

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

OCTOBER 1, 2012

7:00 P.M.

• 5:30 pm – FINANCE & ADMINISTRATION COMMITTEE MEETING

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. September 19, 2012 Special Meeting

3. COMMUNICATIONS

- a. Thomas Blais – Resignation from Planning Board
b. MMA/Town – Workers Comp Dividend Payment

4. REPORTS

- a. Finance & Administration Committee Minutes – 9/17/2012
b. Services Committee Minutes – 8/13/2012
c. Services Committee Minutes – 9/10/2012
d. Communications Committee Minutes – 9/11/2012
e. Infrastructure Committee Minutes – 9/24/2012

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. Ordinance Authorizing Conveyance of Land Owned by the Town of Hampden

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Warrant for Municipal Election – 11/6/2012 – Council Signatures

3. UNFINISHED BUSINESS

- a. Set Service Fees for 2012/2013

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

- b. Pilot Program for Recreation Department's use of Skehan Center through end of Fiscal Year 2013 – Planning & Development Committee Recommendation
- c. Zoning Ordinance Text Amendment, Residential A District, Residential B District and Article 7.1 Definitions Community Building – Introduction for Public Hearing
- d. Route 69 Update

4. NEW BUSINESS

- a. Municipal Review Committee – Appointment of Representative to Penobscot Valley Refuse Disposal District – Recovery of Municipal Funds
- b. Application for Renewal of Outdoor Wood-burning Furnace License received from Doug & April Stanhope, 560 Western Avenue

- D. COMMITTEE REPORTS
- E. MANAGER'S REPORT
- F. COUNCILORS' COMMENTS
- G. ADJOURNMENT

SPECIAL TOWN COUNCIL MEETING

Wednesday, September 19, 2012

Attending:

Mayor Janet Hughes
Councilor Jean Lawlis
Councilor Tom Brann
Councilor Shelby Wright

Councilor Andre Cushing
Councilor Jeremy Williams
Town Attorney Thomas Russell
Town Manager Susan Lessard

A special meeting of the Hampden Town Council was held on Wednesday, September 19, 2012 for the purpose of introducing an "Ordinance Authorizing Conveyance of Land Owned by the Town of Hampden" for public hearing on October 1, 2012. The ordinance will authorize the conveyance of land to MSAD #22 in accordance with the terms and conditions of a Purchase and Sale Agreement between the parties dated September 18, 2012, as may be amended by the parties. The meeting was called to order by Mayor Hughes at 5:50 pm.

Motion by Councilor Lawlis, seconded by Councilor Brann to convene the special Town Council meeting with less than 72 hours advance posting of the agenda due to an unanticipated emergency that will unduly delay the closing under the Purchase and Sale Agreement executed by the Town and MSAD #22 – unanimous vote in favor.

Motion by Councilor Williams, seconded by Councilor Wright to introduce the Ordinance Authorizing Conveyance of Land Owned by the Town of Hampden for public hearing on October 1, 2012 – unanimous vote in favor.

There being no further business, the meeting was adjourned at 5:58 p.m.



Denise Hodsdon
Town Clerk



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner RLO
SUBJECT: Planning Board Member Thomas Blais
DATE: September 24, 2012

Please be advised that Planning Board Member Thomas Blais has submitted his resignation letter thus resigning from the Planning Board. His email is attached to this letter.



Robert Osborne <planner@hampdenmaine.gov>

Resignation

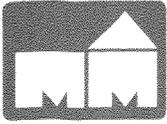
Tom Blais <Tomblais@roadrunner.com>
To: Robert Osborne <planner@hampdenmaine.gov>

Mon, Sep 24, 2012 at 11:43 AM

Hello Bob,

Please let this letter serve as my official notice of resignation from the Planning Board of the Town of Hampden. Due to business and personal demands and interests, I judge the board would be better served by appointing someone else to fill my seat. I want to thank you and the other members for the opportunity to be part of the Town Planning board, and I wish you all great success in the future.

Regards,
Tom Blais



MAINE MUNICIPAL ASSOCIATION

Risk Management Services

60 Community Drive
P.O. Box 9109
Augusta, Maine 04332-9109

Telephc
(207) 62
(800) 59
Fax No.

A-3-b

DATE: August 31, 2012

TO: Members of the Workers Compensation Fund and the Property & Casualty Pool

FROM: Patricia Kablitz, CPCU, ARM
Director, Risk Management Services

RE: Dividend Payments

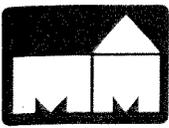
We are pleased to announce that the Board of Trustees of the **MMA Workers Compensation Fund** voted at its May 24, 2012 meeting to allow a dividend to the members of the Fund who meet the established criteria. Continuing members whose contributions are greater than \$25,000 annually, whose 2011 loss ratio is less than 40% and whose three-year loss ratio is less than 75% will receive a 6.94% dividend. Continuing members whose contributions are less than \$25,000 annually and whose loss ratio is less than 50% for the three years ending December 31, 2011, will receive a 6.94% dividend. All losses are valued as of June 30, 2012.

The Board of Directors of the **MMA Property & Casualty Pool** voted at its May 24, 2012 meeting to allow a dividend to current members of the Pool who meet the established criteria. To earn a dividend, a member must have a loss ratio of 50% or less for the qualifying year of July 1, 2010 to June 30, 2011, calculated and valued as of June 30, 2012. Continuing members whose participation began on July 1, 2006 or prior will earn a 5.48% dividend and members who joined after July 1, 2006 will receive a 4.48% dividend.

Cost savings are realized in providing services to members who participate in both the Property & Casualty Pool and the Workers Compensation Fund. In recognition of the savings, both boards voted to add 1% to the dividends for each program for members who qualify and earn a dividend. You are among the members who participate in both the Workers Compensation Fund and the Property & Casualty Pool. Therefore, if you earned a dividend for either or both programs, the additional 1% has been included in the calculation.

Dividends are being paid in the Workers Compensation Fund and Property & Casualty Pool totaling \$1,148,950. Both governing boards are very pleased with the results of their respective programs and thank you for your support and continued participation. Good management practices and sound loss prevention measures on the part of all of the members have contributed to the success of these programs. Your entity is a big part of this success.

Your check is enclosed with this letter. We have also enclosed a press release that may be used to announce the result of your successful risk management activities and good loss experience to your community. If you have any questions about the dividends or any of the Risk Management Services programs, please call me at 800-590-5583. Additional copies of this letter are included for your elected officials.



MAINE MUNICIPAL ASSOCIATION

Risk Management Services

60 Community Drive
P.O. Box 9109
Augusta, Maine 04332-9109

Telephone No.

(207) 626-5583
(800) 590-5583 Maine Only
Fax No. (207) 626-0513

DATE: August 31, 2012

TO: Members of the Workers Compensation Fund and the Property & Casualty Pool

FROM: Patricia Kablitz, CPCU, ARM
Director, Risk Management Services

RE: Dividend Payments

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Your check is enclosed with this letter. We have also enclosed a press release that may be used to announce the result of your successful risk management activities and good loss experience to your community. If you have any questions about the dividends or any of the Risk Management Services programs, please call me at 800-590-5583. Additional copies of this letter are included for your elected officials.

A-4-a

FINANCE & ADMINISTRATION COMMITTEE MINUTE

Monday, September 17, 2012

Attending:

Mayor Janet Hughes	Susan Lessard, Town
Councilor Jean Lawlis	Jenny Schnedler, Liberty Mutual
Councilor Jeremy Williams	Rick Martinkovick, Liberty Mutual
Councilor Tom Brann	Interested residents
Councilor Kristen Hornbrook (6:15)	

The meeting was opened at 5:45 p.m. by Mayor Hughes.

1. Minutes – 9/4/2012 – Motion by Councilor Lawlis, seconded by Mayor Hughes to approve the minutes as presented. Unanimous vote. (only Mayor Hughes, Councilor Williams and Councilor Lawlis were present at this point in the meeting.)
2. Review & Signature of Warrants – The Committee members reviewed and signed the payment warrants.
3. Old Business
4. New Business

- a. Liberty Mutual – Request to provide employee-paid benefit – Jenny Schnedler and Rick Martinkovick presented a proposal for an employee paid benefit that would allow employees to obtain life, auto, and home insurance from Liberty Mutual as a member of a Town of Hampden group that would include a 10% discount. It would be entirely employee funded and would be paid through weekly payroll deductions.

Resident Terry McAvoy questioned why the Town would allow a payroll deduction of this nature since any number of businesses could also approach the Town about doing business with it employees in this manner.

It was the consensus of the Council to allow Liberty Mutual to offer this program to employees, with full time employees' payments being made through payroll deduction.

- b. Town Charter Discussion – Districts/At-Large – Members present discussed the pros and cons of retaining the current arrangement of district/at large council representation. Councilor Williams provided some history in regard to the arrangement which was related to the manner in which education was

provided in the community and also to issues such as sewer expansions that have different impacts on residents of different areas. There was discussion about changing the election schedule of Councilors so that the current 3, 4 0 manner of electing Councilors over 3 years changed to 3 (at large), 2 (District), 2 (District) over the three year terms. It was recommended that the question of whether or not the current system of District/At Large councilors should be changed should be a question on the upcoming Resident Survey.

- c. Town Residents Survey – Review of Committee Topics – Committee members reviewed copies of meeting minutes that identified questions/topics raised in Council subcommittee meetings as potential questions/topics for the Resident Survey. The Town Manager was instructed to provide Councilors with a list of the questions/topics from all committees and have them prioritize the list and return it before the next Finance & Administration Committee meeting.

5. Public Comment - None

6. Committee Member Comments – None

The meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

HAMPDEN TOWN COUNCIL SERVICES COMMITTEE MINUTES
Monday, August 13, 2012

Attending:

Councilor Shelby Wright
Councilor Tom Brann
Recreation Director Kurt Mathies

The meeting was opened at 6:07 p.m. by Chairman Wright.

1. Minutes of 7/9/2012 – Motion by Councilor Brann, seconded by Councilor Wright to approve the minutes as presented. Unanimous vote.
2. Old Business
 - A. Papermill Road Park Planning Update – Kurt Mathies explained to the Committee that a town employee had to be certified to do poison ivy control on publicly owned land. However, the Town can sub-contract for it to be done and it is planned to have it done this fall and then again in the Spring. The Recreation Director was asked to prepare a plan for the park that included, tasks, a timeline, a vision statement, and a maintenance plan to bring back to the Committee as a non-binding talking document at the next meeting.
 - B. Dorothea Dix Park Update – The Recreation Director reported that the Friends of Dorothea Dix had done cleaning and clearing of underbrush. The storage shed project should come in under budget and the water district should have the fountain working soon.
 - C. Open Space Connectivity/Plan Discussion – This item was tabled.
3. New Business
4. Public Comment - None
5. Committee Member Comments – None

The meeting was adjourned at 6:46 p.m.

Respectfully submitted,

Councilor Shelby Wright

Task Items:

1. Dorothea Dix Park harvesting & trails
2. HA Reuse
3. Rules for accepting land – fee in lieu
4. Parks Department
5. Sports Fields
6. Marina Area – Waterfront park
10. GIS/IT support

HAMPDEN TOWN COUNCIL SERVICES COMMITTEE MINUTES
Monday, September 10, 2012

Attending:

Councilor Jean Lawlis

Recreation Director Kurt Mathies

Councilor Tom Brann

Councilor Shelby Wright

Mayor Janet Hughes

The meeting was called to order at 6:04 p.m.

1. Old Business

- A. Papermill Road Park Planning Update – Recreation Director Mathies gave a presentation of the history of this park and outlined potential connectivity of it with other open spaces via easements from property owners, with input from the snowmobile club.

There was a discussion of access issues at the park, trails, the need for clean-up, tables and benches, restroom(s), and sustainability. There was also discussion of the need for a budget for this project and the possibility of having a parks committee and/or a Facility Parks Supervisor position as staff for the upkeep of this and other parks. The Services Committee will visit Papermill Road Rec Area at 5:30 prior to the next meeting on Monday, October 8th. Committee members should meet at the Town Office at 5:30 to car pool due to limited parking availability. The general public is invited to attend.

- B. Dorothea Dix Park Update – The shed is up and the infrastructure should be complete in time to weatherize for the winter season. Recreation Director Mathies reported that usage of the park is on the increase. The Committee discussed the idea of a Volunteer Appreciation Day. Susan Mock, whose grandfather built the gate at the park, proposed the replacement of the original balls on the gate and the rock wall to get it back to the original form. The cost estimate for that work is \$3600, and she offered to pay half if the other half was raised.

- C. Open Space Connectivity/Plan Discussion – Much of this item was discussed under the Papermill Road Park agenda item, however there was a brief discussion of the trail development that had been in the planning stages for the land in the four mile square area that the Town is deeding to MSAD#22.

2. New Business – Two items were introduced to be included on the next Services Committee Agenda: Park and Ride from the school parking lot, and the idea of holding a farmers market year round in the Skehan Center.

3. Public Comment – Terry McAvoy asked the Committee how many parks the Town has.
4. Committee Member Comments – None

Motion by Mayor Hughes, seconded by Councilor Wright to adjourn at 7:16 p.m.

Respectfully submitted,

Councilor Shelby Wright

Task Items:

1. Dorothea Dix Park harvesting & trails
2. HA Reuse
3. Rules for accepting land – fee in lieu
4. Parks Department
5. Sports Fields
6. Marina Area – Waterfront park
10. GIS/IT support

A-4-d

COMMUNICATIONS COMMITTEE MINUTES
Tuesday, September 11, 2012

Attending:

Councilor Kristen Hornbrook Guest Sally Leete
Councilor Jean Lawlis
Councilor Jeremy Williams
Councilor Andre Cushing
Town Manager Sue Lessard

The meeting was opened at 6:05 p.m. by Chairman Hornbrook.

1. MINUTES OF 8/21/2012 MEETING - Motion by Councilor Williams, seconded by Councilor Hornbrook to approve the minutes as presented. Unanimous vote.
2. OLD BUSINESS
 - A. Newsletter Update – The Town Manager reported on progress with the newsletter. With twelve candidates running for local office, this edition will be a twelve page edition and a large portion of it will be dedicated to candidate photos and profiles. The goal is to have it out by the end of the month.
 - B. District/Neighborhood Meetings – Council Agenda referral – After considerable discussion, it was the consensus of the Committee to agenda this discussion after the new Council was seated in January since there are three seats open and at least two will be new since two incumbents are not running for re-election.
 - C. Hampden Academy Video update – The Committee reviewed the email from Jim Folsom regarding the Hampden Academy tour video. The Town Manager reported that she anticipated having the video in-house by the week of the 17th of September.
 - D. Plan for Candidate Forum(s) – Committee members reviewed the lists of questions provided by the Town Manager and decided to utilize a five question format for both school board and council candidates. The questions will be provided to the candidates the week prior to the forum.
3. NEW BUSINESS
 - A. Council Chamber microphones – The Town Manager reported that she had contacted Bronson Audio about our microphone issues in the Council Chambers and that we could 'trying out' both headset and lapel microphones

if we wished. It was the consensus of the Committee to have the Town Manager set such a demonstration up for an upcoming Council meeting.

4. PUBLIC COMMENT - None

5. COMMITTEE MEMBER COMMENT – None

The meeting adjourned at 7 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

INFRASTRUCTURE COMMITTEE MEETING MINUTES
Monday, September 24, 2012

Attending:

Councilor Kristen Hornbrook	Town Manager Susan Lessard
Councilor Shelby Wright	Resident Terry McAvoy
Councilor Janet Hughes	

The meeting was opened at 6:05 p.m. by Chairman Wright.

1. Minutes of 7/23/2012 – Motion by Councilor Hornbrook, seconded by Councilor Hughes to approve the minutes. Unanimous vote.
2. Old Business
 - a) Old 1955 Jeep – discussion of costs for maintenance/parade vehicle – The Committee requested that the Town Manager provide additional information on the possible dollar value of the vehicle as well as input from the Fire Department as to their preference for the continued use of the vehicle. This item will be discussed again at the October Infrastructure Committee meeting.
3. New Business
 - a) Route 69 – road condition concerns – The Town Manager provided a draft of a letter that could be sent to the MDOT Commissioner from the Towns of Hampden, Winterport, and Newburgh requesting that Route 69 from the Winterport/Hampden line to Newburgh be rebuilt in the same manner as the section of Route 69 that is in Winterport. It was the consensus of the Committee that the Town Manager approach the other two communities about signing the letter.
4. Public Comment - None
5. Committee Member Comment – Mayor Hughes told the Committee that she had had a conversation with a Bangor Town Councilor about the idea of having Bangor extend the sidewalk on Main Road North from Bangor to the Hampden line. The Bangor Councilor indicated that he would request their grant writer to include such a project in their applications for street/road work.

The meeting was adjourned at 6:25 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

C-1-a

TOWN OF HAMPDEN

ORDINANCE AUTHORIZING CONVEYANCE OF LAND OWNED
BY THE TOWN OF HAMPDEN

THE TOWN OF HAMPDEN HEREBY ORDAINS:

1. That the Town of Hampden shall convey a portion of the property it acquired from Parkway Realty Development Corporation by deed dated December 20, 1994, recorded in the Penobscot County Registry of Deeds in Book 5785, Page 263, to Maine School Administrative District No. 22 in accordance with the terms and conditions of a Purchase and Sale Agreement between the parties dated September 18, 2012, as may be amended by the parties.
2. That the Town Manager is hereby authorized to execute any and all documents deemed necessary or appropriate to accomplish the transactions contemplated by the Agreement.
3. That this Ordinance shall become applicable upon the date of adoption by the Town Council.

C-2-a

**WARRANT FOR MUNICIPAL ELECTION
TOWN OF HAMPDEN, MAINE
NOVEMBER 6, 2012**

COUNTY OF PENOBSCOT, SS.

TO: Devon Patterson, a resident of Hampden.

You are hereby required in the name of the State of Maine to notice the voters of Hampden, Maine.

You are hereby notified that the Municipal Election in the municipality will be held at the Municipal Building Community Room, on Tuesday, following the first Monday of November, same being the sixth day of said month in the year of our Lord two thousand twelve for the purpose of effecting the election to the following offices:

Councilor At-Large – (3 for 3-year term)

Directors RSU No. 22 – (2 for 3-year term)

Trustee Hampden Water District – (1 for 5-year term)

The Polls shall be opened at 7:00 a.m. and closed at 8:00 p.m. The Registrar of Voters will hold office while the Polls are open at the Polling Place to correct any error in or change a name on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments. A person who is not registered to vote may not vote in any Election.

Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed at the following times:

November 5, 2012 – Continuously beginning at 9:00 am, or immediately following a requested inspection

November 6, 2012 – 9:00 am; 11:00 am; 1:00 pm; 3:00 pm; 5:00 pm and 8:00 pm

Dated at Hampden, Maine this 1st day of October, 2012.

Majority of Municipal Officers of Hampden, Maine

A True Copy:

ATTESTED: _____
Town Clerk of Hampden, Maine

Date: _____

C-3-a

To: Susan Lessard, Town Manager
From: Kelly Karter, Assessor *Kelly*
RE: Service Fee Calculations
Date: September 20, 2012

Following is a listing of the calculated service fees that apply to residential property according to our Service Fee Ordinance.

I have added wording to the billing regarding the financial information for each entity as of June 30, 2012, per Tom Russell's suggestion.

The list is as follows:

Penquis Mental Health	\$ 2,124.88
Community Housing of Maine	\$ 2,233.69
OHI George St.	\$ 2,249.58
OHI Patterson Rd.	\$ 1,722.64
Medical Care Development	\$ 5,586.06
The Housing Foundation	\$23,336.99
Total Service Fees	\$37,353.84

**Please note that Aspenledge is on the tax rolls this year as it is currently vacant.

C-3-b



Denise Hodsdon <clerk@

Planning and Development

1 message

Dean Bennett <economicdevelopment@hampdenmaine.gov>

Wed, Sep 19, 2012 at 7:52 PM

To: Sue Lessard <manager@hampdenmaine.gov>

Cc: Denise Hodsdon <clerk@hampdenmaine.gov>, Robert Osborne <planner@hampdenmaine.gov>

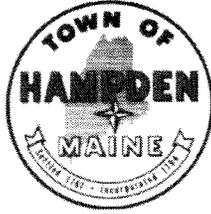
Action:

Motion made and seconded, Approved.

"Recommend to Council the approval of a pilot program for the Recreation Department's use of the Skehan Center through the end of fiscal year June 2013."

Dean L. Bennett
Director of Community and Economic Development
106 Western Avenue
Hampden, Maine 04444
207-862-3034

C-3-c



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner RLO
**SUBJECT: Draft Zoning Ordinance Text Amendment, Residential A District,
Residential B District and Article 7.1 Definitions Community Building**
DATE: September 25, 2012

At the August 13, 2012 Council meeting the Council referred this item to the Planning Board.

The Planning Board held a public hearing on the item at their September 12, 2012 meeting and has made an "ought to pass" recommendation for the zoning ordinance text amendment. They made two friendly amendments to the draft concerning the hours that infill uses may operate. They recommended that the hours extend to 9:00 pm rather than 8:00 pm and they recommended that Code Enforcement Officer have the authority to extend those hours for special events. The language has all been vetted by Attorney Tom Russell.

The draft amendments are to Article 3.7.6.10 Residential A District, Article 3.8.6.9 Residential B District and Article 7.1 the definition of Community Building. The purpose of the amendments is to encourage and facilitate the full utilization of buildings that meet the definition of community building.

**TOWN OF HAMPDEN
Draft**

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

3.7. Residential A District

3.7.1. Purpose - This district is intended for the development of low density single family housing types. While this district is predominately intended for detached housing the district may allow certain low impact civic and institutional uses.

3.7.2. Basic Requirements - All permitted and conditional uses are limited to 20% ground coverage maximum and 35 foot height limit unless noted.

3.7.3. Permitted Uses (Subject to Site Plan Review where applicable) - Single family dwelling, (including modular homes), home day care (subject to *Article 4.19*), accessory uses and structures, non-commercial park or playground, home occupation (subject to *Article 4.10*), essential service. (Amended: 8-22-94) (03-21-05)

3.7.4. Conditional Uses (Subject to Site Plan Review where applicable) - Church, nursing home, non-profit school, public schools, community building, government structure or use except storage or repair facility, two family dwelling, congregate care facility, buildings necessary for essential services. Animals other than usual pets provided the premises consists of at least 2 1/2 acres, and animals shall be kept a minimum of 50 feet from any property line. (Amended: 8-22-94, 1-21-97)

3.7.5. Lot Dimensions

	Public Sewer	On-site waste disposal
Minimum Area	- 18,000 sq. ft.	- 30,000 sq. ft.
Minimum Road Frontage	- 125 feet	- 150 feet
Minimum Setbacks:		
Street Yard	- 25 feet	- 30 feet
Side Yard	- 20 feet	- 30 feet
Rear Yard	- 20 feet	- 30 feet

(Amended: 5-4-92, Effective 6-3-92)

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

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

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

3.7.6. Special District Regulations

1. Dwellings other than nursing homes and congregate care facilities shall be limited to a maximum of two dwelling units. *(Amended: 06-21-04)*
2. Only existing single family dwellings may be converted to a two-family dwelling through addition or division. This provision prohibits construction of new two-family dwellings or complexes. Where a two-family dwelling conversion is proposed the second dwelling unit shall be subordinate to the first or primary dwelling unit. The size of the primary dwelling unit shall not be regulated by this standard. The finished floor area of the subordinate dwelling unit shall be at least 500 sq. ft. so that all subordinate dwelling units constructed under this provision shall be adequate in size. For properties in which the finished floor area of the primary dwelling unit exceeds 1,000 sq. ft., the finished floor area of the subordinate dwelling unit shall not exceed 50 percent of the finished floor area of the primary dwelling unit. *(Amended: 06-21-04)*
3. Where a two family dwelling conversion is proposed the Planning Board shall determine that design features that distinguish two-family dwellings from single family dwellings are avoided. Such designs may prohibit separate driveways, separate front door entrances, broken facades and other such distinguishing characteristics that call attention to the two-family use of the building and site development. The Board shall encourage creative use of common driveways, side door entrances, and traditional single family architectural elements. *(Amended: 06-21-04)*
4. Where a two-family dwelling conversion is proposed the Planning Board shall require a report from the Code Enforcement Officer making a determination that the proposed conversion meets applicable building codes and that the conversion is designed in such a way that the structure could easily be returned to a single-family dwelling, and detailing what building alterations are required to do so. *(Amended: 06-21-04)*
5. In addition to the minimum lot area requirements found in 3.7.5. two-family dwellings shall provide an additional 10,000 square feet in lot area.
6. In addition to the dimensional requirements found in 3.7.5. churches, schools, community buildings, nursing homes, and congregate care facilities which abut an existing residential use or district shall provide an additional 50% lot area and yards along the applicable property line(s). *(Amended: 1-16-96) (Amended: 06-21-04)*
7. Nursing homes shall not exceed a density of 25 beds per acre.
8. Churches, schools, community buildings, congregate care facilities, nursing homes, shall be served by public sewer and water service and have access and frontage on an arterial street.
9. Congregate care facilities shall not exceed 5 units per acre.
10. Infill Uses of Existing Community Buildings. Community buildings of which portions are occupied by qualified community educational, fraternal, cultural and recreational activities such as an auditorium, library, historical building, lodge, indoor swimming, performing arts, etc. may also infill their vacant space with low traffic uses such as a single residential apartment unit, business or professional office, a single storage space consisting of records management and other similar uses as determined by the Code Enforcement Officer. Nonresidential infill uses may not be open between the hours of 9:00 pm and 8:00 am, except for special events upon a prior determination by the Code Enforcement Officer that the proposed event will not be

unreasonably disruptive to other occupied buildings in the vicinity. The Planning Board review of the infill use must determine that the existing site development can either function properly with no changes or the Planning Board must be provided with a revised site plan that details the changes to the building and site development that will function properly and with minimal disruption to the neighborhood and limited modifications to the existing site development and building. Existing community buildings are not required to satisfy the area and yard requirements of Article 3.7.6.6 to utilize the provisions of Article 3.7.6.10.

3.7.7. Cluster Development Standards: (subject to site plan review where applicable).

1. *Special Provisions:*

- a. Notwithstanding other requirements of this district cluster developments shall be allowed 30 percent lot coverage.
- b. The development type proposed shall be indicated on all plans submitted.
- c. Cluster development standards shall supersede the lot dimension requirements and special district regulations of *Articles 3.7.5 and 3.7.6.*
- d. Cluster developments shall be served by public sewer and water service.
- e. Congregate care facilities shall have access from and frontage on an arterial street.

2. *Lot Dimensions*

		Development Type	
		Single Family	Congregate Care Facility
Minimum Lot Area	-	9,000 sq. ft.	- 40,000 sq. ft.
Minimum Road Frontage	-	75 feet	- 100 feet
Minimum Setbacks:			
Street Yard	-	15 feet	- 50 feet
Other Yards	-	15 feet	- 75 feet
Minimum Open Space Ratio	-	.35	- .5
Maximum Gross Density	-	3.146 units/acre	- 10.0 units/acre

(Amended 05-04-92 Effective 06-03-92) (Amended 06-21-93 Effective 07-21-93)

3.8. Residential B District

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

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

3.8.3. Permitted Uses (Subject to Site Plan Review where applicable) - Single family dwellings, certified manufactured homes, home day care (subject to *Article 4.19*), accessory uses and structures; non commercial parks or playgrounds, essential service, congregate care facility, public schools,

multi-family structures, multi-family attached structures, elderly housing, mobile home parks (subject to *Article 4.13.3*) home occupation (subject to *Article 4.10*),. (Amended: 8-22-94, 1-21-97) (03-21-05)

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

3.8.5. Lot Dimensions

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

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

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

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

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

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

3.8.6. Special District Regulations

1. No multi-family structures, cluster developments, and group developments in the RB District shall be established without public sewer and water service. Notwithstanding this regulation a single multifamily structure may be established with public water only
2. A single multi-family structure of up to six units may be located in areas with public water only provided that an additional 10,000 sq. ft. of lot area is provided for each dwelling unit over the

base lot area requirement. Adequate area must be provided for an approved on-site waste disposal design and for an approved replacement on-site waste disposal system design.

3. Any combination of multi-family structures shall be allowed provided the maximum gross density does not exceed five (5) units per acre, nor shall any structure contain more than ten (10) units.
4. For multi-family structures in excess of four (4) units, the required yards shall be increased by two (2') feet per unit over four (4).
5. For churches, schools, funeral homes, community buildings, nursing homes and congregate care facilities, which abut an existing residential use or district shall increase the required other yard(s) setback by fifty 50% along the applicable property line(s). *(Amended: 1-16-96)*
6. Nursing homes shall not exceed a density of twenty-five (25) beds per acre.
7. No churches, schools, funeral homes, or community buildings shall be established unless it has public sewer and water service and access from, and frontage on an arterial street.
(Amended 12-05-05, Effective 01-04-06)
8. Notwithstanding the maximum building height regulation herein building height for institutional uses may be up to 60 feet maximum height under the following condition: Buildings in excess of 35 feet in height shall provide additional setbacks on all yards as herein stipulated: Subtract 35 feet from the proposed building height and add that difference to each base yard setback requirement. *(Amended: 08-11-2008)*

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

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

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

3.8.7. Cluster Development Standards (Subject to site plan review where applicable)

1. *Special Provisions:*

- a. Notwithstanding other requirements of this district, cluster developments shall be allowed thirty (30) percent lot coverage.
- b. The development type proposed shall be indicated on all plans submitted.
- c. Cluster development standards shall supersede the lot dimension requirements and special district regulations of *Article 3.8.5 and 3.8.6* except in the case of conditional uses which shall meet the applicable "non-cluster" development standards of *3.8.5 and 3.8.6*.

2. *Lot Dimensions*

	Limited to Single Family	Multi-family Structure, 6 units/bldg. maximum	Multi-family Structure, 10 units/ bldg. maximum	Elderly Housing 30 units/ bldg. maximum	Congregate Care Facility
Minimum Lot Area (In square feet)	9,000	9,000	12,000	25,000	40,000
Minimum Road Frontage (In feet)	75	80 ²	80 ²	80 ⁴	100 ⁴
Minimum Setback: (In feet)					
Street Yard	15	15	30	15	30
Other Yards	15	20 ¹	20 ¹	20 ³	30 ³
Minimum Open Space Ratio	.35	.42	.50	.30	.50
Maximum Gross Density (Units/Acre)	3.146	8.00	6.0	10.0	10.0

¹For buildings with more than 4 units add 2' per unit over 4

²For buildings with more than 4 units add 5' per unit over 4

³For buildings with more than 10 units add 1' per unit over 10

⁴For buildings with more than 10 units add 2' per unit over 10

(Amended: 9-19-83, 10-7-85, 1-2-89, 8-6-90, 9-17-90, 6-3-91, 6-21-93)

ARTICLE 7
DEFINITIONS

7.1. Construction Language - In this Ordinance, certain terms or words shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

7.2. Definitions - In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

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

1. Community educational, fraternal, cultural and recreational activities such as an auditorium, library, historical building, lodge, indoor swimming, performing arts, etc.
2. Infill uses of community buildings that are low impact non-residential and residential uses, subordinate to the primary use (community building), located within the existing structure, and requiring little or no additional site modifications.

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

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

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

September 24, 2012

Commissioner
Maine Department of Transportation
State House Station
Augusta, ME 04333

RE: Road Condition – Route 69 from Winterport to Newburgh

Dear Commissioner,

The purpose of this letter is to discuss the seriously deteriorated condition of Route 69 from the Winterport/Hampden border to Newburgh. Although we are aware that there is a proposal for next year to do a light coat of paving, we strongly encourage the State of Maine to instead do a rebuild of this section of the road.

A light coat of pavement will not remedy the problems with the road, which range from overly steep crowning in areas, to broken pavement surface and extremely large potholes. While we understand the fiscal challenges facing the Department, it is important to note that the section of Route 69 to the Hampden line, which lies in Waldo County, was recently rebuilt and the section of Route 69 from there to Route 9 needs the same sort of care and attention.

Route 69 is a road that is heavily traveled with both vehicles and large trucks and the deteriorated condition of this road represents a serious safety hazard for the traveling public. As local elected officials of the communities of Hampden, Winterport, and Newburgh, we strongly urge you to re-visit this issue and take steps to do the necessary work to the roadway to make it safe.

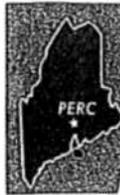
We are available at your convenience for a meeting to discuss this very serious situation.

Sincerely,

Janet Hughes – Mayor Hampden Town Council

?? – Chairman, Newburgh Board of Selectmen

?? – Chairman, Winterport Board of Selectmen



MRC
Municipal Review Committee, Inc.

C-4-a

40 Harlow Street
Bangor, ME 04401-5102

To: Interested Municipal Officials
From: Board of Directors
Date: May 11, 2012
RE: Municipal Funds Relating to Membership in the Penobscot Valley Refuse Disposal District

It has come to MRC's attention that two bank accounts long held in the name of Penobscot Valley Refuse Disposal District (PVRDD) funded by municipal payments totaling approximately \$51,000, were transferred to the control of Eastern Maine Development Corporation (EMDC) about three months ago. Upon inquiry, bank representatives could only confirm that EMDC's President is the current signer on the accounts and could provide no further information unless legally directed to do so.

MRC representatives inquired in writing (see enclosure) and have followed up that inquiry with a meeting with EMDC's President to discuss the apparent transfer of funds to EMDC's control. The President explained that EMDC was contacted by the bank and encouraged to assume control of the funds to avoid transfer the state as unclaimed property. Moreover, it was explained that the change in control of the funds was completed in consultation with EMDC's outside audit firm.

It is our understanding that EMDC's President has expressed a willingness to further discuss the matter and share information with duly authorized representatives of the PVRDD. In addition, drawing on his institutional knowledge of PVRDD's municipal purpose and function, EMDC's President informed that the transferred funds are being spent for EMDC program purposes (Center for Community Capital) that most closely match PVRDD's municipal purpose and function.

The PVRDD was formed in the 1980's by 28 municipalities (list attached) in the Penobscot Valley region to develop regional solid waste disposal solutions. This regional effort led in part to the development of PERC in 1988. The PVRDD remained active through 1997. At that time and in subsequent years following a substantial restructuring of the municipal/MRC and PERC contract relationships in 1998, the MRC became the most efficient service entity for the region's municipalities involved with PERC.

The affairs of the PVRDD are managed by a board of directors appointed by member municipality's municipal officers. The last formal meeting of the PVRDD was in late 1999. The sentiments of the board of directors were to: 1) declare the PVRDD inactive but not dissolve the entity following the dissolution requirements set forth in state law, 2) cease to collect any new dues, but to keep the general account fund intact (approximately \$10,000) as seed money for the future needs in case PVRDD would need to become active and 3) make plans to return the demolition debris account (approximately \$41,000) back to the communities at some future point. The last signers on the PVRDD bank accounts were Marie Baker, past town manager of Hampden and Peter Chase, past town manager of Glenburn. Upon nearing retirement from municipal service, they instructed then District Administrator Greg Louder to be sure that the

Penobscot Valley Refuse Disposal District

Memorandum

To: Penobscot Valley Refuse Disposal District (PVRDD) Members
From: Greg Louder, Municipal Review Committee
Date: September 12, 2012
Subject: Recovery of \$51,000 +/- of Municipal Funds

I write to follow up on a memorandum forwarded on May 11, 2012, (attached) which described facts surrounding the transfer of control to EMDC of about \$51,000 in municipal funds long held in local bank accounts in the name of the PVRDD. The mailing included a survey question on whether the impacted communities were interested in an effort to see to it that the funds were returned to the member communities. We heard from 20 of 28 members totaling 85% of group measured by actual MSW delivered to PERC in 2011. Responding members were unanimous in voicing their interest in an effort to have the funds returned.

Following this community response, MRC representatives met with EMDC to share this information in an effort to have the funds returned. EMDC did not dispute any facts contained in the May 11, 2012 memorandum. EMDC also has not provided any information to support their explanation of why the transfer of control occurred and why the funds were expended following our initial request to have the funds returned.

We now feel that it is necessary to re-seat a board of directors (“Directors”) from each member community and organize a meeting in order to satisfactorily resolve this matter. An appointment form is included in this mailing for this purpose. Appointments of Directors must be made by the Municipal Officers.

The Municipal Officers for each member appoints one Director. The PVRDD weights member voting consistent with state law as follows:

Population 0 – 1,000 = 1 vote; population 1,001 – 2,500 = 2 votes; Population 2,501 – 5,000 = 3 votes; Population 5,001 – 10,000 = 4 votes; Population 10,001 – 15,000 = 5 votes; population 15,001 – 25,000 = 6 votes; Population 25,001 – 35,000 = 7 votes

In addition, space is made on the appointment form for each member community to state preferences for setting a meeting day and time. The first meeting of the PVRDD will likely to be hosted by the town of Orono.

Please contact Greg Louder at 1-800-339-6389 or 942-6389 anytime with questions.

PENOBSCOT VALLEY REFUSE DISPOSAL DISTRICT

_____ is hereby appointed as the official representative
for the Town/City of _____ to the Penobscot Valley Refuse
Disposal District.

Date: _____ Municipality: _____

Signed by a Majority of Municipal Officers:

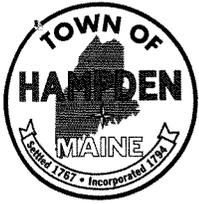
PLEASE PROVIDE THE FOLLOWING INFORMATION ABOUT THE APPOINTED REPRESENTATIVE:

Address: _____ Phone: _____

_____ Email: _____

Preferred days of the week and/or time of the day to meet:

Please return this form to the **Municipal Review Committee (MRC)** no later than
Wednesday, October 24, 2012 in the self addressed postage paid envelope provided.



C-4-b

TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 10/1/2012

Public Hearing: Yes No X

- Application for Liquor License
- Application for Victualer's License
- Application for Off-premises Catering
- Application for Outdoor Wood-burning Furnace License

NAME: Doug & April Stanhope
Business Name Individual

ADDRESS: 560 Western Ave. PHONE: 852-6589

MAP/LOT: Map 8, Lot 26 DATE: 9/11/2012

DEPARTMENT REPORT:

Appears to comply with the Town of Hampden
Outdoor Wood Boiler Annual Licensing Ordinance.

DATE: 9/17/12

BY: *Ben J*
Title: Code Enforcement Officer

BY: *Daniel A. Piqueres*
Title: FIRE/BUILDING INSPECTOR



TOWN OF HAMPDEN

OUTDOOR WOOD-FIRED BOILER ANNUAL LICENSE APPLICATION

INSPECTION REQUIRED

Application Date: SEP 11 2012

Property Information:

Property Owner's Name: Douglas & April Stanhope

Phone #: 852-6589

Street Address: 560 Western Avenue

Mailing Address: Same

If this is a renewal and there have been no changes since last license was issued, please check here and sign, date and return form to Town Office. No further information is required.

Last license issued: 9/21/2011

Zoning District: _____ (not permitted in Resource Protection District)

Lot Size: _____ Acres Square Feet (3 acre min. lot size)

Outdoor Wood-fired Boiler Setback to Nearest Property Line: _____ feet (150 ft. min.)

Distance to Nearest Residential Structure: _____ feet (200 ft. min.)

Assessor's Tax Map: 8 and Lot: 26

1. Please complete plot plan (see other side) drawn to scale showing the location of the outdoor wood-fired boiler in relation to property lines and existing structures.
2. Please include installation instructions provided by Manufacturer.

- I have received a copy of the *Town of Hampden Fire Prevention Code*
→ Outdoor wood-fired boilers in place as of the effective date of this ordinance need not obtain the permit required by section F-308.3.1 of said ordinance.
- I have received a copy of the *Town of Hampden Outdoor Wood-Fired Boiler Annual Licensing Ordinance*
→ Outdoor wood-fired boilers in place as of the effective date of this ordinance need not comply with sections 4.2, 4.3, and 4.4 except that the units shall not be made any more non-conforming.
- I have received a copy of DEP *Chapter 150: Control of Emissions From Outdoor Wood Boilers* QUESTIONS: PLEASE CALL DEP: 287-2437

I hereby agree to operate my outdoor wood-fired boiler in accordance with the *Town of Hampden Fire Prevention Code* and the *Town of Hampden Outdoor Wood-Fired Boiler Annual Licensing Ordinance*. I also acknowledge my responsibility to renew my license annually.

Owner Signature: Douglas Stanhope **Date:** 09/11/12

Hampden Town Council Action: Approved Denied **Date:** _____

Town Clerk Signature: _____ **Date:** _____

****This License Expires:*** _____
Date