They acknowledged the generosity and good intent by Mr. Lafayette but are not prepared to accept the gift given the issues raised.

4. PUBLIC COMMENTS - None

5. COMMITTEE MEMBER COMMENTS – See Parks above.

Motion by Mayor Ryder, seconded by Councilor Shakespeare to adjourn at 6:30 p.m.

Respectfully submitted,

Susan Lessard  
Interim Town Manager

## 2014 & 2015 Comparison of Comments – Hampden Saturday Route

The number of comments regarding the discontinuation of the Hampden run are:

2014

Public Comments submitted: 9

Public Meeting comments: 7

2015

Public Comments submitted: 51

Public Meeting comments: 18

Some people submitted comments more than once and spoke more than once at the public meetings.

## **2015 Written Public Comments on Discontinuing Hampden Saturday Bus Service**

These comments were submitted before the July 6<sup>th</sup> deadline.

**Daniel James Mitchell** – Please don't stop the Hampden bus on Saturday for I need it for work and church services.

**Walter Harding** – Need Saturday ride.

**Deidre Van Rediker** – This service I use for work on Saturdays. It would be nice for this bus to still offer services.

**Ray Preston** – We need the Saturday bus for work and appointments.

**Thomas Nutter** – I really rely on the bus for transportation to and from work. This includes Saturdays.

**Devin Allen** – While I may not use the bus service often, I believe that there may be that Hampden resident that relies on Saturday transportation to get to work.

**Todd Drowns** – Some people rely on the bus for Saturday. Some people have to take it to work.

**Scott Edwards** – There are quite a few people that depend on the bus for Saturday. Several I know need the Saturday bus to get to work.

**Rob Steele** – I take this bus religiously.

**K. Rae** – We should keep the bus because people need it to get to work.

**Diane Marsanello** – Please keep the Saturday bus. I am disabled and need it to get around.

Please keep the bus running on Saturday because I am disabled and dependent. Thank you.

**Phillpa Gilmore** – As a single mom without a car, I use the bus on a regular basis during the week to get to school (EMCC) and work. I use the bus on Saturday to get to the grocery stores because the busses don't run late during the week. Getting rid of the Saturday run will do a huge disservice to the people in Hampden as well as the people of Bangor.

As a single parent having access to the bus on Saturdays is a Godsend. I just graduated from EMCC and am now saving up for a car. But to be able to ride the bus from Hampden to get connect to Bangor has been invaluable. After a house fire back in January 2014, using the bus on Saturdays helped alleviate stress on how I was going to get around!

**Angela Marie Rankin** – I've never felt so looked down upon. Bus riders are people too. It's embarrassing to have this keep coming up. My mom and I first did the petition to get Saturday service in 2010 and they said it would be a trial for one year and then they would decide to keep it or not then. It stayed for three years then got brought up last year and now this year again. So, we got lied to. It lasted a year and was kept, so it should stay. More and more people are using it. I'm afraid of it coming up again and again. I feel like the town is making a fool of out me and my mom and themselves and they don't even realize it because they don't understand the bus system and it's humiliating to me and my mom that they don't want Bangor or other towns' riders on their bus. We need their fares to help pay for the bus and to get the federal funding. Plus they are our friends.

I use the Hampden bus on Saturdays to go to the Hampden, Bangor or Brewer Post Office, to go to the laundry mat in Brewer, to go to the grocery store in Hampden, Bangor or Brewer and most importantly, I get on the Hampden bus to go to work at the Brewer Wal-Mart on Saturdays. I get on the Hampden bus in Hampden and go to the Pickering Square Bus Depot and get a paper transfer to get on the Brewer bus that takes me to the Brewer Wal-Mart. I'd like to note that when Bangor or other towns' residents get on the Hampden bus anyplace other than transferring off another bus at Pickering Square, their money goes into the Hampden bus to get to Pickering Square. I'm glad the Town of Brewer doesn't mind me riding their bus with a transfer every day to get to work. Even though the Town of Hampden doesn't want Bangor or Brewer's workers to get to work in Hampden on "our bus" with a transfer! I am also happy that the Old Town bus lets me ride it with a transfer to go to many places in different towns. I have only gone to Old Town once on the Old Town bus. But Hampden doesn't want other town residents riding it unless they come to Hampden. Mr. Shakesphere pointed out last year that this is a system of buses and he is right, it's not "our bus" it's everyone's bus to share! And yes, there are Hampden residents who use it too. I'm not the "only one"!

I recently learned that the more people who ride the bus, the more Federal funding they get, so the more Bangor and other town residents ride the Hampden bus, the more funding it gets. Also, their cash fares go into the money collector on the bus which Hampden gets to offset the cost of the money spent on running it. So, if 100 Bangor people ride the Hampden bus, Hampden gets the \$150 for cash fares.

I think Bangor pays for part of the Hampden run based on area covered or gas mileage, not by the number of Bangor residents riding it. I didn't know Bangor paid any before the last meeting. Bangor residents help pay for the cost of the Hampden bus with their cash fares. I think the fare should go up to \$2 a ride because ½ price senior fair would be \$1 and there would be no change to count. A person at work who gave me a ride home said it costs him \$3 in gas to get from Wal-Mart to his house in Bangor up the street from my house, so it would be about the same from my house and it only cost me \$1.50 or \$1.25 with my bus ticket to get to Wal-Mart by bus. Passengers can pay more for a ride plus people with the ability to get a free pass wouldn't be affected anyway by having a low income because they don't pay anyway.

**Julie Cota** – I hope you don't discontinue the route. I have relied on it since 2002. Thank you.

**McCuhlen** – I go to Shaw's. Can't walk that far. Thank you.

**Sabrina Sergi** – It is convenient for me and others to be able to get their medications along with food. Now many doctors are seeing clients on Saturday so we would like to keep this bus.

**Alicia Belisle** – Please keep Saturday service as more convenient and accommodating for my work schedule. Thank you.

**Barbara Moulton** – I will be working in Hampden and will work on Saturdays. I would need the Hampden bus to get there and back. Thank you.

**Lorelei Coburn** – I feel it would greatly hinder people if this bus is discontinued.

**Mike Sharp** – We need Saturday bus to run for work.

**Ralph Cramden** – Keep it.

**Kim Foley** – I assist a disabled friend on this route on Saturdays along with other days in the week. I am disabled myself so walking from downtown isn't possible. I can't afford a cab either. She NEEDS the help with cleaning, cooking and other chores. Saturday is the only day I can do some of these things. Please DO NOT take this from us. Thank you.

**Michelle McCourt** – I need the bus to get to and from work please.

**Ray Preston** – We need the Saturday bus.

**Kristine Scoville** – I am disabled and walk with a cane! I need the bus to be able to get around!

**Robert S** – Let's keep it for those who need it.

**Albert Young** – We need the bus on Saturday.

**Anonymous** – Some people need this route because it cost a lot of money for a taxi. Driver would lose money.

**Adam A** – I work on Saturdays and take the bus home, so I'd like the bus to stay open on Saturday.

**Crystal Ann Giasson** – I don't think they should shut down on Saturdays. They should keep it running on Saturdays. People are disabled.

**Robin Johnston** – I work downtown Bangor and I take the bus every morning, sometimes several times a day. Really appreciate the service and would like to see Sunday services as well.

**Katelyn Jordan** – I use the bus to get to work. I have to work weekends, and it's hard enough getting to work on Sunday. Don't get rid of Saturdays too.

**Stephen King** – I'm sure you can find other budget items to trim.

**Todd Drowns** – I don't think they should stop Saturday service. A lot of people don't have vehicles. People take it on Saturdays to work or go shopping/laundry. We don't want to lose service, we want more service. I ride the bus every day to work.

**Joyce Rankin** – Saturday use for bill paying, grocery shopping at Shaw's and Hampden Hannaford and Hampden Post Office and going to pharmacy. Thank you. Banking too.

Use Saturday for laundry, grocery shopping, banking, pharmacy, etc. Thank you.

**Andrew** – Rides the bus for Wal-Mart groceries on Saturdays.

**Keith Howard** – I work at Shaw's market and I get a pass for every month. I work a lot of Saturdays so it helps me.

**Deborah Cannell** – Lots of people need the Saturday bus to go to work if you stop it that would be a shame.

**Cynthia Rand** – Please don't stop Saturday bus service. Uses the bus to get to work every day.

**Natahsa Phelps** – I would like to keep Saturday run. That is my only way into town for break. If it didn't run, I wouldn't have any way to town.

**Sarah Lancaster** – I don't think they should stop it on Saturday because people who live in Hampden need to be able to get back home.

**Josh Lancaster** – I think it's stupid to stop the Hampden bus route on Saturdays because people who live in Hampden who work on Saturdays need transportation to work.

**Mike Campbell** – Don't discontinue.

**Lori Lathrop** – I am a 30 year resident of Hampden. I also am legally blind so the bus is my main form of transport. I use the bus on Saturday to pick up prescriptions. My insurance will not allow them to be picked up a day early. That is my main concern.

**Sarah Klinedinst** – Please don't. This is the only bust that goes to Shaw's.

**Joanna Colella** – No transportation. Need bus on Saturday to work at Hannaford and Ocean State Job Lot.

**Cindy Wren** – I use your bus every Saturday to go to work, get groceries and meds.

**Andrew Roscoe** – Andrew lives on Lincoln Street in Bangor. He is concerned about the reduction in service not only for Bangor residents on the Main Street corridor on Saturday, but he is concerned about his friends that ride from Hampden as well. He knows of one Hampden resident that uses the bus to come in to Shaw's to get insulin medication.

**Carl Weeks** – I use the bus because I am disabled and I use it a lot on Saturday.

**Charles Lamperta** – More people can't afford to drive or own a car. This bus is very important for work and medical appointments, as well as staying off welfare.

**Eric McVay** – Please keep service.

## **2015 Public Hearing Comments on Discontinuing Hampden Saturday Bus Service**

These comments are from the July 15<sup>th</sup> 4pm Public Hearing at Bangor City Hall

**Andrew Rosco** – I take the Hampden bus and have spoken to a lot of people. The bus is easier to use for medical, shots, insulin on said days. I take the Hampden bus for shopping on the weekend. I was asked to sign a petition. People take the bus to work at Shaw's. Losing the bus going that way on the weekend, they won't be able to get to work. A lot of good reasons to keep the bus. The bus drivers are really nice. We had one day when teenagers rode the bus. They filled the bus. Riders won't get past the Bangor Shelter if the Hampden bus is gone.

**Ted Rippy** – I am a member of Food and Medicine in Brewer. I have a message from Angela Bickford to read.

Angela's message: "I am the Co-Chair of Transportation for All. The Hampden bus is used for groceries in Hampden. I believe no fare money is lost if people are taking the bus to bank on Maine Street. We all use the bus for interchanging."

**Ted speaking** – I am a direct care worker. I used the bus for two to three years to take care of my client. My fare goes to Hampden.

**Hank Garfield** – I am a regular use of the bus, including Hampden. Public transportation is good for the economy. It allows us to give up a car. A woman in Hampden told me many young people manage their lives by using their car less and riding the bus. We should support this. I hope Bangor and Hampden find a way to keep the bus.

**Lee Childs** – I used the bus for several years when my car was dead. I now have a car, but I still use the bus when the weather is bad. I collected 52 cards. It improves the economy to have this bus route. The problem is that few people know when it runs.

**Joyce Rankin** – I use the bus up to three times on a Saturday. I go to the cleaners, Shaw's for canned goods and Hannaford for paper products. It costs \$6 plus a \$2 tip to take a cab from Shaw's to home. My daughter uses the bus for getting to work at Walmart. It will cost \$120 more each month for me and my daughter. I got rid of my car because it was costing me \$20 per day in gas. Now I take the bus and go every place, Old Town, Bangor, and Brewer. The main thing is 16 people are employed at Rite Aid, Circle K, Shaw's, and Walmart. These people don't make lawyer salaries. How will they pay the \$30 per day to get to work? A girl works making \$25 per day won't even cover the cab fare. These are the people being hurt.

**Angela Rankin** – There is no bus to replace the Bangor part of this run. I have talked to a bunch of people wondering what Bangor is going to do. Nothing, there is no replacement. The last bus leaves Bangor at 5:15 p.m. so people can't make it to this meeting if it goes past 5:00 p.m. The

problem is that there are different costs quoted. Federal funds depend on how many people ride the bus. I don't really understand. I have been told Hampden gets money from fares and others say that Hampden just gets \$16,000. Discontinuing this bus is a step backward not forward. Taking the Saturday service from Hampden is not understandable because it is the thing that will help people.

**Andrew Rosco** – I have been on disability. I go to the Limited Solutions Clubhouse. They work to get people back to work. I am from Rockland, and they don't have a bus system. This will take a job away from people. I go out to shop three different places – Walmart, Shaw's. I used to have a service dog. I needed to get permission to bring the dog on the bus. I'm not using the dog as much now. A woman sat with me on the bus because she said she knows I use the bus a lot. She was going to Shaw's and never rode the bus before. We have a system that works great. If it is taken away, we won't be able to get it back. The bus has awesome drivers. These people are here because they like your bus system. I love your bus system. People on snow days need to get out. I need to get medications Please don't cancel the bus. Some people want Sunday to get out to do things. Do you want to keep people in the house? No, you don't. That's why you run the bus.

**Martin Chartrand** – A couple people mentioned Transportation for All. This came about because a dozen organizations came together to get transportation for everyone. Cutting the service on Hampden route will make the situation worse. A friend's girlfriend takes the bus to Sears. The money made in a day would only be enough to pay for a cab.

**Robert** - I use the bus every Saturday. Suzanne Kelly is not a Hampden resident, but she knows people in Hampden who use the bus to get to work. They won't be able to get to work if the bus goes away. We should be encouraging people to ride the bus. Sometimes the bottom line is more than just a dollar figure. More people can access jobs, patronize local businesses. We ask that you not cut the bus.

**Clyde McDonald** – I attended the Hampden meeting. Many people testified how they use the bus. We ought to do the math. The town budget is \$6 million. We are talking about \$20,000 item. People are paying a few cents or dollars on their tax bill. I have only used the bus one or two times because I have a car. When it did conk out, the bus was handy. The cost is so small that if you discontinued the service you're not really doing a public service. A few dollars for people who are well off or middle class like me would help. It costs \$15 to \$18 per trip for a taxi. People in Augusta and Washington are blind worshippers of the wealthy. This causes animosity toward the poor and disabled. I hope this isn't happening in Hampden.

**Lee Childs** – I called a few people from my church. I spoke with a woman who is around 80. She told me it was funny that I called because she and a friend were just talking about what they will do when they lose their eyesight and can't drive. This is a great benefit to aging population. I ask you to educate us as there are so many rumors.

**Jeremy Jones** – I have been hearing about budget issues, so I collected data. I rode the bus all day collecting the data I have given you. The drivers are all friendly, courteous and helpful with all people they interact with. I think what we are doing is creating a fog. Looking at real data, the numbers are skewed to benefit Bangor at the expense of the Hampden residents. I don't know how Hampden leaders could sign up for such a bad deal. So I say cancel the bus. This will force the issue to be negotiated more equitably. You can improve the service for less cost. The bus is not half full or empty, the service is too large. I can help if you need.

**Hank Garfield** – The cost for running the bus is not too high. I know Bangor and Hampden are in a pissing match over funding. Public transportation is a good thing for the economy.

**Clyde McDonald** – I don't think Mr. Jones speaks for all residents of Hampden.

**Bill Shakespeare** – I am a member of the Hampden Council, but I am not speaking on behalf of the council, only myself. I have empathy for those who need the bus and help. It's not a question of do we want to help or not. The first year I questioned the viability and cost of it. I followed the bus around Hampden to Bangor and back. I noticed how many got on and off. The majority were Bangor riders. They get on at the hub and travel to Shaw's, the casino, and Beal College. It's not a question of whether they need or not. Somehow there is a misconception that Hampden gets a check in the mail. I am completely baffled where the figures come from. Laurie stated in an email that the savings of discontinuing the bus would be \$28,000. This year, the savings are stated as being \$16,000. Don Cooper told me that Hampden pays \$33,000 not the \$96,000 we write a check for. Laurie sent an email to Sue saying that \$8,300 would be gained if the bus were canceled, but at the meeting, Laurie said \$16,000 not the full \$28,000. She said the formula to calculate the \$8,300 was wrong. Why did we pay a total of \$28,000 if there are state, local and federal fares? There are a lot of misconceptions. I don't understand it. Old Town, Veazie, and the University each pays a certain amount of money for bus service.

One quarter of the riders are Hampden residents. The rest don't even use the bus to go to Hampden. Subdivide the cost. Bangor should pay the bulk of that. There are ways to account for which residents ride the bus. We are paying \$93,000, next year it will go up to \$96,000. Hampden is paying almost \$100,000 for that bus. Most individuals are from Bangor. Revamp the system. Look and see if you can charge the proper amount for what we are using. I wasn't born with a silver spoon in my mouth.

**Joyce Rankin** – I take the bus every Saturday. The past month drivers have been surveying where people get on and off. Can't you make sure Hampden Council gets the results? Any Saturday may be one or two people, but not every Saturday. It is busy in the morning, at noon and in the evening. I have used it on every hour of increments.

**Andrew Rosco** – People get their checks on the 3<sup>rd</sup> or on weekends. One day kids rode the bus. It was packed. I don't know how it will be if the bus is gone and the check comes on the weekend. I carry five bags in one hand. I've been paralyzed and paraplegic at one point. Snow bound people won't be able to get out of the house. That's why my sister moved me up here. I

was housebound I Rockland. I will need to take a woman the bus to teach her how to use it. She is scared of the bus.

**Angela Rankin** – Raise the fare for the bus. A women who drives me home from work says it costs her \$3 to get home from Walmart. I only pay \$1.50 to get home. People don't use it every day but will want it sometimes.



D-4-b

To: Hampden Town Council  
From: Dean Bennett, Director of Community and Economic Development  
Subject: Updated Subdivision Ordinance  
Date: July 6, 2015

At the Planning and Development Committee Meeting of July 1, 2015, the following actions were taken:

**Committee Action:** Motion to forward the revised draft Subdivision Ordinance to Town Council with recommendation to forward to Planning Board for review and comment.  
Vote: 5-0.

The Revised Final Draft Subdivision Ordinance is attached.

**TOWN OF HAMPDEN  
Draft**

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

**SUBDIVISION ORDINANCE**

*Prepared for the*

**TOWN OF HAMPDEN, MAINE**

*By*

*PENOBSCOT VALLEY REGIONAL PLANNING COMMISSION*

**FEBRUARY 1982**

Financial assistance in the preparation of this document was provided by Maine's Coastal Program through funding provided by the U. S. Department of Commerce, Office of Coastal Zone Management, under the Coastal Zone Management Act of 1972 as amended.

ADOPTED BY HAMPDEN TOWN COUNCIL: May 17, 1982

EFFECTIVE DATE: June 17, 1982

TEXT AMENDED

AMENDED: April 4, 1983	deletion				
EFFECTIVE: May 6, 1983					
AMENDED: May 7, 1984	331.2.5				
EFFECTIVE: June 6, 1984					
AMENDED: November 18, 1985	532.6	1030			
EFFECTIVE: December 18, 1985					
AMENDED: December 1, 1986	620				
EFFECTIVE: January 1, 1987					
AMENDED: September 21, 1987	545.3D	554.4			
EFFECTIVE: October 20, 1987					
AMENDED: October 5, 1987	331.2.4	332.1.1	332.1.4	342.5	
EFFECTIVE: November 3, 1987					
AMENDED: March 7, 1988	565				
EFFECTIVE: April 6, 1988					
AMENDED: June 6, 1988	331.2.2	332.1.2			
EFFECTIVE: July 5, 1988					

TEXT AMENDED

AMENDED: September 19, 1988 EFFECTIVE: October 18, 1988	1030						
AMENDED: March 13, 1989 EFFECTIVE: April 11, 1989	deletion						
AMENDED: June 19, 1989 EFFECTIVE: July 19, 1989	332.2.3	332.2.4	332.2.12	443	460.26	554.4	
AMENDED: June 3, 1991 EFFECTIVE: July 3, 1991	544.3	545.3D					
AMENDED: April 6, 1992 EFFECTIVE: May 6, 1992	deletion						
AMENDED: October 4, 1993 EFFECTIVE: November 3, 1993	513	531.8					
AMENDED: December 20, 1993 EFFECTIVE: January 19, 1994	1031						
AMENDED: February 7, 1994 EFFECTIVE: March 9, 1994	1021	1032	1033				
AMENDED: December 4, 1995 EFFECTIVE: January 3, 1996	552.15.C	552.25	552.26				
AMENDED: May 20, 1996 EFFECTIVE: June 19, 1996	541	543					
AMENDED: February 12, 2002 EFFECTIVE: March 14, 2002	410 475	420 481	431 483.3	432 521	450 531.3A	460.3 532.3	470 532.5
AMENDED: February 12, 2002 EFFECTIVE: March 14, 2002	520	530					
AMENDED: November 17, 2003 EFFECTIVE: December 17, 2003	320	330					
AMENDED: October 3, 2005 EFFECTIVE: November 2, 2005	521	522	524	552.15.B	552.16		
AMENDED: August 6, 2007 EFFECTIVE: September 5, 2007	565						
AMENDED: July 14, 2014 EFFECTIVE: August 13, 2014	542						

**TOWN OF HAMPDEN, MAINE  
SUBDIVISION ORDINANCE  
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ARTICLE 100  
**DECLARATION OF PURPOSE**

The purpose of these standards shall be to assure the comfort, convenience, safety, health, and welfare of the people, to protect the environment, to promote the development of an economically sound and stable community, and to uphold the state Subdivision Law (MRSA) Title 30-A MSRA §4401 through §4407 as amended Title 30, Section 4956.

ARTICLE 200  
**AUTHORITY AND ADMINISTRATION**

**210. Authority** - This Ordinance is enacted pursuant to and consistent with Title 30-A MSRA §4401 through §4407 as amended Title 30 MRSA Section 4956; the Subdivision Law.

**220. Administration and Enforcement**

221. This Ordinance shall be known and may be cited as the “Subdivision Ordinance of the Town of Hampden, Maine.”

222. The Planning Board of the Town of Hampden, with the assistance of the code enforcement officer and the Town Manager (as specified in the ordinance) shall administer this Ordinance.

223. The provisions of this Ordinance shall pertain to all land proposed for subdivision as herein defined within the boundaries of the Town of Hampden.

224. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved by the Hampden Planning Board and recorded in the Penobscot County registry of deeds, nor shall such person, firm, corporation or other legal entity sell or convey any land in such approved subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term “permanent marker” includes but is not limited to the following: a granite monument, a concrete monument, an iron pin or a drill hole in ledge. No subdivision plat or plan shall be recorded by the register of deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision for which a plan has not been approved.

225. The Hampden Planning Board, the Town Council of the Town of Hampden, the code enforcement officer, or the Town of Hampden may institute proceedings to enjoin any violations of this Ordinance, and if a violation is found in court, the Town of Hampden may be allowed attorney fees.

226. Any person, firm, or corporation or other legal entity found guilty of a violation of this Ordinance shall be punished by a fine of not more than one thousand dollars (\$1,000) for each such occurrence.

ARTICLE 300  
**PROCEDURES FOR SUBDIVISION REVIEW**

**310. Introduction** - The subdivider's application for subdivision approval will not be considered complete until a Final Plan, including all required information, has been submitted to the Planning Board. While the subdivider may submit the Final Plan and all related materials to the Planning Board without any prior contact with the board, the subdivider is encouraged to follow the procedures outlined in this Ordinance. The procedures herein outlined are designed to prevent problems related to the statutory time limits for reviewing complete applications and to provide opportunity for a dialogue between the Planning Board and the subdivider so that the approved subdivision will be designed and built in a manner that fulfills the purpose of this ordinance.

**320. Preapplication Meeting and Submission of a Sketch Plan**

321. The subdivider shall submit at least twelve (12) copies of a sketch plan and application to the code enforcement officer at least fifteen (15) days in advance of the regularly scheduled meeting at which she/he wishes it to be considered. The subdivider or his/her authorized agent shall be present at the meeting to discuss the proposal with the Planning Board.

322. The purposes of this preapplication conference between the subdivider and the Planning Board are:

1. To classify the subdivision as a major or a minor subdivision.
2. To provide an opportunity for the subdivider and the Planning Board to informally review the subdivider's ideas for use of the land;
3. To discuss procedures for subdivision review and approval;
4. If road construction is involved in the proposal, to classify the road as either minor or collector;
5. To discuss any apparent potential problems associated with the subdivision; and
6. To arrange for on-site inspection of the subdivision site.

323. The sketch plan shall consist of an outline of the proposed subdivision, drawn on a map drawn to scale, showing the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch. Accompanying the sketch plan shall be a written application which includes a description of existing covenants and easements and zoning; medium intensity soils survey information (obtainable from the Penobscot County Soil Conservation Service); information about available community facilities and utilities on or near the site; information describing the subdivision proposal including the number of residential lots, typical lot width, and depth, plans regarding sewer and water service and road construction; and any proposed nonresidential areas. An application form, available at the town office, shall be used to submit the written information.

324. Other than the classification of the subdivision and the roads, if necessary, no binding commitments shall be made between the subdivider and the board at this stage.

325. The Planning Board shall act on the sketch plan within forty-five (45) days of the time it is submitted and shall notify the subdivider of its action in writing, within fifteen (15) days of its action.

326. Inspection of the site. In order for the Planning Board to be more fully informed about the site, the subdivider shall arrange an inspection of the site with the code enforcement officer and the Planning Board or an individual appointed by the chairman to act as the board's representative for the inspection. The on-site inspection must be considered the next step in the subdivision review process.

### **330. Review of Major Subdivision**

#### **331. Preliminary Plan**

331.1. *Purpose* - The purpose of Preliminary Plan review is to give the Planning Board an opportunity to review the subdivider's proposal while it is in the planning stage and to make recommendations to the subdivider as seem appropriate based on state and local laws and regulations. The intent is that all major issues relative to the subdivision will be identified and resolved prior to the submission of the Final Plan.

#### **331.2. Procedure**

1. Within six (6) months after classification of the sketch plan as a major subdivision by the Planning Board, the subdivider shall submit an application for the consideration of a Preliminary Plan for a major subdivision. The Preliminary Plan shall substantially conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board.
2. The application for approval of the Preliminary Plan shall be accompanied by a fee paid in accordance with the Town of Hampden Fees Ordinance, payable by check to the Town of Hampden, Maine. *(Amended: 06-06-88, 11-17-03)*
3. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.
4. The time of submission of the Preliminary Plan shall be considered to be the date of the regular monthly meeting of the Planning Board at least forty-five (45) days prior to which fifteen (15) copies of the application for Preliminary Plan approval, complete and accompanied by the required fee and all data required by section 331.3 of this Ordinance shall have been filed with the code enforcement officer. *(Amended: 10-05-87)*
5. A public hearing shall be held by the Planning Board at the time of submission of the preliminary subdivision plan. Said hearing shall be advertised in a newspaper of general circulation in the town at least ten (10) days prior to the hearing. A notice of said hearing shall be mailed to each land owner abutting the proposed development and to each landowner within three hundred (300) feet of the property line of the proposed development. Landowners shall be considered to be those against whom property taxes are assessed. Failure of any landowner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board. Responsibility for such notification shall be assumed by the code enforcement officer. The applicant shall

bear all associated costs of advertisements and notifications. If site plan review is required it shall be combined with this hearing. *(Amended: 05-07-84)*

6. The purpose of the public hearing shall be for the Planning Board to receive testimony from the public and the Town Council relative to any municipal ordinance, standard, or regulation which is applicable to the proposed subdivision and relative to the relationship of the subdivision to the ordinance, standard, or regulation.
7. Within thirty (30) days after the public hearing, the Planning Board shall take action to give preliminary approval, with or without modifications, or to disapprove such Preliminary Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within thirty (30) days of the public hearing shall constitute approval of the Preliminary Plan.
8. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to:
  - A. The specific changes which it will require in the Final Plan;
  - B. Specific information which is over and above that required in section 332.2 of this Ordinance which will be required in the Final Plan review (such additional information must be reasonably related to the review of the subdivision);
  - C. The character and extent of the required improvements for which waivers have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare.
9. Approval of a Preliminary Plan shall not constitute approval of the Final Plan but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any.

331.3. *Submissions* - The preliminary subdivision plan shall be submitted, in the appropriate number of copies, which may be either printed or reproduced on paper. The Preliminary Plan shall be not less than eight and one-half (8-1/2) inches by eleven (11) inches and not more than forty-eight (48) inches by thirty-six (36) inches. The plan shall be drawn to a scale in which one inch equals no more than one hundred (100) feet and shall be oriented so the north direction is the same on all sheets. The Preliminary Plan and supporting data shall include the following information.

331.3.1. *Information About the Applicant*

- |                       |  |
|-----------------------|--|
| <i>map &amp; text</i> | 1. Name of owner indicated on the map plan and in accompanying written information.  |
| <i>map &amp; text</i> | 2. Name of applicant (if other than owner) indicated on the map plan and in accompanying written information.  |
| <i>text</i>           | 3. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of secretary of state's registration in accompanying written information. |

- text* 4. Name of applicant's authorized representative in accompanying written information.
- map & text* 5. Name, address, and number of registered professional engineer or land surveyor indicated on the map plan and in accompanying written information.
- text* 6. Address to which all correspondence from the Planning Board should be sent in accompanying written information.
- text* 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.) in accompanying written information?
- text* 8. What interest does applicant have in any property abutting parcel to be subdivided in accompanying written information?
- text* 9. State whether preliminary plat plan covers entire, contiguous holdings of applicant or not in accompanying written information.

*331.3.2. Information About the Parcel to be Subdivided*

- text* 1. Location of property: Book and page (from register of deeds) in accompanying written information.
- text* 2. Location of property: Map and lot (from assessor's office) in accompanying written information.
- map* 3. Map survey of tract to be subdivided, certified by a registered land surveyor, tied to established reference points (attach to application) indicated on the map plan.
- map & text* 4. Current zoning of property indicated on the map plan and in accompanying written information.
- text* 5. Acreage of parcel to be subdivided in accompanying written information.
- map & text* 6. A soils report, identifying soil types and location of soil test areas indicated on the map plan. Evidence of soil suitability according to the Maine State Plumbing Code shall be presented if subsurface sewage disposal is proposed. There shall be at least one (1) soil test per lot if subsurface sewage disposal is proposed.
- map* 7. Names of property owners abutting parcel to be subdivided, and on opposite side of any road from parcel to be subdivided indicated on the map plan.
- map & text* 8. Indicate the nature of any restrictive covenants to be placed on the deeds indicated on the map plan and in accompanying written information.

331.3.3. *Information About the Subdivision*

- |                       |   |
|-----------------------|---|
| <i>map &amp; text</i> | 1. Proposed name of subdivision indicated on the map plan and in accompanying written information.  |
| <i>map &amp; text</i> | 2. Number of lots and lot sizes indicated on the map plan and in accompanying written information.  |
| <i>map</i>            | 3. Date, north point, graphic map scale indicated on the map plan.  |
| <i>map</i>            | 4. Proposed lot lines with approximate dimensions and suggested locations of buildings, subsurface sewage disposal systems, and wells indicated on the map plan.  |
| <i>map &amp; text</i> | 5. Location of all parcels to be dedicated to public use and the conditions of such dedication indicated on the map plan and in accompanying written information.   |
| <i>map</i>            | 6. A location map, drawn at a scale in which one (1) inch equals no more than five hundred (500) feet, showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area indicated on the map plan. The location map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision (attach to application). |
| <i>map</i>            | 7. Location and size of significant existing physical features including but not limited to wetlands, floodplains, watercourse, rock outcrops and trees of twelve-inch caliper diameter at chest height indicated on the map plan.  |
| <i>map</i>            | 8. Location and size of any existing sewers, watermains, culverts and drains on the property indicated on the map plan.   |
| <i>map</i>            | 9. Location, names and widths of existing and proposed streets, highways, easements, building setback lines, parks and other open spaces indicated on the map plan.   |
| <i>map</i>            | 10. Contour lines at an interval of not more than two (2) feet in elevation, unless otherwise specified by the Planning Board indicated on the map plan. All elevations shall be referred to USGS datum.  |
| <i>map</i>            | 11. Typical cross-sections of proposed grading for roadways and sidewalks, including materials to be used on roadways and sidewalks indicated on the map plan.  |
| <i>map</i>            | 12. Storm drainage plan indicating the approximate location and size of proposed lines, catch basins and means of disposal indicated on the map plan.   |
| <i>map</i>            | 13. The approximate location and size of all proposed water and sewer lines, valves, pump stations and hydrants. Also connections to existing sewer and water systems or alternative methods of water supply and sewage disposal shall be shown indicated on the map plan.  |
| <i>map</i>            | 14. Location of all other existing and proposed utilities such as electricity and telephone indicated on the map plan.  |

- map* 15. Location and type of landscaping including natural growth to be left in place and nursery stock to be planted indicated on the map plan. This information may be indicated on a Preliminary Plan print.
- map* 16. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale in which one (1) inch equals not more than five hundred (500) feet showing an outline of the subdivided area with its proposed streets and an indication of the probable future street system in the remaining portion of the tract indicated on the map plan. The part of the subdivider's holding submitted, shall be considered in light of the entire holding.
- map* 17. If the preliminary application covers more area than the Final Plan will cover, a map showing the phasing of the entire project, drawn at a scale in which one inch equals not more than five hundred (500) feet and indicating the proposed timing of each phase indicated on the map plan.

332. *Final Plan*

332.1. *Procedure*

1. Within six (6) months of the date of Planning Board action on the Preliminary Plan, the subdivider shall submit the Final Plan to the Planning Board. Failure to submit the Final Plan within the designated time period shall require resubmission of the Preliminary Plan to the Planning Board. However, the subdivider may submit a Final Plan for only part of the subdivision approved in the Preliminary Plan. In that case, each successive phase shall be submitted within three (3) years of the date of approval of the preceding phase. The Final Plan shall consist of two (2) original transparencies of all maps or drawings and fifteen (15) copies of all items necessary to complete the submission. *(Amended: 10-05-87)*
2. The application for approval of the Final Plan shall be accompanied by a fee paid in accordance with the Town of Hampden Fees Ordinance. The cost of the following improvements shall be included in the calculation of cost: sewer, storm drainage, and/or street work. The subdivider shall be responsible for providing the Town Manager with an estimate of construction cost, prepared by an engineer acceptable to the Town Manager. The Town Manager shall be responsible for certifying the acceptability of the estimate. *(Amended: 06-06-88, 11-17-03)*
3. The subdivider, or his duly authorized representative shall attend the meeting of the Planning Board to discuss the Final Plan.
4. The time of submission of the Final Plan shall be considered to be the date of the regular monthly meeting of the Planning Board at least forty-five (45) days prior to which the complete application, accompanied by the required fee, shall have been filed with the code enforcement officer. The Planning Board shall issue the subdivider a dated receipt for the Final Plan at the time of submission of the Final Plan. *(Amended: 10-05-87)*
5. Within thirty (30) days from receipt of a Final Plan, the Planning Board shall notify the subdivider in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed, it shall notify the subdivider and begin its full evaluation of the proposed subdivision.
6. Prior to submitting the Final Plan, the subdivider shall file an improvement guarantee with the Town Manager. The purpose of the guarantee is to insure that all required subdivision improvements shall be satisfactorily completed. The amount and form of the guarantee shall be that defined under Article 400 of this Ordinance.
7. *Public hearing* - The board may vote to hold a public hearing on the proposed subdivision. If so, such hearing shall be held within thirty (30) days of having received a complete Final Plan (as determined under section 332.1 item 5.). The manner described in section 331.2 item 5 of this Ordinance. The purpose of the public hearing shall be for the Planning Board to receive testimony from the public relative to any municipal or state ordinance, standard, or regulation which is applicable to the proposed subdivision and the relationship of the subdivision to the ordinance, standard, or regulation.
8. *Review and Action on Final Plan* - The board shall, within thirty (30) days of a public hearing; or within sixty (60) days of having received a complete application, if no public

hearing is held; or within such other time limit as may be mutually agreed to by the board and the subdivider, review the application and deny or grant approval of the proposed subdivision, or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in these regulations and state law and to preserve the public's health, safety, and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Planning Board shall make findings of fact establishing that the proposed subdivision does or does not meet the provisions of these regulations and the state subdivision law.

9. Upon approval of the plan, at least a majority of the board members present and eligible to vote shall sign both transparencies. The date and any conditions of approval shall be written on both transparencies. One signed transparency shall be returned to the subdivider for filing with the registry of deeds and one signed transparency shall be retained by the Planning Board. The Planning Board shall maintain a permanent record of their action with respect to the Final Plan.
10. No changes, erasures, modifications, or revisions shall be made in any subdivision plan after approval has been given by the Planning Board and endorsed, in writing on the plan unless the plan is first resubmitted to the Planning Board and the board approves the modifications. In the event that any such subdivision plan is recorded without complying with this requirement, the same shall be considered null and void, and the board shall institute proceedings to have the plan stricken from the records of the registry of deeds.
11. The subdivider shall file a signed subdivision plan at the Penobscot County registry of deeds within ninety (90) days of the approval. Any plan not filed within ninety (90) days will be considered null and void unless the particular circumstances of said subdivider or subdivision warrant the Planning Board to grant an extension which shall not exceed two (2) additional ninety-day periods.

332.2. *Submissions* - The Final Plan shall be submitted in the appropriate number of paper and transparent copies. The Final Plan shall be not less than eight and one-half (8-1/2) inches by eleven (11) inches and not more than forty-eight (48) inches by thirty-six (36) inches. The plan shall be drawn at a scale in which one inch equals no more than one hundred (100) feet and shall be oriented so the north direction is the same on all sheets. In addition to all items required on the Preliminary Plan and information requested by the Planning Board during the Preliminary Plan review, the following items shall be required as part of the Final Plan submission unless otherwise indicated by the Planning Board.

- map* 1. *Registered Land Surveyor or Engineer* The name, registration number, seal and signature of the surveyor and/or engineer who prepared the plan. This information shall be on all sheets including cross-section and profile sheets also indicated on the map plan.
- map* 2. *Streets* - The names and lines, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings indicated on the map plan.
- map* 3. *Street Profiles and Details* - Profiles of centerlines of proposed new streets on sheets separate from the plat, at a horizontal scale on one inch equals 40 feet and vertical scale of one inch equals four (4) feet; profiles of all proposed sewers shall be shown on street profiles, when applicable, at the same scale. All elevations shall refer to USGS datum

indicated on the map plan. Detail drawings of any construction methods required for the accommodation of utilities and street appurtenances shall be included. (Amended: 06-19-89)

- map 4. *Street Cross Section* - Cross section at fifty-foot horizontal intervals of proposed new streets, on sheets separate from the plan at the scale of 1 inch equals 5 feet horizontal and 5 feet vertical indicated on the map plan. (Amended: 06-19-89)
- map 5. *Sewer profiles*. Profile of sanitary sewer, if not shown on street profiles, on sheets separate from the plan, at the same scale indicated for street profiles indicated on the map plan.
- map 6. *Storm drainage plan*. Indicating the location and size of the proposed lines, catchbasins, underdrains, their profiles and means of disposal indicated on the map plan.
- map & text 7. *Open spaces*. The designation of all easements, areas reserved for or dedicated to public use, and areas reserved by the subdivider indicated on the map plan and in accompanying written information. If open space or recreation land is to be dedicated to the town, accompanying the plan must be a copy of the minutes of the Town Council, attested by the town clerk, in which the Town Council agrees to accept such open space or recreation land. Also accompanying the plan shall be written copies of any documents of land dedication and a letter from the town attorney that he is satisfied with the legal sufficiency of the documents conveying such land dedication.
- map 8. *Lots* - The location, bearing and length of every line, with all lots to be numbered in accordance with the property maps of the Town of Hampden indicated on the map plan.
- map 9. *Permanent Reference Monuments* - The location of permanent monuments and pins, set at all lot corners, and identified as existing or proposed indicated on the map plan.
- text 10. *Improvement Guarantee* - Accompanying the plat shall be a letter from the Town Manager indicating that the form, duration, and amount of the improvement guarantee is sufficient and that it has been filed with him in accompanying written information.
- map 11. *Approval Space* - Suitable space to record on the approved plan the date and conditions of approval, if any indicated on the map plan. This space shall be similar to the following example:

*(Additional Suggested Text)*

This is to certify that after reviewing the subdivision submission information for the subdivision shown on this plan and considering each of the criteria set forth in M.R.S.A. Title 30-A, Section 4404 (as amended) and in the Hampden Subdivision Ordinance, the undersigned have made findings of fact establishing that this subdivision plan along with its additional submission information has met all the criteria set forth and therefore the subdivision is approved.

Approved: Town of Hampden Planning Board

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date Approved: \_\_\_\_\_  
Date Signed: \_\_\_\_\_  
Conditions: \_\_\_\_\_

- text* 12. *Accompanying Data* - The plans shall show the proposed location of all utilities (ie. Water, sewer, electrical, telephone) with written letters from each respective utility indicating their approval for the proposed design and location as shown on the plans. Also there shall be a letter from the Fire Chief approving the number, size and location of hydrants proposed and a letter from the Town Manager indicating the Town's approval of rental charges in accompanying written information. *(Amended: 06-19-89)*
- text* 13. *Easements* - If any easements have been required by the Planning Board, title to the easement, drawn up in a form and substance acceptable to the town or the Hampden Water District if applicable) shall be provided to the town (or the Hampden Water District if applicable) by the subdivider before final approval is granted in accompanying written information.

#### **340. Review of Minor Subdivision**

341. *General* - The Planning Board may require, in advance, where it deems it necessary for the protection of public health, safety and welfare, that a minor subdivision or a minor subdivision plan comply with all or any of the requirements specified for major subdivision or major subdivision plans.

#### **342. Procedure**

1. Within six (6) months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a subdivision plan. The subdivision plan shall substantially conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board.
2. The application for approval of a minor subdivision shall be accompanied by a fee paid in accordance with the Town of Hampden Fees Ordinance payable by check to the Town of Hampden, Maine. *(Amended 11-17-03)*
3. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the subdivision plan.
4. The time of submission of the subdivision plan shall be considered to be the date of the regular monthly meeting of the Planning Board, at least fifteen (15) days prior to which the application, complete and accompanied by the required fee has been filed with the code enforcement officer. The Planning Board shall issue the subdivider a dated receipt for the subdivision plan at the time of submission of the subdivision plan.
5. Fifteen (15) paper copies and two (2) transparent copies of the subdivision application, containing all information required in section 343 of this Ordinance shall be submitted. *(Amended: 10-05-87)*
6. Within thirty (30) days from receipt of a subdivision plan, the Planning Board shall notify the subdivider in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed it shall notify the subdivider and begin its full evaluation of the proposed subdivision.

7. In the event that the Planning Board determines to hold a public hearing on the proposed subdivision, it shall hold such public hearing within thirty (30) days of having received a complete subdivision application, and shall cause notice of the date, time and place of such hearing to be given to the subdivider and to be published in a newspaper of general circulation in Hampden at least two (2) times, the date of the first publication shall be at least seven (7) days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision the Planning Board may consider the size and location of the subdivision, its community impact, and whether any written requests for such hearing have been received.
8. The Planning Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of the time of submission, if no hearing is held, or within such other time limit as may be mutually agreed to, issue an order denying or granting approval of the proposed subdivision, or granting approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in these regulations and in Title 30-A MSRA §4401 through §4407 as amended ~~Title 30, MRSA, section 4956~~, the state subdivision law, and to preserve the public's health, safety, and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Planning Board shall make findings of fact establishing that the proposed subdivision does or does not meet the provisions of these regulations and the state subdivision law.
9. Upon approval of the plan, at least a majority of the board members present and eligible to vote shall sign both transparencies. The date and conditions of approval shall be written on both transparencies. One signed transparency shall be returned to the subdivider for filing with the registry of deeds and one signed transparency shall be retained by the Planning Board. The Planning Board shall maintain a permanent record of their action with respect to the subdivision.
10. No changes, erasures, modifications, or revisions shall be made in any subdivision plan after approval has been given by the Planning Board and endorsed, in writing on the plan, unless the plan is first resubmitted to the Planning Board and the board approves the modifications. In the event that any such subdivision plan is recorded without complying with this requirement, the same shall be considered null and void and the board shall institute proceedings to have the plan stricken from the records of the registry of deeds.
11. The subdivider shall file a signed subdivision plan at the Penobscot County Registry of Deeds within ninety (90) days of the date of approval. Any plan not filed within ninety (90) days will be considered null and void unless the particular circumstances of said subdivider or subdivision warrant the Planning Board to grant an extension which shall not exceed two (2) additional ninety (90) day periods.
12. If the Planning Board fails to take action within thirty (30) days of a public hearing or within sixty (60) days of the time of submission of a complete subdivision plan, if no hearing is held, or within the mutually agreed to time, as specified above, the subdivision plan shall be deemed disapproved.

343. *Submissions* - The subdivision plan of a minor subdivision shall be submitted in appropriate number of paper and stable transparent copies. The subdivision plan shall be not less than eight and one-half (8-1/2") inches by eleven (11") inches and not more than forty-eight (48") inches by thirty-six (36") inches. The plan shall be drawn at a scale in which one inch equals no more than one hundred (100') feet and shall be oriented so the north direction is the same on all sheets.

The application for approval of a minor subdivision shall include all of the following information:

343.1. *Information About the Applicant*

- map & text* 1. Name of owner indicated on the map plan and in accompanying written info.
- map & text* 2. Name of applicant (if other than owner) indicated on the map plan and in accompanying written information.
- text* 3. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of secretary of state's registration in accompanying written information.
- text* 4. Name of applicant's authorized representative in accompanying written information.
- map* 5. Name, address, seal, signature, and number of the land surveyor who prepared the plan indicated on the map plan.
- text* 6. Address to which all correspondence from the Planning Board should be sent in accompanying written information.
- text* 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.) in accompanying written information?
- text* 8. What interest does the applicant have in any property abutting parcel to be subdivided in accompanying written information.

343.2. *Information About the Parcel to be Subdivided*

- text* 1. Location of property: book and page (from register of deeds) in accompanying written information.
- text* 2. Location of property: map and lot (from assessor's office) in accompanying written information.
- map & text* 3. Current zoning of property indicated on the map plan and in accompanying written information. Show location of zone boundaries on the parcel if any zone boundary crosses the parcel.
- text* 4. Acreage of parcel to be subdivided in accompanying written information.
- map* 5. Names of property owners abutting parcel to be subdivided, and on opposite side of any road from parcel to be subdivided as per tax assessor's records indicated on the map plan.

- map & text* 6. Indicate the nature of any covenants or deed restrictions which are intended to cover all or part of the tract indicated on the map plan and in accompanying written information.
- map & text* 7. An actual field survey of the boundary lines of the parcel, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and shall be marked by permanent monuments, and shall be referenced and shown on the plan indicated on the map plan and in accompanying written information.
- map* 8. Location of any watercourses, floodplain, wetland, or unique natural features on the parcel indicated on the map plan.

343.3. *Information About the Subdivision*

- map* 1. Proposed name of subdivision indicated on the map plan.
- map & text* 2. Number of lots and lot sizes indicated on the map plan and in accompanying written information.
- map* 3. Date, north point, graphic map scale indicated on the map plan.
- map* 4. The location of permanent monuments or pins, set at all lot corners and identified as existing or proposed indicated on the map plan.
- map* 5. The location, bearing and length of every lot line with all lots to be numbered in accordance with the property maps of the Town of Hampden indicated on the map plan.
- map* 6. Suitable space to record on the approved plan the date and conditions of approval, if any. This space shall be similar to the following example:

*(Additional Suggested Text)*

This is to certify that after reviewing the subdivision submission information for the subdivision shown on this plan and considering each of the criteria set forth in M.R.S.A. Title 30-A, Section 4404 (as amended) and in the Hampden Subdivision Ordinance, the undersigned have made findings of fact establishing that this subdivision plan along with its additional submission information has met all the criteria set forth and therefore the subdivision is approved.

Date Approved: \_\_\_\_\_  
 Date Signed: \_\_\_\_\_  
 Conditions: \_\_\_\_\_

Approved: Town of Hampden Planning Board

\_\_\_\_\_,  
 Chairman  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- map* 7. Soils report. A soils report, identifying soil types and location of soil test areas. If subsurface sewage disposal is to be used, evidence of soil suitability for subsurface sewage disposal as determined by the Maine Plumbing Code shall be presented. There shall be at least one soils test per lot.
- map* 8. Location and name of existing public streets and way.

**350. Performance Standards for Subdivision** The performance standards in this section are intended to clarify and expand upon the criteria for approval found within the subdivision statute (Title 30-A M.R.S.A., §4404, Review Criteria). In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a subdivision plan. Compliance with the design guidelines of Sections 350 and 360 and Article 500 shall be considered to be evidence of meeting the appropriate performance standards. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met. All proposed subdivisions shall be in conformity with the Comprehensive Plan and subsequent amendments or revisions or policy statement of Hampden and with the provisions of all pertinent state and local codes and ordinances.

(Note: the boldface text that follows is directly from the statute).

**When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that**

**350.I. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:**

1. **The elevation of the land above sea level and its relation to the flood plains;**
2. **The nature of soils and subsoils and their ability to adequately support waste disposal;**
3. **The slope of the land and its effect on effluents;**
4. **The availability of streams for disposal of effluents;**
5. **The applicable state and local health and water resource rules and regulations**
6. The proposed subdivision shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.
7. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.
8. The homeowner association covenants, if the subdivision utilizes a homeowner association, will include a requirement to follow the guidelines in the most current edition of "Best management Practices for the Application of Turf Pesticides and Herbicides" as published by the State of Maine Pesticide Control Board.

**350.2. Sufficient Water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;**

1. The statutory criterion is that the proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision. This means an adequate supply of good quality water. Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan or a separate document to be recorded in the Registry of Deeds.
2. Any subdivision within 1,000 (one thousand) feet of an existing public water supply will be connected to and source it's water supply from that public system unless the relevant water authority indicates in writing that it does not have the capacity to serve the subdivision or it can be demonstrated that the water extension costs are greater than the full cost of establishing private wells for all of the lots in the subdivision.
3. When a subdivision is to be served by a public water system, the complete supply system within the subdivision, including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Hampden Water District and the Hampden Public Safety.
4. When a proposed subdivision is not within the area designated for public water supply service in the Comprehensive Plan and subsequent amendments or revisions, or within 1000 feet of the existing water service, water supply shall be from individual wells or a private community water system with a map provided showing where the water supply is located.
  - A. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
  - B. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.
  - C. When a central water supply system is provided by the applicant the location and protection of the source, the design, construction and operation of the system will conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
  - D. Hampden Public Safety Department must approve in writing the adequacy and accessibility of water supply for the proposed subdivision, whether the water is from public or private sources.

**350.3. Public water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;**

In meeting the standards, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of

those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the district's or company's system as necessary to alleviate existing deficiencies.

**350.4. Soil Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results:**

1. The proposed subdivision shall prevent soil erosion from entering water bodies, wetlands, and adjacent properties.
2. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
3. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
4. Cutting or removal of vegetation along or adjacent to waterbodies shall not result in shoreline erosion or sedimentation.

**350.5. Traffic Conditions. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section:**

1. In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:
  - A. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;
  - B. Avoid traffic congestion on any street; and
  - C. Provide safe and convenient circulation on public streets and within the subdivision; and
  - D. Provide adequate, unimpeded access to emergency vehicles and personnel to all lots and structures within the subdivision at all times under normal and adverse conditions. The Public Safety Department must approve in writing their satisfaction with the emergency vehicle access to and within the subdivision.
2. More specifically, access and circulation shall also conform to the following standards.
  - A. The vehicular access to the subdivision shall be arranged to avoid through traffic use of existing or proposed streets that the Comprehensive Plan and subsequent amendments or revisions has classified as residential access streets. Gates or other form of permanent access restriction across access roads, streets or pedestrian ways are not permitted.

- B. The street giving access to the subdivision and neighboring streets and intersections that can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. No subdivision shall reduce the Level of Service (LOS) of the street giving access to the subdivision and neighboring streets and intersections to "E" or below, unless the Comprehensive Plan and subsequent amendments or revisions has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection.
- C. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways and traffic controls within existing public streets.
- D. Access ways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane shall be done.
- E. Unless not feasible for topographic and other site conditions, provisions in the form of rights of way or street stubs shall be made for street connections to adjoining lots of similar existing or potential use within areas of Hampden designated as growth areas in the Comprehensive Plan and subsequent amendments or revisions. All street stubs shall be provided with temporary turn around or cul-de-sacs unless specifically exempted by the Superintendent of Highways, and the restoration and expansion of the street shall be the responsibility of any future developer of the abutting land. Minor collector and local streets shall connect with surrounding streets to permit convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic. In non-residential subdivisions such access will be provided to adjoining lots or similar existing or potential use, if it will: (1) facilitate fire protection services as approved by the fire chief; or (2) enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.
- E. Street Names, Signs and Lighting. Streets that join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall be named in accordance with Town of Hampden ordinances and shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to approval of the Board. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation. Street lighting shall be installed as required or approved by the Board and the cost of the installation and the operating costs will be borne by the applicant.
- F. Clean-up. Following street construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

**350.6. Sewage Disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized:**

- I. Public System.

- A. A sanitary sewer system shall be installed at the expense of the subdivider when there is a public sanitary sewer line located within 1000 feet of the proposed subdivision at its nearest point.

Exceptions: This requirement is intended to facilitate the expansion of the public sewer system but is not absolute. The requirement is not intended to require sewer pump stations to satisfy the standard. The requirement is not intended to establish sewer extension costs that would exceed the full cost of establishing septic systems for all of the lots in the subdivision.

- B. When it is proposed that a subdivision be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations (if permitted under the Sewer Ordinance), shall be installed at the expense of the applicant.
- C. The sewer department shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
- D. The sewer department shall review and approve the construction drawings for the sewerage treatment. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing sewer department or department.
- E. If the proposed system is to be public sewer with private wells the plan must include metering of well water with the full cost of the devices and the reading of the meters borne by the owner/resident. Such plan shall be presented to the Town Council for approval before final subdivision plan is granted by the Planning Board.

## 2. Private Systems.

- A. When a proposed subdivision is not within the area designated for public sewage disposal service in the Comprehensive Plan and subsequent amendments or revisions and as per the Comprehensive Plan and subsequent amendments or revisions Map, connection to the public system shall not be permitted unless the public sewer extension is approved by the Town Council and paid for by the developer. Permissible private sewage disposal shall be private subsurface wastewater disposal systems or a private treatment facility with surface discharge.
- B. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
- C. The site evaluator shall certify in writing that all test pits that meet the requirements for a new system represent an area large enough to provide a disposal area on soils that meet the Disposal Rules.
- D. Unless the subdivision is a cluster development served by a clustered subsurface waste water disposal system, the following standards will apply:
- 1). Each proposed lot must be served by a septic system located within its boundaries (see 3) below).

- 2). If the depth to a limiting factor, as defined by the above rules is less than 24 inches, both the septic system and a replacement system site must be located within each proposed lot. Both the Primary and The reserve area shall be shown on the plan and restricted so it will not be built on.
  - 3). Septic systems serving a structure on one lot are not allowed to be located on abutting or neighboring lots except under the following conditions:  
Conditions to be determined.
  - 4). Septic systems shall be designed to ensure that there is no net increase in the flow of nitrates across the perimeter of the subdivision as a result of the subdivision's septic systems.
- E. In no instance shall a disposal area be on a site that requires a New System Variance from the Subsurface Wastewater Disposal Rules.

**350.7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized:**

Major subdivisions shall be required to obtain a letter from the Hampden Public Works director stating that the municipal solid waste disposal system has adequate capacity for the anticipated waste stream from the proposed subdivision lots for a period of at least five years.

If in the opinion of the Hampden Public Works director there is not adequate capacity to dispose of solid waste applicant shall be required to make alternate arrangements with an alternative disposal facility and provide a letter from that private solid waste disposal facility stating that they have adequate capacity for the disposal for the anticipated waste stream from the proposed subdivision lots for a period of at least five years.

**350.8. Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline:**

1. Preservation of Natural Beauty and Aesthetics

- A. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

2. Retention of Open Spaces and Natural or Historic Features

- A. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or greenbelt, that portion shall be reserved for open space preservation.
- B. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan or the Maine Historic Preservation

Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.

### 3. Protection of Significant Wildlife Habitat

A. A report shall be required if any portion of a proposed subdivision lies within 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the comprehensive plan as:

- 1) Habitat for species appearing on the official state or federal lists of endangered or threatened species;
- 2) High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
- 3) Shorebird nesting, feeding and staging areas and seabird nesting islands;
- 4) Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; or

B. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;

C. Or other important habitat areas identified in the comprehensive plan including coastal wildlife concentration areas, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report shall be prepared by a wildlife biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

D. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.

**350.9. Conformity with local ordinances and plans. The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;**

All lots shall meet the minimum dimensional requirements of the zoning ordinance for the zoning district in which they are located. If all of the land within a subdivision will be owned as a condominium, i.e., owned in common by all dwelling unit owners, minimum dimensional requirements will be applied to nominal lots shown on the preliminary and final plans. The proposed subdivision shall meet all applicable performance standards or design criteria from the zoning ordinance.

**350.10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;**

1. Financial Capacity. The applicant shall have financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation.
2. Technical Ability. The applicant shall retain contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

**350.11. Surface waters; outstanding river segments (where applicable).** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

Cutting or removal of vegetation along water bodies shall not increase water temperature or result in shoreline erosion or sedimentation of water bodies.

Note: A, A(1) and A(2) regarding Outstanding River Segments are not applicable in Hampden, Maine.

**350.12. Ground water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water:

1. Ground Water Quality.

- A. When a hydrologic assessment is, the assessment shall contain at least the following information:
  - 1). A map showing the basic soils types.
  - 2). The depth to the water table at representative points throughout the subdivision.
  - 3). Drainage conditions throughout the subdivision.
  - 4). A plan that indicates proposed subsurface waste disposal fields location and a 100 foot radius circle line surrounding each field indicating the minimum setback for private wells. The plan should also indicate any existing private wells or subsurface wastewater disposal fields on adjoining properties that might affect the placement of wells or septic systems within the proposed subdivision.
- B. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- C. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase

any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

D. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

E. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

F. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

2. Ground Water Quantity. Based on the assessment of a licensed hydrogeologist, the ground water withdrawals by a proposed subdivision will not have a material adverse impact on the level of the water table in the immediate vicinity of the subdivision.

**350.13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation; When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency;**

1. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.

2. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

3. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on the plan.

**350.14. Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;**

Freshwater wetlands within the proposed subdivision shall be identified in accordance with the

1987 (or most recent) edition of the Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers. Any rivers, streams, or brooks within or abutting the proposed subdivision shall be identified.

**350.14-A. Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district:**

**350.15. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9:**

**350.16. Storm water. The proposed subdivision will provide for adequate storm water management:**

Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, under drains, storm drains and best management practices equivalent to those described in The Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995 (or most recent edition), in conformance with the policies of the Comprehensive Plan and subsequent amendments or revisions. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains and to meet the following standards:

1. Quantity. Peak discharge rates shall be generally limited to the predevelopment levels for the 2- year, 10-year, and 25-year frequency, 24-hour duration storm unless storm water from the subdivision will drain directly into a major water body such as a great pond or the ocean.

2. Quality.

- A. Storm water run-off in subdivisions must be treated by the use of Best Management Practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995 (or most recent edition), to achieve, by design, 40% reduction in total suspended solids.
- B. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the municipality allowing maintenance and improvement of the system.
- C. Proposed projects which need a storm water permit from the Maine Department of Environmental Protection, pursuant to Chapter 500 and Chapter 502 regulations, shall meet both the State regulations and the requirements of this ordinance. In the case of any conflicting requirements, the stricter shall be applied.

**350.17. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1:**

350.18. Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

350.19. Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and

350.20. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

360. Design Guidelines. This section is intended to provide an example of design guidelines, that if followed will result in meeting the appropriate performance standards of Section 350. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed subdivisions not in compliance with the design guidelines of this section may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

### 361. Sufficient Water.

#### 1. Well Construction.

- A. Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or smaller, the applicant shall prohibit dug wells by deed restrictions and a note on the plan.

B. Wells shall be prohibited within 30 feet of the traveled way of any street and any drainage easement area. Well head location preference shall be given to locations that do not directly drain from the road to the well head such as uphill locations and areas where drainage is diverted by ditch rows unless this is not feasible. This restriction shall be included as a note on the plan and deed restriction to the affected lots.

362. Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

1. Access to Open Spaces. Sites selected primarily for scenic or passive recreation purposes shall have such access, as the Board may deem suitable and no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, vehicular access where applicable, lookouts, etc. where necessary and appropriate.
2. Preservation of Historic Features. Applicant shall seek in writing a letter from Maine Historic Preservation requesting information on the proposed subdivision parcel if it is on the database for historic or archeological known locations. Proposed subdivisions that include or are adjacent to buildings or sites on the National Register of Historic Places, a Local Historic District or Landmark as identified in the Town of Hampden Historic Preservation Ordinance or that the Comprehensive Plan and subsequent amendments or revisions has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. Applicant shall seek the written advice of the Maine Historic Preservation Commission and the Hampden Historic Preservation Commission in reviewing such plans.
3. Protection of Significant Wildlife Habitat and Important Habitat Areas. The following guidelines are designed to protect the significant wildlife resources identified in the municipality. The Board recognizes that wildlife management must take into account many site-specific variables. Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and provide their written comments to the Board. The guidelines of this section shall apply to only those subdivisions that include significant wildlife habitat or resources identified in Section 350.8 Protection of Significant Wildlife Habitat.

A. Protection of Habitat of Endangered or Threatened Species.

- 1). Habitat or species appearing on the official state or federal lists of endangered or threatened species shall be placed in open space.
- 2). Deed restrictions and notes on the plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.

B. Protection of Waterfowl, Shorebird, and Wading Bird Habitat, Atlantic Salmon Spawning and Nursery Areas.

- 1). There shall be no cutting of vegetation within the strip of land extending 75 feet inland

from the normal high-water mark of the following habitat areas:

- a. Shorebird nesting, feeding and staging areas and seabird nesting islands;
- b. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
- c. Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission, or
- d. Other important habitat areas identified in the Comprehensive Plan and subsequent amendments or revisions.

2). This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.

C. Protection of Deer Wintering Areas. The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for deer wintering areas.

D. Protection of Important Shoreland Areas.

1). Except as in areas described in Section 12.3.C.2, within all areas subject to the state mandated 250 foot Shoreland zone:

- a. Tree removal shall be limited to no more than 40% of the volume of trees 4 inches or more in diameter measured at 4 1/2 feet above the ground level on any lot in any ten-year period.
- b. Cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, shall not exceed in the aggregate, 25% of the lot area or 10,000 square feet, whatever is greater, including land previously developed.

2). These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.

E. If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Comprehensive Plan and subsequent amendments or revisions, the restrictions on activities in and around these areas shall be reviewed by the Department or a qualified wildlife biologist and their comments presented in writing to the Board.

363. Impact on Water Quality or Shoreline. Within a strip of land extending 100 feet inland from the normal high-water line of a great pond or any tributary to a great pond, and 75 feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The deeds to any lots that include any such land shall contain the following restrictions:

1. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or a tributary to a great pond,

the width of the footpath shall be limited to six feet.

2. Selective cutting of trees within the buffer strip is permitted provided that a well- distributed stand of trees and other vegetation is maintained. No more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten-year period.

3. In order to protect water quality and wildlife habitat adjacent to great ponds, and tributaries to great ponds, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.

4. Pruning of tree branches on the bottom third of the tree is permitted.

ARTICLE 400  
**IMPROVEMENT GUARANTEES**

**410. Improvement Guarantees Required**

Before the submission of a Final Plan, the subdivider in all major subdivisions as defined in Section 1024 shall provide the town with improvement guarantees, in the form of one or more of the guarantee options listed below in an amount that will cover at least one hundred (100) percent of the cost of completing the improvements, including sewer, water, storm drainage, or street work, should the subdivider fail to complete the required improvements or fail to complete them satisfactorily in accordance with the approved final subdivision plan. Furthermore, the subdivider shall guarantee the improvements against all defects from materials and/or workmanship for a period of one year from the date of acceptance thereof by the Town. *(Amended 02-12-02)*

**420. Procedure**

The subdivider shall file with the Town Manager a proposed improvement guarantee (including a written guarantee agreement) and the Town Manager shall determine whether the form, amount, and the duration of the improvement guarantee are sufficient. In the event the Town Manager refuses to approve the proposed improvement guarantee as filed by the subdivider, he shall so inform the subdivider and shall inform the subdivider of his reasons for rejecting the guarantee. This shall be done in writing. In the event the Town Manager approves the proposed improvement guarantee as filed by the subdivider, he shall notify the Planning Board. The Planning Board shall not grant final approval until it has received such notification from the Town Manager. The burden of submitting improvement guarantees in compliance with this Ordinance shall at all times remain with the subdivider. *(Amended 02-12-02)*

**430. Time Limit**

431. *Completion Deadline.* All required improvements within a subdivision shall be completed within two (2) years of final subdivision approval. The improvement guarantee must provide performance protection to the town during said two-year period plus at least eighteen (18) months following the expiration of the two-year period. The additional eighteen-month period is required as protection to the town in the event the subdivider fails to complete the required improvements and for the one year guarantee period. *(Amended 02-12-02)*

432. *Extension.* The Town Manager may extend the completion deadline for two (2) additional years at one-year increments only where the subdivider presents substantial reason for doing so. No request for extension shall be considered until at least six (6) months prior to the original or extended completion deadline. Before extending the initial deadline or the initial extension, the Town Manager shall require that the improvement guarantee be extended in duration to cover the extended period of time, plus an additional eighteen month period. Before extending the initial deadlines, or the initial extension, the Town Manager shall review the form and amount of the improvement guarantee to make certain it remains adequate. *(Amended 02-12-02)*

**440. Inspection and Certification**

441. The Town Manager or his duly appointed representative shall regularly inspect the construction of the required improvements for defects. The subdivider shall cooperate with the Town Manager or his representative who is carrying out these inspections. Upon completion of the improvements the Town Manager shall notify the subdivider and the Planning Board, in writing, that the improvements have or have not been satisfactorily completed according to the approved

final subdivision plan. If the improvements have not been satisfactorily completed, the Town Manager shall list the defects.

442. Upon completion of the improvements, the subdivider shall file the following with the Town Manager:

1. A statement from the subdivider's engineer that all required improvements are completed in strict compliance with all applicable construction standards and the approved subdivision plan; and that the engineer knows of no defects from any cause, in the improvements;
2. All site improvements with the exception of final paving are completed to the satisfaction of the Town Manager or his/her representative.

443. No final inspection will be conducted by the manager between November 15<sup>th</sup> and April 15<sup>th</sup>. This does not prohibit council acceptance of improvements inspected between April 15<sup>th</sup> and November 15<sup>th</sup>. *(Amended: 06-19-89)*

#### **450. Release of Guarantee**

As soon as the Town Manager or his authorized representative has inspected the improvements and certified that they are satisfactorily completed, the subdivider has filed the letter required in Section 442 of this Ordinance with the Town Manager, and the one year guarantee period has expired, the Town Manager shall release the previously required improvement guarantee to the subdivider. *(Amended 02-12-02)*

#### **460. Reduction of Guarantee**

1. When all required improvements have been substantially and satisfactorily completed, the Town Manager may release up to fifty (50) percent of the improvement guarantee. The improvement guarantee shall be reduced in value by no more than fifty (50) percent until all required improvements are satisfactorily completed.
2. Conditional acceptance may be authorized providing:
  - A. All site improvements with the exception of final paving are completed to the satisfaction of the Town Manager or his/her representative.
  - B. The binder pavement layer is placed on all areas proposed to be paved.
  - C. The developer supplies the manager with an improvement guarantee (section 410), documented by a written estimate from a reputable paving contractor, for the placement of the final finished pavement layer. Said guarantee shall be released in accordance with Section 450. *(Amended: 06-19-89)*
3. Upon acceptance of the improvements by the Town, the Town Manager shall release up to eighty-five (85) percent of the improvement guarantee, and shall release the remaining portion fourteen (14) months after acceptance of the improvements by the Town, unless the Town Manager has provided notice of a guarantee claim pursuant to Section 475, in which case the guarantee shall remain in place until any such claims have been resolved to the satisfaction of the Town Manager. *(Amended 02-12-02)*

**470. Incomplete or Unsatisfactory Work**

If the Town Manager determines, according to the procedures laid out in section 440 of this Ordinance, that the improvements have not been satisfactorily completed according to the accepted subdivision plan, within the agreed upon time, he shall inform the subdivider in writing of the town's intent to exercise its rights against the improvement guarantee, he shall exercise any and all such rights; and may cause the incomplete or unsatisfactory work to be completed. Any guarantee assets unused in the completion of the unsatisfactory or incomplete work may be returned to the subdivider at the discretion of the town. (Amended 02-12-02)

475. *Defective Improvements.* If the Town Manager, or designee, determines that the improvements suffer from defective workmanship or materials, the Town Manager, or designee, shall notify the subdivider in writing of the defects by not later than 30 days after the expiration of the one year guarantee period. If the defects are not corrected to the satisfaction of the Town Manager within 60 days after the issuance of the notice to the subdivider, the Town Manager, or designee, shall inform the subdivider in writing of the Town's intent to exercise its rights against the improvement guarantee, shall exercise any and all such rights, and may cause the defective workmanship or materials to be corrected. Any guarantee assets unused in the correction of any defects may be returned to the subdivider at the discretion of the Town. (Amended 02-12-02)

**480. Improvement Guarantee Option**

481. *Performance Bond* - Under this improvement guarantee option, the subdivider shall obtain a subdivision bond from a surety bonding company authorized to do business in the State of Maine. The bond shall be payable to the Town of Hampden and shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered professional engineer and as approved by the Town Manager. (Amended 02-12-02)

482. *Property Escrow* - Under this improvement guarantee option, the subdivider shall provide as a guarantee personal property, including stocks and bonds. The value of such property shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered professional engineer and as approved by the Town Manager.

482.1. *Personal Property Escrow* - If personal property is proposed for the improvement guarantee, the subdivider must comply with the following requirements:

1. The subdivider shall provide the town with evidence of the value of the personal property satisfactory to the Town Manager.
2. The subdivider shall, at his expense, provide the town with a title opinion from an attorney, satisfactory to the town, that there exists no outstanding recorded security interest in said property; the subdivider shall provide the town with evidence, satisfactory to the Town Manager, of ownership of the proposed property.
3. The subdivider shall enter into an agreement with the town and execute a security interest in favor of the town, which shall be filed as required by law; said agreement shall provide that the ownership of the property shall be transferred to the town, unless the subdivider satisfactorily completes the required improvements in accordance with this Ordinance and with the approved final subdivision plan. Said agreement and security interest shall contain such additional provisions as may be required by the Town Manager.

4. In the case of stocks, bonds, or other securities, the subdivider shall deliver to the town or its designated trustee the original certificate for said security, together with a stock or bond power endorsed in blank by the subdivider authorizing the transfer of ownership on the books of the corporation. In the case of other personal property, the subdivider shall deliver to the town, or its designated trustee, the personal property together with a satisfactory security interest in such property.
5. In the case of stocks, bonds, or other securities, the Town Manager may require that the value of said securities exceed the estimated cost of the required improvements in order to protect the town from market fluctuations, or may at his option reject stocks, bonds or other securities that in his opinion do not provide the town with satisfactory security.

483. *Letter of Credit* - Under this improvement guarantee option, the subdivider shall provide, as a guarantee, an irrevocable letter of credit from a bank or other reputable institution satisfactory to the Town Manager, such letter of credit to be in form satisfactory to the Town Manager. The amount of such letter of credit shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered professional engineer and as approved by the Town Manager. The letter of credit shall be deposited with the Town Manager and shall certify the following:

1. That the creditor does guarantee funds in an amount equal to the costs as estimated for the subdivider by a registered professional engineer and approved by the Town Manager, of completing all required improvements;
2. That, in case of failure on the part of the subdivider to complete the specified improvements satisfactorily within the required time period, the creditor shall pay to the Town of Hampden immediately, and without further action, such funds as are necessary to finance the proper completion of these improvements, up to the limit of credit stated in the letter. *(Amended 02-12-02)*

484. *Cash Escrow* - Under this improvement guarantee option, the subdivider shall provide as a guarantee, cash held in an account at a bank or other reputable institution subject to the approval of the Town Manager. The amount of cash shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered professional engineer and approved by the Town Manager. The subdivider shall enter into an agreement with the town that shall stipulate the terms under which a cash escrow may be accepted by the town.

ARTICLE 500  
**GENERAL REQUIREMENTS AND DESIGN STANDARDS**

In considering applications for subdivisions of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article 600 of this Ordinance.

**510. General Requirements**

511. *Conformity with other laws and regulations.* All proposed subdivisions shall be in conformity with the comprehensive plan of the Town of Hampden, as amended, and with the provisions of all pertinent state and local codes, ordinances, laws, and regulations.

512. *Character of the land.* Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. The Planning Board shall not approve such portions of any proposed subdivision that are located on land below sea level, within the one-hundred-year frequency floodplain, on wetland which must be filled or drained, on land created by diverting a watercourse, or on land subject to slumping, mass wasting, or land slides. In no instance shall the Planning Board approve any part of a subdivision located on filled tidal land.

513. *Soils* - Subdivisions which contain poor soils due to organic materials, clays, or seasonal high water table (less than 24 inches below grade) shall provide appropriate construction techniques, including but not limited to, underdrains and geotextiles in public road construction. *(Amended: 10-04-93)*

**520. Lots**

521. *Lots to be Buildable* - The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance there will be no foreseeable difficulties as a result of other natural conditions. Lots should not be of such dimension as to later encourage the creation of a second building lot out of the first. Land area delineated as freshwater wetlands, located between the upper edges of perennial or intermittent streams, or designated for stormwater detention facilities shall not be included as lot area for the purpose of the minimum lot area requirement applicable to the subdivision lots. *(Amended 10-03-05)*

Notwithstanding the provisions of this subsection, non-cluster Rural District lots comprised of less than two acres of upland may be approved if the Planning Board finds that the lot contains a minimum of one acre of generally contiguous upland area, not delineated as freshwater wetlands, and determines that the lot is suitable for development. *(Amended 10-03-05)*

Notwithstanding the provisions of this subsection, commercial and industrial subdivisions are exempted from this provision. *(Amended 02-12-02)*

522. *Side Lines* - All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a waiver from or modification of this rule will give a better street or lot plan.

Notwithstanding this subsection, variations to the right angle/radial of the street line are encouraged where the Planning Board determines that variations of no more than 20 degrees will improve the layout of the lots by meeting one or more of the following objectives: Simplification of lot layouts

by elimination of unnecessary property corners, foster creation of parallel side lot lines, foster improved solar access, accommodation of pre-existing features such as perimeter property lines or natural physical features such as wetlands and drainage ways. It is not the intent of the side lines rule to promote the placement of additional pins and monuments located in close proximity to the front property line. *(Amended 10-03-05)*

523. *Corner Lots* - In general, corner lots should be larger than interior lots to provide for proper building setback from each street and to provide a desirable building site.

524. *Lot Frontage* - Lot frontage shall be deemed acceptable only if it is on a road or street as defined in the Hampden Zoning Ordinance. Tie lines must be shown at the front setback line to demonstrate that the lot meets the frontage requirement of the zoning district at the setback unless the lot frontage exceeds the minimum frontage requirement by at least five feet. *(Amended 10-03-05)*

### 530. *Drainage Requirements*

531. *General* - The subdivider will be required to provide surface water and storm drainage management facilities appropriate to the finished subdivision. The following requirements must be met for both minor and major subdivisions. Minor subdivisions of single family dwellings in the Rural District are exempt from the following requirements.

1. A storm water management system will be designed to infiltrate, detain or retain water falling on the site during a design storm, such that the post-development peak discharge and runoff shall not exceed the peak discharge and runoff from the site prior to the development.
2. Pipe systems shall be designed to pass the peak discharge of a ten-year frequency, twenty-four-hour duration storm. Open channel systems shall be designed to contain a design storm. In addition, areas expected to be flooded by the design storm will be indicated on the plans, and be considered part of the drainage and storm water management system.
3. The storm water management system will take into consideration the upstream discharge and runoff which must pass over or through the development site. The system will be designed to pass upstream discharge and runoff, generated by the design storm, through the proposed development without overloading the system or flooding areas not specifically planned for such flooding.
  - A. The surface water and stormwater management system shall be designed so that no water shall be stored in any ditches or drainage ways located along streets or roads during a 10 year, 24 hour storm event. *(Amended 02-12-02)*
4. Urban development which provides public sewer and water service shall be designed to handle storm water drainage by means of an enclosed system with catch basins. Where necessary to control storm water, asphalt curbing may be required.
5. *Materials and Installation*
  - A. *Pipe Culverts and Storm Drains* - Shall conform to Section 603 of the Maine Department of Transportation (MDOT) Standard Specifications for Bridges and Highways, 1990 or current version.

- B. Manholes and Catch Basins - Shall conform to Section 604 of the MDOT Standard Specifications for Bridges and Highways, 1990 or current version.
6. Drain inlet alignment shall be straight in both horizontal and vertical alignment, unless specific approval of a curvilinear drain is obtained in writing from the Public Works Director after consultation with the Municipality's Engineer.
  7. Manholes/catch basins shall be provided at all changes in vertical and horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.
  8. Upon completion, each catch basin or manhole shall be cleaned of all accumulated silt, debris, or foreign matter until public acceptance. *(Amended: 10-04-93)*
532. *Approvals* - Applications for approval of all proposed subdivisions shall include documentation that demonstrates that there will be no unreasonable effects on runoff/infiltration relationships. This documentation shall include the following, as appropriate:
1. The proposed storm water management system shall be designed by a professional engineer experienced in the design of storm water systems. The designer of the system will evaluate the effectiveness of various storm water methods and develop and make available for review the hydraulic calculations. These calculations will be based on accepted engineering practices and must demonstrate that the requirements of section 531 will be met.
  2. Where permanent embankment-type storage or retention basins are planned, the basins shall be designed in accordance with good engineering practices, such as outlined in the current Soil Conservation Service Engineering Field Manual or other appropriate references.
  3. Rights-of-way or easements will be designated for all components of the drainage and storm water management system lying outside the established street lines. Stormwater detention facilities shall not be located on lots but on separate parcels to be conveyed to the town or provided for by easement to include provisions for suitable annual maintenance. All rights-of-way and easements will be turned over to the town. Notwithstanding the provisions of this subsection, commercial and industrial subdivisions are exempted from the provision requiring that stormwater detention facilities be separated from lots and conveyed to the Town. *(Amended 02-12-02)*
  4. The developer shall certify in writing that all components of the storm water management system will be maintained until the system is formally accepted by the municipality or a quasi-municipal district, or is placed under the jurisdiction of a legally created association that will be responsible for the maintenance of the system.
  5. The storm water management system will be fully coordinated with the project site plans, including consideration of street patterns, pedestrian ways, open space, building siting, parking areas, recreational facilities, and other utilities. Stormwater drainage channels shall be directed to run along property lines to avoid driveway and other utility crossings. *(Amended 02-12-02)*
  6. When the construction of a development is to occur in phases, the planning of the storm water management system shall encompass the entire site which may ultimately be developed, and shall not be limited to an initial or limited phase of the development. *(Amended: 11-18-85)*

**540. *Open Space and Recreation Land*** - All subdivisions shall be required to set aside land for open space and recreation or to provide cash in lieu of land. The primary intent of this section is to provide open space and recreation land in all areas of the community. It is understood that not all developments will have land suitable for open space or recreation within their boundaries, therefore this section is designed to be as flexible as possible. To that end, this section shall allow the provision of off-site open space and recreation areas, and cash in lieu of land. In cluster development, the cash in lieu of land provision shall not apply.

541. *Approval Authority* - The Planning Board shall approve the means of meeting this requirement.

The Hampden Conservation Committee and Recreation Committee shall be given opportunity to make written recommendations to the Planning Board on all open space proposals within forty-five (45) days of receiving notice. Where land is to be dedicated to the town, or otherwise requires action of the Town Council, the Planning Board shall require the subdivider provide documentation as to the Town Council's decision as provided in 545.2. *(Amended: 05-20-96)*

542. *Area Required* - The area of land set aside shall be based on the open space requirements of the Zoning Ordinance. If no open space requirement exists in the Zoning Ordinance, the applicant shall be required to provide land in accordance with the following: 500 square feet per unit, or five (5) percent of the parcel to be developed, whichever is greater.

Exception: No open space dedication is required in Minor Subdivisions (four lots or less) in the Rural District if the total aggregate area of the proposed lots exceeds the minimum lot area required in the Zoning Ordinance by at least 10 percent. No fee in lieu of open space is required for subdivisions that satisfy this exception. The intent of this exception is to avoid creating very small open spaces that do not serve the interests of the subdivision or the Town while maintaining the densities that the ordinances contemplate. This exception shall also apply to further division of lots in previously approved subdivisions. *Amended 7-14-2014, Effective Date 8-13-2014*

543. *Standards for Land* - The purpose of this section is to provide for permanent open space. The subdivider may offer dedicated land, conservation easements, or other means to meet the requirements of this section. These areas shall be in locations designated as open space or green belts in the Comprehensive Plan. Land dedicated to permanent open space shall be in such condition, size and shape as to be readily usable for recreation or conservation. *(Amended: 05-20-96)*

1. Where the open space requirement is in excess of ten (10%) percent of the land to be subdivided, the subdivider may elect to provide land identified in the Open Space and Recreation Plan, if one exists. Where off-site open space is proposed, the following standards apply:
  - A. Ten (10%) percent shall be provided within the subdivision.
  - B. The off-site open space shall be within one (1) mile of the subdivision.
  - C. The off-site open space shall have been previously designated in the Open Space and Recreation Plan.
  - D. The subdivider shall provide proper right, title or interest to the off-site land.

544. *Standards for Cash-in-Lieu of Land* - Where cash in lieu is proposed, the following standards shall apply.

1. At the time of Final Plan submission, the subdivider shall contribute to the Town of Hampden \$400/lot, \$200/unit or \$200/acre, whichever is greatest.
2. All monies placed in this fund shall be used for the purchase or development of open space or recreation land.
3. Land purchased or developed with these funds shall be located to serve the needs of the residents of the subdivision. *(Amended: 06-03-91)*

545. *Provisions for Ownership and Maintenance of Open Space or Recreation Areas* - If land is to be set aside under the provisions of this section, the subdivider shall make provisions for the permanent ownership, protection and maintenance of such land. The means for insuring the open space will be available in perpetuity shall be:

1. Retain ownership and responsibility for maintenance of such land; or
2. Dedicate such land to public use if the town or another public agency has indicated it will accept such dedication. If the subdivider proposed that the town accept the land, the subdivider must provide the planning board, as part of the final plan, with a copy of the minutes of the meeting of the Town Council, attested by the town clerk, in which the Town Council agreed to accept such land; or
3. Provide for and establish one or more organizations for ownership and maintenance of such land. Such organization shall be either a nonprofit homeowners' corporation or a community open space trust. If such organization is formed, it shall be formed and operated in accordance with the following rules:
  - A. The organization shall be formed by the developer and be operating, with financial subsidization by the developer if necessary, before the sales or lease of any lots or units within the development.
  - B. Membership in the organization is mandatory for all purchasers of units therein and their successors.
  - C. The organization shall be responsible for maintenance of common open spaces and property. It shall also be responsible for insurance and taxes on common open space and property.
  - D. The members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with written procedures established by them. *(Amended: 09-21-87, 06-03-91)*

**550. Street Standards**

551. *Layout of Streets* - All streets in a subdivision shall be planned so as to meet the following standards:

1. The proposed streets shall conform, as far as practical, to the adopted Comprehensive Plan or policy statement of the Town of Hampden.
2. All streets in the subdivision shall be designed so as to provide safe vehicular travel and, in minor streets, shall be designed so as to discourage movement of through traffic.
3. The arrangement of streets in the subdivision shall provide for the continuation of arterial and collector streets into adjoining unsubdivided land unless topographic or other factors make continuance impracticable or undesirable. Where a subdivision is served by a minor street, the Planning Board may require that a right-of-way or the minor street be projected to adjacent unsubdivided land when the board finds that such a projected street would be in keeping with the land use goals for the area and with sound planning practice.
4. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the town under conditions approved by the Town Council.
5. Intersections of streets shall be at angles as close to ninety (90) degrees as possible. In no case shall two (2) streets intersect at an angle of less than sixty (60) degrees.
6. A distance of at least two hundred (200') feet shall be maintained between centerlines of offset intersecting streets.
7. Whenever possible, subdivisions containing fifteen (15) lots or more shall have at least two (2) street connections with existing public streets or streets shown on the official road map, if such exists, or streets on an approved Subdivision Plan.
8. Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the preliminary and the final plan, marked "Reserved for road realignment (or widening) purposes". Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Zoning Ordinance.

552. *Design and Construction Standards* - All streets in a subdivision shall be designed and constructed to meet the following standards for streets according to their classification as determined by the Planning Board.

Design and Construction Standards for Streets

<u>Item</u>	<u>Collector</u>	<u>Minor</u>
1. Minimum right-of-way width	66 ft.	66 ft.
2. Minimum pavement width	24 ft.	20 ft.
3. Minimum grade	0.5%	1.0%
4. Maximum grade	8%	8%
5. Maximum grade at intersection 3% Within feet from intersection	75 ft.	50 ft.
6. Minimum centerline radii on curves	200 ft.	100 ft.
7. Minimum tangent length between reverse curves	200 ft.	100 ft.
8. Depth of subgrade grading	22 in.	22 in.
9. Sub base gravel depth	18 in.	18 in.
10. Upper base gravel	4 in.	4 in.
11. Pavement (see 552 item 2)		
A. Grade B	2-1/2 in.	2-1/2 in.
B. Grade C	1-1/2 in.	1-1/2 in.
C. Total thickness	4 in.	4 in.
12. Minimum road crown-centerline to edge of pavement.	3 in.	3 in.
13. Minimum shoulder width on each side of road.	2 ft.	2 ft.
14. Sidewalks		
A. Minimum width	5 ft.	4 ft.
B. Gravel base course	6 in.	6 in.
C. Surface pavement	2 in.	2 in.

<u>Item</u>	<u>Collector</u>	<u>Minor</u>
15. Dead-end or cul-de-sac streets		
A. Completely paved Radii of turn around at enclosed end		
i. Right-of-way boundary minimum	60 ft.	50 ft.
ii. Outside pavement radius - min.	40 ft.	35 ft.
B. With island (see #26)		
i. Right-of-way boundary – min.	65 ft.	55 ft.
ii. Inside pavement radius	26 ft.	25 ft.
iii. Outside pavement radius	50 ft.	49 ft.
iv. Minimum pavement width	24 ft.	24 ft.
<i>(Amended: 10-03-05)</i>		
C. Temporary (See #27)		
i. Radii at Right-of-way - min.	50 ft.	50 ft.
ii. Gravel turn around minimum	40 ft.	40 ft.
<i>(Amended: 12-04-95)</i>		
16. Minimum pavement curb radii at intersections and where street meets cul-de-sac 20 ft. <i>(Amended: 10-03-05)</i>		
17. Grade of streets should conform as closely as possible to the original relief of the land.		
18. All changes in grade shall be connected by vertical curves such as will provide clear visibility for a distance of two hundred (200') feet.		
19. Side slopes shall not be steeper than three (3') feet horizontal and one foot vertical, graded, loamed (six [6] inches compacted) and seeded. If the side slope extends outside the required right-of-way, the subdivider shall expand the right-of-way to include the entire side slope area.		
20. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water. Driveway culverts shall be adequate to pass the design flow of the contiguous ditches.		
21. In construction of roads, the paved area, sidewalk, and shoulder shall be cleared of all stumps, roots, brush, perishable material, and all trees not intended for preservation. All loam, loamy material, clay, and other yielding material shall be removed from the roadway to at least subgrade depth, or as directed by the Town Manager.		
22. The roadway area shall be brought to the grade shown on the plan, profile and cross-section, by suitable gravel. The subbase gravel shall meet the specifications for aggregate subbase courses as contained in the current edition of "The Standard Specifications for Highways and Bridges of the State of Maine Department of Transportation". The upper base gravel shall meet the specifications for aggregate base courses in the same standards.		
23. After the upper base gravel has been thoroughly rolled, the surface of the roadway shall be paved. The pavement material and the manner of application of such shall conform to the requirements of the current edition of "The Standard Specifications for Highways and Bridges of the State of Maine Department of Transportation".		
24. The Planning Board may require curbing of roads.		

25. Where a green space is planned in the interior of a cul-de-sac, existing vegetation should be preserved where possible. Any proposed landscaping shall be of a type which requires limited maintenance. *(Amended: 12-04-95)*
26. Where a proposed street may be extended, the Planning Board may authorize a temporary cul-de-sac. Temporary cul-de-sacs shall provide an escrow account for a period of five (5) years to cover the cost of paving, which is renewable in five (5) year increments. Access shall be prohibited from a temporary cul-de-sac. *(Amended: 12-04-95)*

553. *Utilities in Streets* - The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and the street right-of-way line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

554. *Street Names*

1. Proposed street names shall be substantially different from existing street names so as not to be confused in sound or spelling.
2. If proposed streets are extensions of existing streets they shall carry the same name.
3. Generally no street should change direction by more than ninety (90) degrees without a change in street name.
4. In general, streets shall have names, not numbers or letters. *(Amended: 09-21-87, 06-19-89)*

**560. *Utilities***

561. If public water and/or sewer is proposed, the system shall be designed so as to accommodate any development which can reasonably be expected to tie into the system. In determining the amount of reasonably expected development, the Planning Board shall consider existing land use, existing zoning, the character of the land, topography, and existing constraints to development (such as boggy areas), the carrying capacity of the land and of existing municipal services, and the town's Comprehensive Plan or sewer and water plan. If the system has to be built so that it is larger than would normally be required under conditions of the maximum utilization of the subdivider's contiguous land (including land on opposite sides of streets), the town will pay the difference in cost for the larger pipes. The subdivider must cover all other expenses.

562. The subdivider shall install any new public utility system according to the approved Subdivision Plan. If either the public sewer or water system follows a course which is not collinear with the road network, the Planning Board shall require that the subdivider provide the Town of Hampden or the Hampden Water District with a utility easement.

563. If individual wells are proposed for the subdivision, the Planning Board may require that the subdivider's engineer certify that sufficient water is available for the reasonable foreseeable needs of the subdivision.

564. If subsurface sewage disposal is proposed, the Planning Board shall require that the subdivider provide proof that a subsurface sewage disposal system which is in conformance with the Maine State Plumbing Code can be installed on every lot.

565. Pump stations shall not be used in the construction of sewer systems in any proposed development with the Town of Hampden, Maine, except as permitted under the Town's Sewer Ordinance. *(Amended: 03-07-88) (Amended 08-06-07)*

**570. Buffer Strip** - The Planning Board may require a buffer strip when the proposed subdivision will be located adjacent to a use where separation is desirable.

ARTICLE 600  
**WAIVER AND MODIFICATIONS OF THESE REGULATIONS**

**610.** Where the Planning Board finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, or where there are special circumstances of a particular plan, it may waive any of these regulations provided that such waiver will not have the effect of nullifying the purpose of these regulations, the Comprehensive Plan, the Zoning Ordinance, or any other ordinance. Upon recommendation of the Planning Board, fees may be adjusted or waived only with the approval of the Hampden Town Council.

**620.** In granting any waiver, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived. *(Amended: 12-01-86)*

ARTICLE 700  
**VALIDITY, EFFECTIVE DATE, CONFLICT OF ORDINANCES, AND FILING**

**710.** Should any section or provision of these regulations be declared by the courts to be invalid, such section shall not invalidate any other section or provision of these regulations, and to this end, the provisions of these regulations are hereby declared to be severable.

**720.** The effective date of these regulations is June 17, 1982

**730.** These regulations shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, or provision of law. Where these regulations impose a higher standard for the protection and promotion of health and safety, the provisions of these regulations shall prevail.

**740.** A copy of these regulations shall be filed with the Town Clerk and shall be accessible to any member of the public.

**750.** The Subdivision Ordinance of the Town of Hampden as adopted at the annual meeting March 3, 1970 and as amended, is hereby repealed.

ARTICLE 800  
AMENDMENTS

**810. *Initiation of Amendment*** - An amendment to this Ordinance may be initiated by:

1. The Planning Board, provided a majority of the Board has so voted;
2. Request of the Town Council to the Planning Board; or
3. Written petition of ten (10%) percent of the registered voters of the town.

**820. *Proposed Amendments*** - All proposed amendments shall be referred to the Planning Board for their recommendation. Such recommendation shall be returned to the Council within thirty (30) days.

**830. *Adoption of Amendment*** - For an ordinance change to be adopted, it must be approved by a majority vote of the Town Council if the change has been recommended by the Planning Board. If the change has not been recommended by the Planning Board, a two-thirds vote of the Town Council will be necessary to adopt it.

ARTICLE 900  
APPEALS

An appeal may be taken, within thirty (30) days from the Planning Board's decision on the Final Plan, by any party to Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

ARTICLE 1000  
DEFINITIONS

**1010.** Words and terms not defined in section 1020 shall have the meanings given them in the Zoning Ordinance of the Town of Hampden, or in the absence of definitions in said Ordinance, such words and terms shall have their customary dictionary meanings.

**1020.** The following words and terms, for the purpose of this Ordinance, shall be designated as follows:

1021. *Subdivision.* For purposes of these regulations, the term "Subdivision" is as defined in the MRSA, Section 30-A, §4401 as amended.

~~"Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5 year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5 year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units with a 5 year period.~~

~~1. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3<sup>rd</sup> lot, unless:~~

~~A. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence or for open space land as defined in~~

~~Title 36, M.R.S.A. Section 1102, for a period of at least 5 years before the 2<sup>nd</sup> dividing occurs; or~~

~~B. The division of the tract or parcel is otherwise exempt under this definition.~~

~~2. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this Ordinance, do not become subject to this Ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot(s) in reviewing a proposed subdivision created by a subsequent dividing.~~

~~3. A lot of 40 or more acres shall not be counted as a lot, except:~~

~~A. When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in the Hampden Zoning Ordinance, or any superseding state statute.~~

~~4. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, or a gift to a municipality, or by the transfer of any interest in land to the owner of land abutting that land, does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this Ordinance. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this subsection.~~

~~5. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971, is not a subdivision.~~

~~6. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.~~

~~7. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph D, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transfer is to avoid the objectives of this Ordinance.~~

~~Exceptions~~

~~This Ordinance does not apply to:~~

~~1. Previously approved subdivisions. Proposed subdivisions approved by the Planning Board before September 23, 1971, in accordance with laws then in effect;~~

~~2. Previously existing subdivisions. Subdivision in actual existence on September 23, 1971, that did not require approval under prior law; or~~

- ~~3. Previously recorded subdivision. A subdivision, a plan of which had been legally recorded in the Penobscot County Registry of Deeds before September 23, 1971. (Amended: 02-07-94)~~

NOTE: For convenience the Statutory definition of subdivision as of July 24, 2014 is attached here but the reader of this ordinance is well advised to check the current statute in Title 30-A MSRA §4401.

4. Subdivision. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres must be counted as a lot, except:

(2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance.

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter

D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.]

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate.

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.]

H-1. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:

(1) Expands the definition of "subdivision" to include the division of a structure for commercial or industrial use; or

(2) Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located. .]

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter..

1022. *Tract or parcel of land* - All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

1023. *Minor Subdivision* - A subdivision with less than five (5) lots which does not involve the construction or reconstruction of a new street, or the extension of public sewer lines, or the extension of public water lines, or the construction of a storm drainage system.

1024. *Major Subdivision* - A subdivision which is not a minor subdivision.

1025. *Street* - Shall mean a right-of-way, intended for motorized traffic, in the Town of Hampden, which is either:

1. Owned, established, and maintained by the Town of Hampden, the County of Penobscot, or the State of Maine; or
2. Is shown on a plan of a subdivision which has been duly approved by the Hampden Planning Board and recorded in the Penobscot County Registry of Deeds.

1026. *Minor Street* - A street which serves primarily as an access to abutting properties.

1027. *Collector Street* - A street which connects one or more minor streets with an arterial street.

1028. *Arterial Street* - A street which serves heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

1029. *Design Storm* - A storm with a frequency or recurrence interval of twenty-five (25) years and a duration of twenty-four (24) hours.

1030. *Pump Stations* - For the purpose of this Ordinance, pump stations shall be defined as any device intended and designed for the purpose of transporting, pumping or lifting of sanitary sewage from residences, commercial institutions or central collection points to the municipal sanitary sewer system. This shall not include lift pumps used in self-contained, on-site subsurface disposal systems. (Amended: 11-18-85, 9-19-88)

1031. *Freshwater Wetland* - Freshwater Swamps, marshes, bogs and similar areas which are:

1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
2. Not considered part of a great pond, coastal wetland, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection. For the purposes of this Ordinance, "wetland" shall mean the same as freshwater wetland. Freshwater wetlands shall be delineated in accordance with the current authorized federal manual, unless the Planning Board approves a different delineation method. (Amended: 12-20-93)

1032. *Dwelling Unit* - "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, apartments and time-share units. (Amended: 02-07-94)

1033. *New Structure or Structures* - "New structure or structures" includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this Ordinance. (Amended: 02-07-94)

D-4-C



To: Hampden Town Council  
From: Dean Bennett, Director of Community and Economic Development  
Subject: Updated Sign Revisions  
Date: July 6, 2015

At the Planning and Development Committee Meeting of July 1, 2015, the following actions were taken:

**Committee Action:** Motion to forward the Sign Revisions to the Town Council with recommendation to forward to Planning Board for review and comment. Vote: 5-0.

The drafts Sign Revisions are attached.

The Town of Hampden hereby ordains that the following amendments to the Zoning Ordinance be enacted.

Additions underlined

Deletions ~~stricken~~

**4.8. Signs.** Signs provide vital information to the public, assist in the response and rescue of public safety and engender a sense of place. The following provisions shall apply to signs and billboards in all districts where permitted.

**4.8.1. Off-Premises Signs** - No off-premises signs shall be erected or maintained in the Town of Hampden except in conformity with *23 MRSA section. 1901-1925 the Maine Traveler Information Services Law*. Off-premises official business directional signs may be located in the Town of Hampden in such locations and in such a manner as allowed under *23 MRSA sections 1901-1925* and under the rules and regulations of the State of Maine Department of Transportation. Provided, however, that off-premises official business directional signs for home occupations are prohibited. Authorization for official business directional signs shall be obtained from the Code Enforcement Officer~~Official~~.

- 1. Exception for property identification numbers* - Each residential premises is allowed a mailbox with the identification number of the property clearly marked on it. If the mail box is on the opposite side of the street of the house or if there is no mailbox, the premises is also allowed an MDOT approved sign post, or similar structure, with numbers that meet the standards of subparagraph a below. Such signs are also allowed on an adjacent parcel with written permission of the landowner.
  - a. All non residential uses must display the identification number of the property. The area required by the number is not included in the calculation of the total square footage of the sign.
  - b. Approved address numbers shall be placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet

letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

2. *Exception for industrial subdivision entrance sign* - In Planning Board approved Industrial Subdivisions a sign marking each public street entrance shall be permitted. Such signs shall be limited to 70 square feet per face and shall only contain the name of the subdivision, the name of the public subdivision's street, and owner identification information. The sign may be located in the raised median of the entrance street provided that it is at least 20 feet from the nearest perpendicular traveled way and the sign itself creates no visual barrier from the ground up to a height of 6 feet.
3. *Exception for industrial subdivision directory sign* - In Planning Board approved Industrial Subdivisions a directory sign marking tenants in the subdivision located near each public street entrance shall be permitted. Such signs shall: be unlighted, be limited to 50 square feet per face, not exceed five feet in height, and shall only contain the name of subdivision, information about the subdivision's management, and the name and address of each subdivision's tenant. The sign may be located in the public right of way provided that it is at least 100 feet from the entrance and does not create a visual barrier to individual lot entrances.

**4.8.2. On-Premises Signs** - All on-premises signs shall be located and erected in conformity with State Law (23 MRSA sections 1901-1925). In addition the following regulations apply:

1. *Visual obstruction* - No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination, or wording, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, or device or otherwise constitute a hazard to pedestrian or vehicular traffic.
2. *Sign Illumination: Sign illumination is permitted in all districts, except on properties used for residential purposes, as long it conforms to 4.8.2.1.*
- ~~2.~~ 3. *Visual distraction* - Flashing, moving, or animated signs are prohibited.
- ~~3.~~ 4. *Height limit* - No sign shall exceed twenty-five (25') feet in height.
- ~~4.~~ 5. *Size limit* - No sign shall exceed the maximum sign size for the district in which the sign is placed. Freestanding signs are sized of the basis of one sign face. Except that

signs located on-premises but greater than fifty (50') feet from a building and visible from Interstate 95 shall be limited to one sign and shall not exceed one hundred fifty (150) square feet in area or the maximum sign size allowed in the district, whichever is less. Such signs, visible from Interstate 95, shall have no panel dimension greater than twenty (20') feet.

- ~~5.~~ 6. *Neighborhood nuisance* - No sign shall be erected-maintained in a manner in which the operation or illumination thereof may cause nuisance or undue distraction to nearby residents or occupants.
- ~~6.~~ Setbacks—Signs shall be set back at least eight (8') feet from the street line and other lot lines, except signs on properties adjacent to Residential A, B, or Rural District boundaries. In that case, signs shall be set back from the side lot line at least the distance of the minimum required side yard depth for the district to which they are adjacent and shall be set back from the street line at least eight (8') feet.
7. *Roof signs* - Roof signs shall not extend more than ten (10') feet above the roofline.
8. *Changeable Signs – Are Permitted in all districts, except on properties used for residential purposes.*
  - a. “Changeable sign” means an on-premises sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally, or mechanically altered by the complete substitution or replacement of one display by another on each side.
  - b. “Display” means that portion of the surface area of a changeable sign that is or is designed to be or is capable of being periodically altered for the purpose of conveying a message.
  - c. “Message” mean a communication conveyed by means of a visual display of text, a graphic element or pictorial or photographic image.
  - d. “Sign assembly” means the display, border, trim and all supporting apparatus, including posts, columns, pedestals and foundation.
  - e. “Time and temperature sign” means a changeable sign that electronically or mechanically displays the time and temperature by the complete substitution or replacement of a display showing the time with a display showing the temperature.

- f. The display on each side of a changeable sign:
- i. May be changed no more than once every 10 seconds;
  - ii. Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing, display continuous streaming of information, video animation or blending;
  - iii. May consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial or photographic images.

**4.8.3. Permitted Signs Not Requiring a Permit** – The following on-premises signs shall be permitted in all districts without a permit:

1. *Real estate signs* - The following signs relating to the sale, rental or lease of a premises may be displayed on the premises of a premises which is available for sale, rent or lease.
  - a. A single freestanding sign, not over five (5) square feet in area.
  - b. A single wall sign not over three (3) square feet in area.

All such signs shall be removed when PURPOSE IS FULFILLED.

2. *Posting signs* - Signs relating to trespassing and hunting.
3. *Residential identification signs* - A single sign denoting the name and/or address of the occupants of residential premises, such sign shall not exceed four (4) square feet in area.
  - a. Or one sign naming the premises where located. Such sign shall not exceed six (6) square feet if it is a wall sign, or four (4) square feet if it is a freestanding sign.  
(Examples: Twin Oaks, Fox Fire, Kinsley House, etc.).
4. *Tradesman signs* - A single sign, placed on the premises where construction, repair, or renovation is in progress, which denotes the architect, engineer, contractor, and/or funding source for the work in progress. Such sign shall not exceed sixteen (16) sq.ft. in area and shall be removed when the work is completed. Federal and state government-mandated signs are exempt.
5. *Traffic signs* - Signs providing traffic and directional information to the public.
6. *Home occupation sign* - In place of the sign allowed in *Article 4.8.3.3.* above, approved home occupations may display a single sign, not over four (4) sq.ft. in area, relating to the home occupation.

7. *For sale signs* - In addition to the sign allowed in *Article 4.8.3.3.* above, residential users may display a single temporary sign, not over four (4) sq.ft. in area, relating to goods or services for sale on the premises, if such sale does not constitute either a business, a home occupation, or a yard sale. Examples of sales falling under this provision are the sale of a used vehicle, the sale of a used appliance, or other occasional sales.
8. *Temporary event signs* - Temporary signs announcing public and semi-public occasional events, ~~political campaigns, candidates, etc.~~ Such signs shall be displayed not more than two (2) weeks before the event and shall be removed within one (1) week after the event. Signs established more than two weeks prior to the announced event shall be deemed unlawful and are subject to removal under *Article 4.8.10.2.*
9. *Political Signs* – Signs bearing political messages relating to an election, primary or referendum may be placed per 23 MRSA §1913-A and Maine DOT Department Regulations as follows:
  - a. May be erected on private property outside the Right of Way limits of public ways at any time prior to an election, primary or referendum, limited in size to a maximum surface area of 50 square feet;
  - b. May be erected within the Right of Way limits of public ways no sooner than six (6) weeks prior to an election, primary or referendum and must be removed no later than one (1) week following that date of the election, primary or referendum. Provided, however, that political signs may not be located within the right-of-way limits of any Controlled Access Highway (Route 202 from I-395 to Western Avenue) or within any right-of-way limit of the Interstate Highway System.
10. *Personal Signs*-Signs bearing political, religious, ideological or personal messages by the owner(s) or occupant(s) of a property, limited in size to a maximum surface area of 50 square feet.
11. *Prohibited Practices*-Signs allowed by this Section 4.8.3 shall be subject to the following:

- a. Shall not be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, upon any trees or painted or drawn upon rocks or other natural features;
- b. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device, such as a stop sign;
- c. Political signs may be displayed to view to all public ways except that such signs may not be erected within 660 ft. of the nearest edge of the Interstate Highway System in such a manner that the message may be read from the Interstate Highway. No political signs may be located at the interstate interchanges.

**4.8.4. Permitted Signs With a Permit** - The following on-premises signs shall be permitted in all districts with a permit:

1. *Housing project sign* - A single sign not over thirty-two (32) sq.ft. describing a multi-family housing project or a subdivision.
2. *Subdivision sign* - A single sign not over thirty-two (32) sq.ft. describing a subdivision.
3. *Non-residential principal building or use sign* - A single sign not over sixteen (16) sq. ft. describing a non-residential principal building or use on the premises.

**4.8.5. Signs in the Rural District** - In the Rural District the following on-premises signs shall be considered accessory to the principal use of the premises on which they are located:

1. *Farm product signs* - A maximum of two (2) signs describing farm products raised or produced on the premises. The maximum sign size shall not exceed sixteen (16) sq.ft.

**4.8.6. Signs In Residential Districts** - In the Residential A and Residential B Districts the following on-premises signs shall be considered accessory to the principal use of the premises on which they are located:

1. *Housing project or subdivision sign* - A maximum of two (2) signs whose combined area shall not exceed thirty-two (32) square feet, describing a multi-family housing project or a subdivision on the premises.

2. *Non-residential sign* - A maximum of two (2) signs whose combined area shall not exceed sixteen (16) square feet, describing a non-residential principal building of less than 5,000 square feet gross floor area or use on the premises.
3. *Non-residential sign for larger site developments* - A maximum of one sign located at each street entrance whose area shall not exceed sixteen (16) square feet and describing a non-residential principal building or buildings in excess of 5,000 square feet gross floor area or use. Additional signage shall be permitted on the interior of such site developments provided that each individual sign has a maximum size of sixteen (16) square feet and is set back a minimum of 30 feet from all property lines.
4. *Prohibited signs* - Notwithstanding the provisions of this section roof signs and internally illuminated signs are prohibited in the residential districts.
5. *Scoreboards* - Notwithstanding the provisions of this section scoreboards are permitted in the residential districts and are not subject to the preceding regulations including size. The content of a scoreboard shall be generally limited to the score, period, time, and other information pertinent to the sporting activity, the name of the school and team. Scoreboards may contain limited product advertising provided it is not back-lighted and is limited to 10 sq. ft.

#### **4.8.7. Signs in the Commercial Districts**

1. *Signs in the Business District and Rural Business District* - Two (2) of the following on-premises 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:
  - a. One (1) freestanding sign, not to exceed thirty-six (36) square feet.
  - 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.
2. *Signs in the Business B District* - Two (2) of the following on-premises 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.

- a. One (1) freestanding sign, not to exceed fifty (50) square feet in area.
  - 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 on-premises signs, identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Commercial Service District:
- a. One (1) freestanding sign, not to exceed thirty-six (36) square feet.
  - 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.
  - 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 on-premises signs, identifying on-premises business names, uses or goods sold or services rendered, shall be allowed for uses in the interchange District:
- a. One (1) freestanding, projecting, or roof sign not to exceed one hundred fifty (150) square feet in area.
  - b. 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.
  - c. 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 on-premises sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Village Commercial Districts provided total signage does not exceed 30 square feet in area.

- a. One (1) freestanding sign not to exceed twenty-four (24) square feet in area and fifteen (15') feet in height.
  - b. Wall signs not to exceed twelve (12) square feet in area.
  - c. Projecting signs not to exceed (12) square feet in area.
  - d. *Prohibited signs* - No roof signs shall be permitted in the Village Commercial District.
  - e. *Shopping center signs* - Shopping Center Signs shall be allowed in conformance with *Article 4.8.7.7*, provided the sign does not exceeds 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 on-premises 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 lieu of signs allowed under *Article 4.8.7* of the Ordinance, Shopping centers, as defined, each tenant within the shopping center may have a projecting or roof sign (where permitted) not to exceed thirty-six (36) square feet. Additionally each tenant within the shopping center shall be allowed wall signs 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. 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 onsite 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.

**4.8.8. Signs in the Industrial Districts** – The following on-premises signs, identifying on-premises business or industrial uses, shall be allowed on conforming uses in the Industrial District, the Industrial Park District, and the Industrial 2 District:

1. One freestanding, projecting or roof sign not to exceed one hundred (100) square feet in area;
2. 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;
3. Industrial Parks, as defined, may erect one Industrial Park sign per entrance. Such sign shall not exceed fifty (50) square feet.

**4.8.9. Maintenance of Signs** - All signs shall be properly maintained and kept. Any sign which advertises a business, product, activity, or campaign which is no longer operative or extant shall be removed by the owner, agent, or person having the beneficial use of the structure or lot upon which such sign may be found, within ten (10) days after written notification from the town manager or Code Enforcement Officer~~Official~~. Upon failure to comply with such notice, the Code Enforcement Officer~~Official~~ or Town Manager is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or lot to which the sign is attached.

#### **4.8.10. Removal of Unlawful Signs**

##### **4.8.10.1. Removal of Unlawful On-premises Signs.**

1. Notice to remove - The owner of a sign which was or is unlawfully erected or maintained either prior to or after the effective date of this ordinance shall be in violation of this ordinance until the sign is removed. The owner of the sign shall remove the sign within 30 days of receipt of a notice to remove, sent by certified mail, return receipt requested,

by the Code ~~Enforcement Officer~~Official. If the identity of such owner is not known or reasonably ascertainable by the Code ~~Enforcement Officer~~Official, such notice may instead be sent to the owner of the land on which the sign is placed. ~~All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.~~

2. Code ~~Enforcement Officer~~Official to remove sign - If the owner fails to remove the sign as required, the Code ~~Enforcement Officer~~Official shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.
3. Procedure for notice, hearing, appeal. The procedure for notice, hearing and appeal is as follows.
  - a. The Code ~~Enforcement Officer~~Official shall send to the sign owner notice by certified mail, return receipt requested, that a sign is to be removed. Such notice shall be a final order if not appealed under Article 4.8.10.4.B. If the identity of such owner is not known or reasonably ascertainable by the Code ~~Enforcement Officer~~Official, such notice may instead be sent to the owner of the land on which the sign is placed.
  - b. The person owning or controlling the sign may, within 30 days of his receipt of the notice to remove, appeal the order of removal to the Board of Appeals pursuant to Article 6 of this ordinance. All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court.

#### **4.8.10.2. Removal of Unlawful Off-premise Signs.**

1. Notice to remove- Because of the difficulty to identify those individuals that own, erect or established off-premise signs, the Code Enforcement Officer shall contact the subject of the sign or their local representatives. The subject of the sign or their local representative shall remove the sign within 48 hours of receipt of a notice to remove, sent by certified mail, return receipt requested, by the Code ~~Enforcement Officer~~Official. If the identity of such owner is not known or reasonably ascertainable by the Code

Enforcement Officer~~Official~~, such notice may instead be sent to the owner of the land on which the sign is placed. ~~All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.~~

2. Code Enforcement Officer~~Official~~ to remove sign - If the owner fails to remove the sign as required, the Code Enforcement Officer~~Official~~ shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.

**4.8.10.3. Removal of signs from Right of Ways.** Notwithstanding the notice to remove provisions of this Article the Code Enforcement Officer, Public Works Director and Public Safety Director shall have the authority to immediately remove signs located in public right-of-ways that are deemed to constitute a traffic hazard or impede snow removal. In such cases notification of the removal of the sign may be after the fact. Notice of removal shall be sent by certified mail, return receipt requested, by the Code Enforcement Officer~~Official~~. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.

D-4-d



**TO: Hampden Town Council**  
**FROM: Dean Bennett, Community and Economic Development Director**  
**SUBJECT: Zoning Ordinance Text Amendment, Municipal Parking Exceptions to Parking Regulations**  
**DATE: July 14, 2015**

At the July 8, 2015 the Planning Board considered the subject amendment and took the following action:

Chairman Weatherbee opened the public hearing but as no one wished to speak he closed the public hearing and asked for staff comments.

Dean Bennett explained that with the re-zoning of a portion of Main Road North comes the demand for parking. Current parking provisions require on-site parking only. This amendment would allow the Code Officer and Planning Board to consider available public parking, both on-street and off-street, as a means to satisfy the current parking requirements within the Zoning Ordinance. He noted that the Ordinance Committee has recommended to the Planning Board that the item be returned to the Council with an "ought to pass" recommendation.

After discussions with regard to the creation of on-street parking and potential unintended consequences related to traffic congestion and safety, the Planning Board felt that the appropriate cautions can be addressed at time of Site Plan Review.

The Planning Board supported the proposed amendment with an "ought to pass" recommendation. Vote: 4-0.

**4.7. Off-Street Parking, Loading, Drive-Thru Design and Bufferyard Requirements** – The purpose of this section is to provide minimum standards and design guidelines for off-street parking, and loading areas, drive-thru businesses and bufferyards. *(Amended: 10-12-04)*

**4.7.1. Parking Basic Requirement** - No use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged, unless there is provided for such extension, construction or enlargement, off-street parking spaces in accordance with the following parking requirements. No required parking space shall serve more than one use. Parking areas with more than five (5) parking spaces shall be so arranged that vehicles can be turned around within such area and are prevented from backing into the street.

**4.7.1.1. Minimum Off-Street Parking Space Requirements.** The following are the minimum number of off-street parking spaces that may be provided for each of the uses stated. *(Amended: 10-12-04)*

1. Elderly housing; one (1) space per dwelling unit plus one (1) additional space for every ten (10) dwelling units or fraction thereof.
2. Congregate care facility; one (1) space per dwelling unit.
3. All other dwellings; two (2) spaces for each dwelling unit.
4. Hotels, motels, tourist homes, rooming houses, bed and breakfast establishment; one (1) space per guest room.
5. Hospital or nursing home; one (1) space per three (3) patient beds.
6. Restaurant parking space requirement is based on the following formula:
  - A. Divide the total seats by three. Where seating is provided by bench, booth or picnic table a seat shall be considered two linear feet.
  - B. Divide the total restaurant sq. ft. floor area by 75 sq. ft.Restaurant minimum parking spaces shall be the sum of A plus B divided by 2. Parking shall also be provided for outdoor seating in excess of 12 outdoor seats at one parking space per three seats. *(Amended: 10-12-04)*
7. Other places of assembly such as churches, theaters, funeral homes, auction houses and galleries, where seating can be determined; one (1) space per three (3) seats or one (1) space per six (6) linear feet of bench space. Where seating cannot be determined; one (1) space per one hundred-fifty (150) sq. ft. of gross floor area.
8. Office use; one (1) space per two hundred-fifty (250) sq. ft. gross floor area.
9. Retail and service businesses; one (1) space per two hundred (200) sq. ft. gross floor area (minimum of five [5] spaces).
10. Industrial use, wholesale, warehouse, manufacturing plant; three-quarters (3/4) of a space per employee (minimum of five [5] spaces).
11. Golf course including miniature golf; one and one half (1.5) spaces per hole.

12. Marina; one (1) space per berth, ten (10) spaces per boat launching ramp.
13. Campgrounds, tenting areas, and recreational vehicle parks; one and one half (1.5) spaces per camp site.
14. Preschool facility; one (1) space per three (3) students. *(Amended: 8-22-94)*
15. Auto service; four (4) spaces per service bay (non drive thru service) Drive thru service; two (2) spaces per service bay.
16. Outdoor display and sales such as automobiles, farm equipment, heavy machinery, boats, recreational vehicles; one (1) space per five thousand (5,000) sq. ft. of display area.
17. Uses not listed in this schedule; the standard shall be determined by the planning board based on the most similar use listed or on other available adopted zoning ordinance or published sources of parking standards.
18. Notwithstanding these Minimum Off-Street Parking Space Requirements a site development established prior to the adoption of this ordinance for which a change of use is proposed shall meet parking space requirements for the new use to the maximum practical extent as determined by the Code Enforcement Officer provided that at least 75 percent of the required parking spaces are provided. This provision shall apply to both on-site and off-site parking spaces. Determination of the number of parking spaces in parking lots where spaces are not delineated shall be based on the traditional usage of the lot. It is not the intent of this regulation to retroactively apply current parking location, setback and design standards to site developments established prior to the adoption of this ordinance. *(Amended: 10-12-04)*
19. For medical a marijuana dispensary, five (5) spaces per one thousand (1,000) square feet total floor area, plus one additional space for every two (2) employees. *(Amended 03-07011)*
20. For methadone clinic, five (5) spaces per one thousand (1,000) square feet total floor area, plus one additional space for every two (2) employees. *(Amended 03-07011)*

**4.7.1.2. Location of Parking** - All parking shall be on the same lot as the principal use/building served or in accordance with the following provisions.

Where all of the required parking cannot be provided on the same lot, parking shall be allowed on another lot within three hundred (300') feet, provided that the lot is in the same ownership or lease and is in the same or a less restrictive district than the use served.

EXCEPTION: Lots located within the Village Commercial District on Main Road may also utilize municipal on-street parking where it is available and may count such parking spaces as available parking.

EXCEPTION: Lots located within the Village Commercial District on Main Road may also utilize municipal off-street parking where it is available and may count such parking spaces as available parking.

Off-site parking shall meet the following standards:

1. Leased parking must provide for a minimum of one (1) year availability through a recordable document and provide notification to the code enforcement officer upon termination.
2. No more than fifty (50%) percent of required spaces shall be provided off-site.
3. Off-site spaces shall conform to *Articles 4.7.1.3, 4.7.1.4, and 4.7.1.5. (Amended: 10-12-04)*

**4.7.1.3. Parking Setbacks** - All parking shall be setback in accordance with the following minimum standards. *(Amended: 10-12-04)*

ZONE	STREET YARD	OTHER YARD	PRINCIPAL BLDG.
BB IA, IB, I2,	20'	10'*	5'
B, BR, CS, INT, VC, VCII	10'	5'*	3'
RA, R, S	10'	5'	N/A
RB	10'	10'	5'
RP Subject to Site Plan Approval			

\* Where any property line abuts a residentially zoned or used property the standard shall be doubled.

**4.7.1.4. Minimum Parking Space Design Standards** - All off-street parking areas shall be constructed in conformance with the following minimum standards.

PARKING ANGLE (Degrees)	STALL WIDTH (Feet)	STALL DEPTH (Feet)	(Travel) AISLE WIDTH (Feet)
90	9	18	24
60	9	19	16 One Way
45	9	17.5	12 One Way

**4.7.1.5. Required Improvements and Landscaping for Large Parking Lots.**

Parking lots of fifty (50) or more spaces shall meet the following additional requirements.

1. Raised landscaped traffic islands shall separate parking areas from access aisles.
2. A minimum of ten (10%) percent of the interior area of the parking lot shall be landscaped and planted with trees (minimum of one [1] tree per ten [10] spaces).
3. The parking lot shall be designed to prevent travel across parking stalls.
4. Parking aisles should be oriented perpendicular to building entrances to enhance pedestrian

access and safety.

5. Parking lots shall be a level, uniform, dust free surface constructed of concrete, bituminous asphalt, brick or pavers, or other similar material.

**4.7.1.6. Handicapped Parking** - Any building or facility constructed as a place of public accommodation, a place of assembly, a place of employment or a dwelling unit which is designed to be handicapped accessible shall provide handicapped parking in accordance with the following standards:

1. **Minimum Off-Street Handicapped Parking Space Requirements** – This standard requires provision of one off-street handicapped parking space out of every twenty-five (25) off-street parking spaces provided, to be reserved for the exclusive use of the handicapped.
2. **Off-Street Handicapped Parking Space Design Standards.** Spaces reserved for the handicapped shall include the following minimum design features.
  - a. A five (5) foot access aisle in addition to the space required under *Article 4.7.1.4.*

Five foot shared access aisle.

- b. One access aisle may be shared by two (2) parking spaces.
- c. All handicapped parking spaces shall be located within the shortest barrier free accessible route to a handicapped accessible entrance.

**4.7.2. Off-Street Loading.** The following uses shall provide off-street loading spaces in accordance with this regulation: Retail and service businesses, warehouses, wholesale distributors, industrial and manufacturing uses. (*Amended: 10-12-04*)

**4.7.2.1. Minimum Off-Street Loading Space Requirements.** A minimum number of off street loading spaces shall be provided in accordance with this section. The following table provides the minimum loading area required (based on square footage of gross floor area).

BUILDING SIZE	LOADING AREA REQUIRED
<5,000 SF	NONE
5,000 - 25,000 SF	25 feet plus 25 feet per each additional 10,000 SF over 5,000 SF
>25,000 SF	50 feet plus 50 feet for each additional 25,000 SF over 25,000 SF

**4.7.2.3. Minimum Off-Street Loading Space Dimensional Requirements.** ~~Spaces required~~ - Loading spaces provided shall be a minimum of ten (10) feet in width and provided in twenty (25') foot increments. Spaces shall be a minimum of ten (10') foot by twenty-five (25') foot bays or ten (10') foot by fifty (50') foot bays depending on needs of the use.

**4.7.2.4. Special Provisions**

1. Joint use of loading spaces by two (2) abutting users in a shopping center shall be allowed.
2. No loading spaces shall be allowed which require trucks to maneuver in the public street.
3. No loading spaces shall be allowed within the required parking setbacks.
4. Loading spaces shall not be located in the street yard.

**4.7.3. Drive thru Business** - In addition to the parking requirements of *Article 4.7.1.* all drive thru businesses including fast food restaurants and automobile service uses are subject to the following standards. (*Amended: 11-05-90*)(*Amended: 10-12-04*)

**4.7.3.1. Location.**

- 1 Drive-thru windows, ATMs, or other devices by which a customer may conduct business shall not be located in the street yard space or in front of the principal use building. Notwithstanding this requirement gasoline service islands may be located in front of principal use structures.
- 2 Drive-thru businesses shall have direct access to principal arterials, minor arterials or major collectors as identified in the Federal Highway Functional Classification Map. Notwithstanding this requirement drive-thru businesses may be an element of a group development which has direct access to said street types.
- 3 Drive-thru business shall not be located within any building located in a Historic District that the Historic Preservation Commission determines is a "contributing structure", nor shall they be located on a "historic landmark" or within a "historic site" as defined in the Hampden Historic Preservation Ordinance.

**4.7.3.2. Lot Coverage.** That portion of a site development that is solely related or dedicated to the drive-through use shall not cover more than ten percent (10%) of the lot.

**4.7.3.3. Site Design and Layout.**

1. *Driveway Curb Cuts.* A drive-thru business shall not be designed with multiple driveway curb cuts except as authorized by the Planning Board through site plan review. Two curb cuts may be considered where one serves as an entrance to the site development and one serves as an exit. Curb cuts shall be located such that neither the vehicles entering or exiting the site nor vehicles standing in a related off-site center turn lane would create conflicts with vehicles utilizing neighboring curb cuts.
2. *Site to Accommodate Larger Vehicles.* A drive-thru business shall be designed to

accommodate class A commercial delivery vehicles. The purpose of this provision is to provide adequate radius, lane widths and other design considerations so delivery vehicles entering the site can circle and leave the site without backup. This provision does not require drive thru queues, windows and overhangs be designed to accommodate class A vehicles for service direct to the vehicle.

3. Maneuvering space shall be provided in the rear or side yard.
4. The radius of drive through lanes shall be a minimum of forty-five (45) feet.
5. *Drive thru Vehicular Queue Requirements.*
  - a. Each service window, ATM, side of a gasoline pump island or service bay, shall be considered as a separate activity which must meet the queue requirements of this section. However, where two (2) or more windows are used in tandem, they shall be treated as one, and gasoline pump islands with multiple pumps shall be treated as one.
  - b. The design standard for a single space in a queue shall be 9 feet in width and 18 feet in length.
  - c. Queue lanes shall be designed with a tandem bypass lane to allow vehicles to exit the queue and leave the site.
  - d. Queue lanes shall be designed to not interfere with access and egress to the site, vehicle maneuvering areas and customer parking.
  - e. ATMs, service bays and each side of a gasoline pump island shall require five queuing spaces. Service windows and remote tellers shall require a minimum of eight queuing spaces.
  - f. A minimum of 180 feet total driveway stacking area must be provided between the entrance curb of the site development and any drive thru window or speaker device for fast food restaurants and other intensive uses as may be determined by the Planning Board.
  - g. Both the queuing lane and the drive-in window shall be at least fifty (50) feet from any residentially zoned property.
  - h. The queue lane shall provide an area for two vehicles to wait just beyond the drive thru service window for services or products not immediately available. This area shall not be considered parking spaces but rather part of the drive thru queue. Notwithstanding this regulation if the location this waiting area conflicts with Zoning District regulations or the Historic Preservation Ordinance the Planning Board may approve alternative locations for such spaces.
6. Additional provision shall be made for parking of vehicles where any product is to be consumed on premises or where service to vehicles away from drive-up windows or stations is contemplated or possible.
7. Site design and layout shall minimize impacts to traffic circulation on adjacent public streets and arterials; where impacts cannot be avoided, the applicant shall be required to mitigate

such impacts by making improvements to public roadways, including but not limited to, the addition of center/ turn lanes, breakdown lanes, widening, or other measures to mitigate unavoidable impacts to adjacent roadways. If an MDOT Traffic Permit is required for the drive-through use, the Town shall coordinate its traffic mitigation recommendations for the site development with MDOT at the MDOT Traffic Permit scoping meeting. However, securing an MDOT Traffic Permit shall not relieve applicants from demonstrating that the traffic and safety considerations found in this Ordinance are met.

**4.7.3.5. Landscaping.** Drive-through facilities shall be buffered with landscaping pursuant to *Article 4.7.4, Screening/Buffers*. Where abutting residential districts, such buffer shall include a solid wall or fence of at least six (6) feet in height.

**4.7.3.6. Additional Standards**

1. Signs associated with a drive-through facility shall be regulated pursuant to *Article 4.8, Sign Regulations*.
2. All utilities associated with a drive through facility shall be entirely enclosed or buried.  
(Amended: 11-05-90)

**4.7.4. Screening/Buffers**

**4.7.4.1. Basic requirement** - No use shall be authorized or extended, and no building or structure shall be constructed or enlarged unless the applicable bufferyard and screening requirement is met in accordance with this section.

**4.7.4.2. Bufferyard Types**

1. *Class I Bufferyard* is either: 1) a hedge or buffer strip at least five (5') feet wide consisting of densely planted shrubs or trees, at least four (4') feet in height at the time of planting, and eventually reaching a mature height of at least six (6') feet; or, 2) a wall or fence at least six (6') feet in height, but not exceeding eight (8') feet, which provides an effective visual barrier.
2. *Class II Bufferyard* is a buffer strip at least twenty-five (25') feet wide of which a ten (10') foot width shall be vegetated with trees and/or shrubs (existing or planted) at least four (4') feet in height at the time of planting, and eventually reaching a mature height of at least six (6') feet.
3. *Class III Bufferyard* is a buffer strip at least fifty (50') feet wide of which a twenty-five (25') foot width shall be vegetated with trees and/or shrubs (existing or planted) at least four (4') feet in height at the time of planting, and eventually reaching a mature height of at least six (6') feet.

**4.7.4.3. Location of Class I Bufferyards.**

1. All off-street parking areas containing five (5) or more spaces and all outdoor off street loading areas shall have screening on each side adjoining or fronting on any residential district or any public or private street or way.
2. Any non residential use in a residential district shall have screening along each property line abutting a residential use.

3. Any commercial or industrial use shall provide a buffer along each property line abutting a residential use or district.

**4.7.4.4. Location of Class II Bufferyards.**

1. Any use in a commercial or industrial district in excess of five thousand (5,000) square feet in floor area, or one (1) acre in land development, shall provide a buffer strip along each property line abutting a residential use or district.
2. Any multi-family development of fifty (50) units or more shall have a buffer strip along each property line abutting a residential use or district.

**4.7.4.5. Location of Class III Bufferyards.** Any multi-family development of one hundred (100) or more units shall have a buffer strip along each property line abutting a residential use or district.

**4.7.4.6. Special Provisions**

1. Where two (2) or more classes of buffers are required, the stricter requirement shall apply.
2. All screening/buffers required by this section shall be maintained so as to provide an effective visual barrier. *(Amended: 11-05-90, 06-03-91)*
3. In its review the Planning Board may waive or reduce the screening requirements along property lines where the adjacent property has an existing vegetated buffer and written permission is provided by the applicable property owner. *(Amended: 1-16-96)*

D-4-e



**TO: Hampden Town Council**  
**FROM: Dean Bennett, Community and Economic Development Director**  
**SUBJECT: Zoning Ordinance Map Amendment, Main Road North**  
**DATE: July 14, 2015**

At the July 8, 2015 the Planning Board considered the subject amendment and took the following action:

Chairman Weatherbee opened the public hearing but as no one wished to speak he closed the public hearing and asked for staff comments.

Dean Bennett, Community and Economic Development Director, explained that the purpose of the amendment is to make adjustments on Main Road North to allow small scale service and retail based development on properties which are configured to accommodate such development. He indicated the proposed amendment is in response to a neighborhood request for said zone change. He noted that the Ordinance Committee has recommended to the Planning Board that the item be returned to the Council with an "ought to pass" recommendation.

Please find attached a draft Zoning Ordinance Map amendment that changes properties on Main Road North in the general vicinity of Cottage Street to Village Commercial from the respective Residential A District on the east side of Main Road North and Residential B District on the West side of that street.

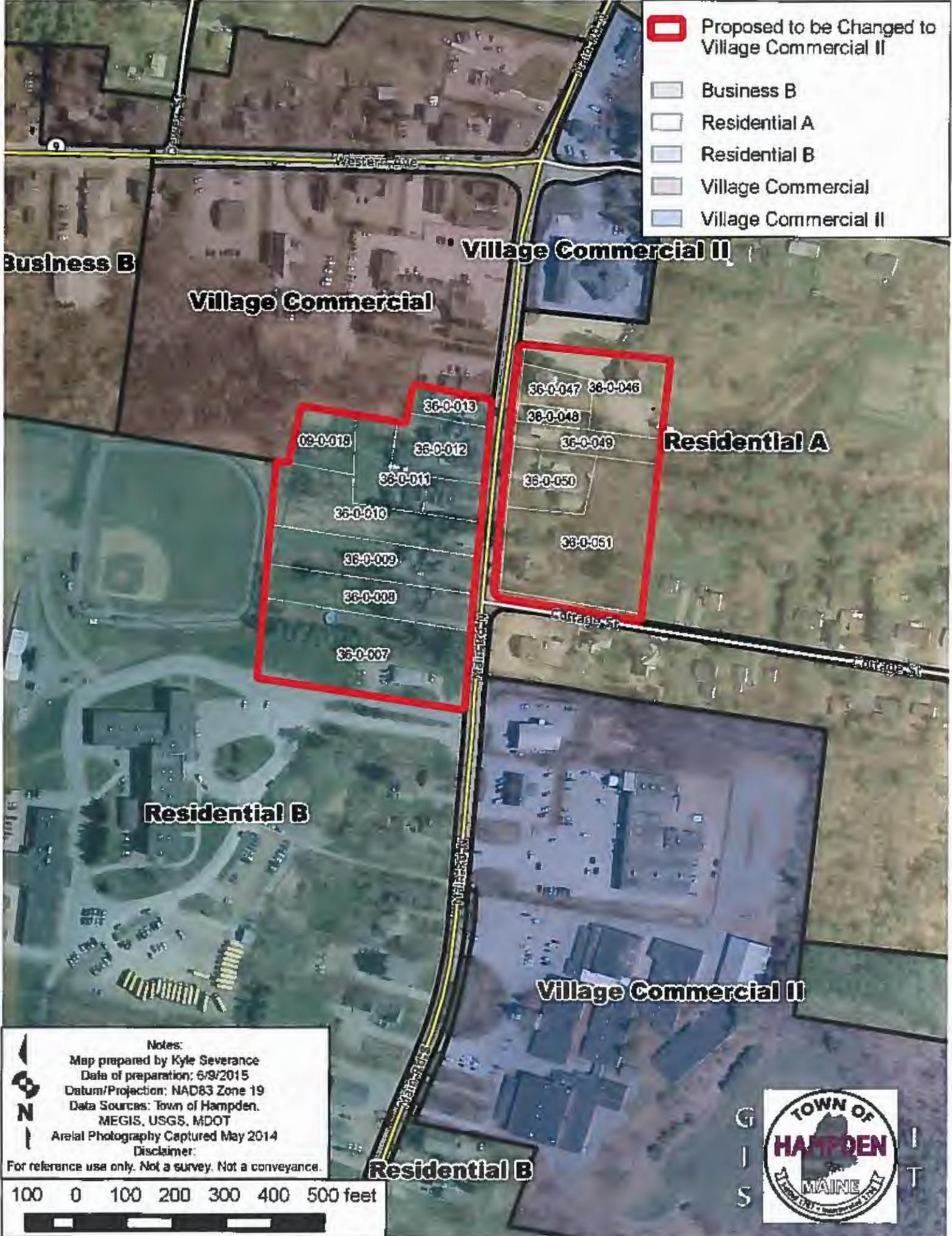
The land parcels involved include the following: Starting on the west side of Main Road North the parcels are Map 36, Lots 7, 8, 9, 10, 11, 12 and 13. On the east side of Main Road North the parcels are Map 36, Lots 47, 48, 49, 50, 51 and p/o Map 6, Lot 45.

The total land area to be rezoned on the West side of the street is 4.35 from Res. B to Village Commercial District and the remaining 3.35 acres from Res. A to the Village Commercial District.

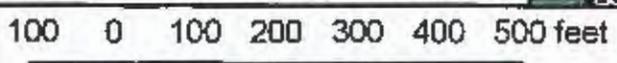
After discussions with regard to the impact of development on the area and the subsequent affect on neighboring properties, the Planning Board felt comfortable that any impact concerns can be address through the site plan review process.

The Planning Board supported the proposed amendment with an "ought to pass" recommendation. Vote: 4-0.

-  Proposed to be Changed to Village Commercial II
-  Business B
-  Residential A
-  Residential B
-  Village Commercial
-  Village Commercial II



**Notes:**  
 Map prepared by Kyle Severance  
 Date of preparation: 6/9/2015  
 Datum/Projection: NAD83 Zone 19  
 Data Sources: Town of Hampden,  
 MEGIS, USGS, MDOT  
 Aerial Photography Captured May 2014  
**Disclaimer:**  
 For reference use only. Not a survey. Not a conveyance.





# Maine Municipal Association

60 COMMUNITY DRIVE  
AUGUSTA, MAINE 04330-9486  
(207) 623-8428  
www.memun.org

D-5-a

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Chris Lockwood, MMA Executive Director

DATE: July 6, 2015

SUBJECT: MMA Annual Election - Vice President and Executive Committee Members

**Deadline: Friday, August 14, 2015 by 12:00 noon**

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**Nomination Process** – Each year member municipalities have an opportunity to vote on the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee was appointed in March to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying and interested in serving as the MMA Vice President and Executive Committee. The MMA Nominating Committee completed its task in May and put forth a Proposed Slate of Nominees for 2016 to member municipalities.

**Petition Process** – As part of the May mailing, information was also provided on the MMA Petition Process. Pursuant to the MMA Bylaws, nominations may also be made by Petition signed by a majority of the municipal officers in each of at least 5 member municipalities. The deadline for receipt of nominations by petition was July 6. There were no municipal officials nominated by petition.

***It is now time for each member municipality to cast its official vote.***

**Election Process** – Enclosed you will find the MMA Voting Ballot which includes the proposed Slate of Nominees to serve on the MMA Executive Committee as selected by the MMA Nominating Committee. A brief biographical sketch on each nominee listed on the MMA Voting Ballot is enclosed for your reference. You will note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition, as noted above.

The MMA Voting Ballot must be signed by a majority of the municipal officers or a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association by 12:00 noon on Friday, August 14. We have enclosed a self-addressed self-stamped envelope for your convenience. The MMA Voting Ballots will be counted that afternoon and the election results confirmed under the direction of MMA President Peter Nielsen.

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at [www.memun.org](http://www.memun.org) on Friday, August 15, after 4:00 p.m. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held **Wednesday, October 7, at the Augusta Civic Center**. Newly elected Executive Committee members will be introduced at the MMA Awards Luncheon and Annual Business Meeting and officially take office on January 1, 2016.

If you have any questions on the Election Process, please contact Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at [tchavarie@memun.org](mailto:tchavarie@memun.org). Thank you.



**MAINE MUNICIPAL ASSOCIATION**  
**VOTING BALLOT**

**Election of Vice President and Executive Committee Members**  
*Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 14, 2015*

**VICE-PRESIDENT - 1 YEAR TERM**

**Vote for One**

**Proposed by MMA Nominating Committee:**

**Laurie Smith, Town Manager, Town of Kennebunkport**

**DIRECTORS - 3 YEAR TERM**

**Vote for Three**

**Proposed by MMA Nominating Committee:**

**William Bridgeo, City Manager, City of Augusta**

**Michael Crooker, Town Manager, Town of Glenburn**

**Marianne Moore, Mayor, City of Calais**

*Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.*

*The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.*

**Date:** \_\_\_\_\_

**Municipality:** \_\_\_\_\_

**Signed by a Municipal Official designated by a majority of Municipal Officers:**

**Print Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**OR Signed by a Majority of Municipal Officers**

**Current # of Municipal Officers:** \_\_\_\_\_

**Print Names:**

**Signatures:**

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**Return To:**

*MMA Annual Election  
Maine Municipal Association  
60 Community Drive  
Augusta, Maine 04330  
FAX: (207) 626-3358 or 626-5947  
Email: [tchavarie@memun.org](mailto:tchavarie@memun.org)*

**MAINE MUNICIPAL ASSOCIATION  
EXECUTIVE COMMITTEE**

**BIOGRAPHICAL SKETCH OF  
PROPOSED SLATE OF NOMINEES FOR 2016**

**MMA VICE PRESIDENT (1-Year Term)**

**LAURIE SMITH**

- Town Manager, Town of Kennebunkport (2014 – present)
- Maine Municipal Association Executive Committee, Member (2012 – present); Vice President (2015)
- Maine Municipal Association Strategic & Finance Committee, Member (2012 – present); Chair (2015)
- Maine Municipal Association Property & Casualty Pool Board of Directors, Member (2012 – present)
- Maine Municipal Association Workers Compensation Fund Board of Trustees, Member (2012 – present)
- Town Manager, Town of Wiscasset (2010 – 2014)
- Assistant Manager/Community Relations/Finance Director, City of Auburn (2005– 2010)
- Interim City Manager, City of Auburn (2007 –2008)
- Acting Finance Director, City of Auburn (2004 – 2005)
- Town Manager, Town of Boothbay Harbor (1994-1999)
- Town Manager, Town of Oxford (1991-1994)
- Town Manager, Town of Boothbay (1988-1989)
- Maine Town & City Management Association, Member (1989-present); Board member (2000-2005); President (2003-2004)
- University of Maine, Orono, Public Administration, B.A. (1986)

**MMA EXECUTIVE COMMITTEE MEMBERS (Three 3-Year Terms)**

**WILLIAM BRIDGEO**

- City Manager, Augusta, Maine (1998 – present)
- Adjunct Professor, Government Program at University of Maine in Augusta (2009 – present)
- Adjunct Professor, MBA Leadership and Ethics Courses, Thomas College (2013 – present)
- City Manager, Canandaigua, New York (1987 – 1998)
- Assistant Director, Maine State Housing Authority (1985 – 1987)
- City Manager, Calais, Maine (1979 – 1985)
- Assistant Town Manager, Killingly, Connecticut (1976 – 1979)
- Maine Service Center Coalition, Executive Committee Member (2002 – present); Chair (2004 - 2007); and most recently active in the formation of the Maine Mayors' Coalition in 2014 – present)
- Maine Service Centers Coalition, Steering Committee Member (2001)
- Maine Town & City Management Association, Member (1979 – 1985; 1998 – present)
- Maine Municipal Association Executive Committee, Member (2002 – 2004)
- Maine Municipal Association Property & Casualty Pool Board of Directors, Member (2002 – 2004)
- Maine Municipal Association Workers Compensation Fund Board of Trustees, Member (2002 – 2004)
- New York State Municipal Management Association, Member (1987 – 1998); President (1995)
- International City/County Management Association Board of Regents, Charter Member (1990 – 1996)
- New York Conference of Mayors & Other Municipal Officials, Ex-officio Board member
- Maine Development Foundation, Board Member (2000-2005)
- Augusta YMCA, Board Member (2009 – present)
- Masters Degree, Public Administration, University of Hartford
- Bachelors Degree, Political Service, St. Michael's College in Vermont

## **MICHAEL CROOKER**

- Town Manager/Treasurer/Road Commissioner, Town of Glenburn (2006 - present)
- Maine Municipal Association Executive Committee, Member (2013 – present)
- Maine Municipal Association Strategic & Finance Committee (2013 – present)
- Maine Municipal Association Property & Casualty Pool Board of Directors, Member (2013 – present)
- Maine Municipal Association Workers Compensation Fund Board of Trustees, Member (2013 – present)
- Maine Municipal Association Legislative Policy Committee, Member (2002-2004; 2004-2006; 2010-2012)
- Town Manager, Town of Bradley (1998 – 2004)
- Adjunct Professor, University of Maine Department of Public Administration (2003 – present)
- Executive Director, River Coalition, Inc. (2004 – 2006)
- Graduate Teaching Assistance (1998)
- Substitute Teacher, Maine School Administrative District 22 (1994 – 1998)
- Projectionist and Supervisor, Bangor Mall Cinemas (1988 – 1998)
- Masters in Public Administration, University of Maine
- BA in Political Science, University of Maine
- AS in Legal Technology, University of Maine
- Maine Town and City Management Association; Member; 2002 “Rookie Manager of the Year”
- Barrie E. Blunt Outstanding Graduate Student Memorial Award
- Edward F. Dow Scholarship Recipient
- Pi Sigma Alpha (National Political Science Honor Society)
- Presidential Achievement Award for Academic Excellence
- Maine Criminal Justice Academy’s Pre-service/Part-time Law Enforcement Training
- State of Maine Animal Control Officer Training
- Graduate of The Grant Institute
- Penobscot Valley Council of Governments, President,
- Eastern Maine Development Corporation, Board Member
- State of Maine Animal Welfare Advisory Council, Member
- Governor’s Interagency Task Force on Invasive Aquatic Species, Member
- Penquis CAP, Board Member
- Penquis CAP, Advisory Board Member
- Maine Resource Recovery Association, Board Member
- Penobscot River Tourism Association, Board Member
- Bangor Region Partners for Health, Board Member
- Penobscot Health Communities Board of Directors, Vice President
- Graduate Association of Public Administrators (GAPA), President
- Notary Public, State of Maine

## **MARIANNE MOORE**

- Mayor, City of Calais (2012 - present)
- Councilor, City of Calais (2002 – 2008; 2009 – 2012)
- Owner/Manager, Calais Curves for Women Fitness Center (2004 – present)
- Leader, Weight Watchers, Inc., Calais (August 2001 – present)
- Maine Municipal Association Executive Committee, Member, (2011 – present)
- MMA Workers Compensation Fund Board of Trustees, Member, (2011 – present)
- MMA Property & Casualty Pool Board of Directors, Member (2011 – present)
- Instructor, Washington Community College (2001 – 2004)
- Adjunct Instructor, Washington Community College (2005 - present)
- Interim Dean, CEIS (Fall, 2002)
- St. Croix Valley Healthy Communities, Board of Trustees (2006 - 2010)

## MARIANNE MOORE (continued)

- Washington One: One Community Health & Wellness Co-Chair (2011 - 2013)
- St. Croix Valley Chamber of Commerce, Executive Board (2008 - present)
- Washington Hancock Community Agency, Executive Board (2006 - 2013)
- Washington County Development Authority, Executive Board (2011 - present)
- Washington County Extension Association, Executive Board (2012 – present)
- Permanent Commission on the Status of Women (2012 - present)
- St. Stephen's Presbyterian Church, Board of Managers (2008 - present)
- Climbed to summit of Mt. Kilimanjaro in Africa (June 2002)
- Climbed to Base Camp of Mt. Everest (October 2004)
- Hiked the Inka Trail, Peru (April 2015)
- Moved to Calais, Maine (April 2001)
- Retired from Southwestern Bell Telephone Company (November 2000)
- Managerial positions, Southwestern Bell Telephone Company; San Antonio/Austin/Dallas, Texas (1969 - 2000);
- Cleveland Clinic Exercise Science and Weight Management Certification (September 2011)
- Cooper Institute Circuit Training and Weight Management Certification (June 2005)
- Masters of Business Administration, Southern Methodist University; Major in Management Information Systems (1998)
- Bachelor of Applied Arts & Sciences, Dallas Baptist University; Major in Computer Science/Business Management (1992 Magna Cum Laude);
- Graduate, High School in San Antonio, Texas (1970)

D-5-b

**MAINE DEPARTMENT OF TRANSPORTATION**  
**LOCAL ROAD ASSISTANCE PROGRAM (LRAP)**  
**CERTIFICATION 2015-2016 (FY16)**  
**MUNICIPALITY of Hampden 19280**

To be eligible to receive FY-16 LRAP funds, each Municipality must **certify that the funds will be used in a manner consistent with Chapter 19 of Title 23**. Effective July 1, 2013, as defined by Title 23, §1803-B.1.A, *"funds must be used for capital improvements ... or for capital improvements to state aid minor collector highways and state aid major collector highways as described in section 1803-C."* Effective July 1, 2008 municipalities must provide information on what capital improvements were done with the FY-15 (July 1, 2014 to June 30, 2015) LRAP funds received by the municipality. See back side of form.

It is estimated that the municipality of, **Hampden** will receive **one (1) payment of \$ 65,616** for the fiscal year beginning July 1, 2015 by December 1, 2015.

Notification will be made in the event of any change.

Beginning in 2014, municipalities receive 9% of MaineDOT's portion of the Highway Fund. This means that the disbursements to municipalities rise and fall with MaineDOT's budget.

We, the undersigned municipal officers or designee (i.e. Town Manager) of the municipality of **Hampden** do hereby certify that funds received from the Local Roads Assistance Program for the fiscal year 2015-2016 will be used only for uses as stated above. *We also certify that the previous year's funds were spent on the projects listed on the back of this form.*

Signed \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_ Signed \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_  
Signed \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_ Signed \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

**Municipality E-mail Address** \_\_\_\_\_

Please print below the name, title, and phone of the person to contact for the information on this form.

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Tel: \_\_\_\_\_

If your address **has changed in the last 3 months** (and you have NOT signed up for electronic fund transfer (EFT), we must have the new address for you to receive your funds.

Address: \_\_\_\_\_

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**Prior to August 1, 2015, (see cover letter) please return this completed form (BOTH SIDES) by US mail or scanned PDF/email to:**

Sandra J. Noonan  
MaineDOT- Community Services Division  
16 State House Station  
Augusta, Maine 04333-0016  
Tel. (207) 624-3265, or [sandra.noonan@maine.gov](mailto:sandra.noonan@maine.gov)

**NO LRAP payment can be made until a completed form (BOTH SIDES) is received by MaineDOT- Community Services Division.**

Please make a copy for your records.

Over please

**Hampden 19280**  
**Last year's (FY-15) LRAP Funds of \$ 64,916**

As a result of 2007 Legislative inquiries and discussions centered around LRAP, MaineDOT needs to collect additional information on the uses of LRAP funding by 500 Maine municipalities, counties, and Indian reservations. This is intended to be simple and provide an easy method to collect information on the use of over \$20 million per year by local agencies.

As noted on the front side, LRAP funding can only be spent on capital improvements in non-compact towns.

A **capital improvement** is defined as "any work on a road or bridge which has a life expectancy of at least ten years and restores the load-carrying capacity". Examples of eligible "capital" activities are defined as follows:

1. Medium to heavy overlays which improve the strength and ride quality (minimum 1 inch lift on a shimmed surface), pavement and/or base recycling, pavement cold planing and resurfacing
2. Road reconstruction or rehabilitation
3. Gravel road grade-raising or paving
4. Single culvert replacements or a series of drainage improvements
5. \* Traffic signal or sign installation and/or replacements
6. \* Sidewalk construction or reconstruction
7. \* Heavy ditching, under drain and catch basin installation or total system replacement, permanent erosion control
8. \* Wetland mitigation
9. \* Guardrail installation
10. Bridge or minor span replacement and rehabilitation
11. Any bridge repair activities with a ten year life
12. Local share of a Municipal Partnership Initiative (MPI) project on a state road
13. Debt financing/bond repayment for past capital improvements to public roads
14. The urban match component of any federal-aid project
15. "Banking it" to save up for a future project
16. Other (explain) \_\_\_\_\_

\* Some of the categories of work (# 5, 6, 7, 8 & 9) qualify as capital improvements, but must be done in conjunction with roadway reconstruction/rehabilitation.

The "funds spent" below must add up to at least the amount of your FY-15 LRAP payments (shown above) from 7/1/14 to 6/30/15.

1. Road Name: \_\_\_\_\_ Funds spent on Capital Improvements: \$ \_\_\_\_\_

Type of Capital Improvement: see above, list all numbers that apply: \_\_\_\_\_

Length of Capital improvement (miles or feet): \_\_\_\_\_ miles or \_\_\_\_\_ feet

2. Road Name: \_\_\_\_\_ Funds spent on Capital Improvements: \$ \_\_\_\_\_

Type of Capital Improvement: see above, list all numbers that apply: \_\_\_\_\_

Length of Capital improvement (miles or feet): \_\_\_\_\_ miles or \_\_\_\_\_ feet

3. Road Name: \_\_\_\_\_ Funds spent on Capital Improvements: \$ \_\_\_\_\_

Type of Capital Improvement: see above, list all numbers that apply: \_\_\_\_\_

Length of Capital improvement (miles or feet): \_\_\_\_\_ miles or \_\_\_\_\_ feet

**OPTIONAL:** In addition to the information above, what was your municipality's TOTAL SUMMER CAPITAL IMPROVEMENT EXPENSES (including FY-15 LRAP payments) \$ \_\_\_\_\_

**We need the original, please make a copy for your records.**



Paul R. LePage  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0016

David Bernhardt  
COMMISSIONER

**COMMUNITY SERVICES DIVISION**  
**1-800-498-9133**  
**<http://www.maine.gov/mdot/csd/lrap/index.htm>**

July 10, 2015

**LOCAL ROAD ASSISTANCE PROGRAM (LRAP)**

When the Legislature passed the Highway budget last week, it slightly increased the LRAP allocation for the new Fiscal Year. Therefore most LRAP payments may see a small increase this year.

Please remember that:

- LRAP payments are now made ONCE a year...not in quarterly payments. The full year's allocation will be sent to your municipality/county by December 1 of each year, **if we receive an accurate, completed certification form.**
- ALL Maine towns/cities are uniformly receiving the statutory lane-mile rates.

As in previous years, all LRAP recipients must provide information on how LRAP funds were expended from the previous fiscal year. The information collected on the back side of the Certification Form is used to chart the progress of improving public roads by the 500 Maine municipalities, counties, and Indian reservations that receive funding from this program. *If this information is not provided when we receive the certification form, we will return it to you for completion.*

Please submit the completed Certification Form for Fiscal Year 2016 (July 1, 2015 to June 30, 2016) either by US mail or by scanning and emailing it to us. **We no longer accept faxes.** The law says it must be received by August 1 or earlier. Please get this done within the next few weeks if possible.

Once we receive your completed form, your funds will be ready for the November payment.

**If your town has not done so already, we are also encouraging municipalities to sign up for electronic transfer (Direct Deposit) of LRAP funds from the State to their financial institution to reduce costs, and provide a speedy and secure service.** If you are interested in Electronic Fund Transfer, see our website at <http://www.maine.gov/mdot/csd/lrap/index.htm>. There is no cost for this option.

If you have any questions, please feel free to contact me.

Sincerely,

Peter M. Coughlan, Director  
207/ 624-3266 or [peter.coughlan@maine.gov](mailto:peter.coughlan@maine.gov)



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