

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 PM, Wednesday, May 13, 2015 at the Hampden Municipal Building Council Chambers by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee and Members James Davitt, Kelley Wiltbank, Michael Avery and Eugene Weldon.

Also in attendance: Town Planner Robert Osborne and Community and Economic Development Director Dean Bennett.

**1. APPROVAL OF MINUTES (April 8, 2015 Planning Board meeting and May 5, 2015 Ordinance Committee meeting.**

Member Avery made a motion to approve the minutes of the April 8, 2015 Planning Board meeting and Member Weldon seconded the motion which passed unanimously.

Member Avery made a motion to approve the minutes of the May 5, 2015 Ordinance Committee meeting and Member Weldon seconded the motion which passed unanimously.

**2. NEW BUSINESS**

- A. Zoning Ordinance Map Amendment - Town of Hampden requests review of proposed changes to the following land parcels to become Village Commercial District as governed under Article 1.5 Amendment: 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 and 51. 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. – Public Hearing**

Chairman Weatherbee opened the public hearing and explained that the Board will hear from proponents, then opponents and finally those with general questions and comments.

Walt Cupples spoke indicating that he supports the map amendment and indicated that of the 12 properties that 11 owners are in full support of the change.

Brock Bradford, 45 Main Road North spoke indicating that he supports the map amendment.

As no one else wished to speak Chairman Weatherbee closed the public hearing and asked for staff comments.

Town Planner Bob Osborne stated that the purpose of this zoning map amendment is to extend the Village Commercial District from the Irving Station to Cottage Avenue. He noted that the item came to the Town Council from Mr. Cupples. The proposal grew out of recognition that this neighborhood has changed and the residents no longer oppose commercial zoning in the subject area. He noted that this draft amendment is subject to the standards contained Zoning Ordinance Article 1.5 amendments.

Staff recommends that the Planning Board recommend “ought to pass” to the Council on this item. Mr. Osborne indicated that the Ordinance Committee has expressed some concerns related to impacts on the school and traffic in the corridor. He noted that the Board could return a recommendation that expresses their concerns and any recommendations that you might have such as a traffic analysis.

After some discussion Member Avery made a motion to table this item and refer it to the Ordinance Committee and Member Davitt seconded the motion which was approved 5 in favor and none against.

**B. Zoning Ordinance Text Amendment - Town of Hampden requests review of amendments to Article 4.7.1.2. Location of Parking to add language to allow exceptions to the parking requirements to allow the utilization of municipal on-street parking and off-street parking when site developments are located in certain areas. – Public Hearing**

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

Bob Osborne explained that the purpose of this amendment is to add language to the zoning ordinance that would allow the code enforcement officer to count certain off-site parking spaces located in municipal parking lots and on-street parking towards the required parking for a site development. He indicated that staff recommends an “ought to pass” recommendation to the Town Council.

After some discussion Member Weldon made a motion to table this item and refer it to the Ordinance Committee and Member Wiltbank seconded the motion which was approved 5 in favor and none against.

**C. Zoning Ordinance Text Amendment - Town of Hampden requests review of amendments to Article 3.9 Rural District to add language allowing a 50% reduction of frontage on cul-de-sac lots. – Public Hearing**

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

Bob Osborne explained that the purpose of this amendment is to make adjustments Rural District frontage regulations on cul-de-sacs by reducing the frontage to 100 feet and doubling the setback to 60 feet.

He indicated that staff recommends an “ought to pass” recommendation to the Town Council. 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 some discussion Member Avery made a motion to return this item to the Town Council with an “ought to pass” recommendation and Member Wiltbank seconded the motion which was approved 5 in favor and none against.

**D. Zoning Ordinance Text Amendment - Town of Hampden requests review of amendments to Article 3.2 Industrial District to add language allowing buildings greater than 35 feet in height as a Conditional Use. – Public Hearing**

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

Bob Osborne explained that the purpose of this amendment is to make adjustments to the Industrial District building height regulations to require that buildings taller than 35 feet be conditional uses and that for each foot in height taller than 35 feet they have an additional foot of setback. He indicated that staff recommends an “ought to pass” recommendation to the Town Council. 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 some discussion Member Wiltbank made a motion to return this item to the Town Council with an “ought to pass” recommendation and Member Weldon seconded the motion which was approved 5 in favor and none against.

**E. Zoning Ordinance Text Amendment - Town of Hampden requests review of amendments to Article 4.3 Conditional Lot Dimensions to change language allowing a broader exception under the frontage requirement of the district may be reduced and changing the review of this procedure from the Planning Board to the Code Enforcement Officer. – Public Hearing**

Chairman Weatherbee opened the public hearing.

Alex King, 75 Ichabod Lane spoke in support of the proposed amendment indicating that he feels that if allowed no change of character would come to the rural character of the town.

Peggy Brown, Kennebec Road spoke in support of the proposed amendment indicating that the amendment would be useful for her family on the large lot that they own.

As no one else wished to speak he closed the public hearing and asked for staff comments.

Bob Osborne explained that the purpose of this amendment is to allow Rural District, Residential A and Residential B District minimum frontage standards reduction by granting a permit through the Code Enforcement Officer that would allow frontage of 66 feet with certain building envelope standards required and maintained. He indicated that the item had come from the Ordinance Committee with a few friendly amendments. The recommendation was: 1. To remove Residential A and Residential B Districts from the contemplated areas where the permit is available. 2. To add a sentence clarifying that this permit cannot be used in the context of subdivisions. And 3. To renumber the text that is currently 4.3.6.2. a and b to 4.3.6.1. l and m.

He indicated that staff recommends an “ought to pass” recommendation to the Town Council with the proposed amendments. 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 with the friendly amendments proposed.

After some discussion Member Weldon made a motion to return this item with the noted changes to the Town Council with an “ought to pass” recommendation and Member Wiltbank seconded the motion which was approved 5 in favor and none against.

### **3. OLD BUSINESS**

#### **A. Zoning Ordinance Text Amendment – Town of Hampden requests review of amendments to Article 4.15 Sewage Lagoons and Article 7 Definitions to add language regulating barriers surrounding swimming pools and tubs – Tabled April 8**

Chairman Weatherbee asked for a motion to take this item off the table. Member Davitt moved that this item be removed from the table and Member Avery seconded the motion which was approved unanimously. As no one wished to speak Chairman Weatherbee did not re-open the public hearing but asked for staff comments.

Bob Osborne explained that the purpose of this amendment is to add language to the zoning ordinance that regulates swimming pools and tubs to provide safety barriers for children. The language is consistent with MUBEC code. The draft amendment also does away with lagoons because they are no longer a viable mechanism for disposal of wastewater. He indicated that staff recommends an “ought to pass” recommendation to the Town Council. 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 some discussion Member Weldon made a motion to return this item to the Town Council with an “ought to pass” recommendation as presented in the current packet document and Member Wiltbank seconded the motion which was approved 5 in favor and none against.

#### **B. Zoning Ordinance Text Amendment – Town of Hampden requests review of amendments to Article 3.13 Business B District to make adjustments to frontage, setback and Special District Regulations – Tabled April 8**

Chairman Weatherbee asked for a motion to take this item off the table. Member Wiltbank moved that this item be removed from the table and Member Weldon seconded the motion which was approved unanimously. As no one wished to speak Chairman Weatherbee did not re-open the public hearing but asked for staff comments.

Bob Osborne stated that the purpose of this amendment is to make adjustments to the Business B District for frontage and height regulations. The rationale was driven by a closer look at some of the parcels recently brought into the Business B District. When the current setbacks were applied to some of the smaller lots there was inadequate lot width left to develop. This amendment comes to us at the recommendation of the Public Safety Department and Planning Department. It has been reviewed by the

Town Attorney and appears to be well integrated in the Ordinance. Staff recommends that the Planning Board recommend “ought to pass” to the Council on this item with one friendly amendment that would add a Special District Regulation that requires a 30 foot setback only on lot lines that abut residential zones. He noted that the Ordinance Committee has recommended “ought to pass” with the noted change to the Special District Regulations.

After some discussion Member Weldon made a motion to return this item to the Town Council with an “ought to pass” recommendation with the noted amendment to the Special District Regulations to increase the setback on lot lines abutting residential districts and Member Avery seconded the motion which was approved 5 in favor and none against.

#### **4. TOWN PLANNER REPORT**

Bob Osborne indicated that this would be his last meeting with the Board and that he was moving on to Bar Harbor as the Director of Planning. He expressed his appreciation to the Board for being a pleasure to work with and indicated that they will be missed.

#### **5. PLANNING BOARD CONCERNS**

Board members thanked Mr. Osborne for his 15 years of service and wished him well for the future.

#### **6. ADJOURNMENT**

Chairman Weatherbee ended the meeting at 8:30 pm.