

## TOWN COUNCIL MINUTES

JULY 21, 2008

The regularly scheduled meeting of the Hampden Town Council was held on Monday, July 21, 2008. The meeting was held at the municipal building council chambers and was called to order by Deputy Mayor Colford at 7:00 p.m.

**Attendance: Councilors:** Deputy Mayor Andrew Colford, Matthew Arnett, Thomas Brann, Andre Cushing, Shannon Cox and Edward Murphy. Mayor Rick Briggs was excused.

**Town Manager:** Susan Lessard

**Town Counsel:** Thomas Russell

**Department Heads/Staff:** Town Planner Bob Osborne

The first order of business was a special presentation to H.O. Bouchard, Inc. in recognition of their 50 years in business. Deputy Mayor Andrew Colford presented Harold and Brian Bouchard with the Key to the Town and a Proclamation from the Council.

Mayor Briggs was unable to attend the meeting and had requested an excused absence. Motion by Councilor Cushing, seconded by Councilor Arnett to excuse Mayor Briggs – unanimous vote in favor.

### A. CONSENT AGENDA

Treasurer's Warrants were circulated for approval and signatures of the Finance Committee. Motion by Councilor Arnett, seconded by Councilor Cushing to accept the balance of the Consent Agenda – unanimous vote in favor.

### B. PUBLIC COMMENTS

Jim Feverston, acting Chair of the Tree Board informed the Council that at its first meeting, the Board set a plan of work to accomplish the priorities set forth in the Tree Ordinance. The Board met with the Friends of Dorothea Dix to help develop plans for the revitalization of the Park. They have reviewed the original plan from 1903 and want to stay historically correct as much as possible while adding new services.

### C. POLICY AGENDA

**1. PUBLIC HEARINGS**

There were none.

**2. NOMINATIONS-APPOINTMENTS-ELECTIONS**

There were none.

**3. UNFINISHED BUSINESS**

a. **INSTITUTIONAL BUILDING HEIGHT CHANGE PROPOSAL –  
RESIDENTIAL B – REFER TO ORDINANCE COMMITTEE &  
PLANNING BOARD**

This is a proposed text amendment to the Zoning Ordinance relative to the proposed new Hampden Academy building.

Motion by Councilor Cushing, seconded by Councilor Cox to refer this to the Charter & Ordinance Committee and the Planning Board for immediate review.

During discussion, Councilor Murphy asked at what point did the architects come to the conclusion that they needed to have a revision to the ordinance and why now? Mike Pullen from WBRC Architects & Engineers said they have been working with two concepts for the new school design – a 2-story scheme and a 3-story scheme. It has become apparent that the 3-story design would be a much better fit for the property and some components of that plan are over the 35-foot height limit in the ordinance. Mr. Pullen presented a sketch of the proposed building.

Following considerable discussion, Councilor Arnett moved the question and Councilor Cox seconded the motion. Vote on the motion was 4 in favor and 2 opposed (Colford and Brann) – motion carried.

Vote on the original motion was 5 in favor and 1 opposed (Brann) – motion carried.

**1. MEETING DATE CHANGES/ADDITIONS**

In order for the school project to stay on the predetermined schedule, the Charter & Ordinance Committee will need to meet with the Planning Board this week. The Council will be required to hold a special meeting on July 28<sup>th</sup> to refer the amendment for public hearing and then either move its first regular meeting of August to August 11<sup>th</sup> or hold a special meeting on August 11<sup>th</sup> for the public hearing.

Motion by Councilor Arnett, seconded by Councilor Cox to accept the following schedule: joint meeting of Charter & Ordinance Committee and Planning Board on July 23<sup>rd</sup>; hold a special Council meeting on July 28<sup>th</sup> to introduce the amendment for public hearing; move the first regular meeting in August to August 11<sup>th</sup> – unanimous vote in favor.

C3A



**TO:** Mayor Briggs and Hampden Town Council  
**FROM:** Robert Osborne, Town Planner  
**SUBJECT:** Draft Zoning Ordinance text amendments for Building Height Limits for Institutional Buildings in the Residential B District.  
**DATE:** July 17, 2008

This draft Zoning Ordinance amendment establishes a maximum height limit for institutional buildings in the Residential B district of 60 feet. It follows the precedent established in the Interchange District for the buildings with heights in excess of 35 feet by placing additional setback requirements on front, side and rear yard setback areas. Thus, at the minimum setback line the building can be 35 feet tall, and for each foot taller the building is proposed it must be set back one additional foot.

7/21/08 - Referred to Charter & Ordinance & Planning Board

TOWN OF HAMPDEN  
Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

**3.8. 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, buildings necessary for essential services, animals other than usual household 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)

**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.
8. Notwithstanding the maximum building height regulation herein building height for institutional uses such as public schools may be up to 60 feet maximum height under the following condition: School 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.

EXAMPLE: A 60 foot tall building is proposed. By subtracting the base district building height from the proposed height the following is the result  $60 - 35 = 25$ .

		<u>Minimum Setbacks: Modified Setback</u>	
<u>Street Yard</u>	-	<u>25 feet</u>	<u>50 feet</u>
<u>Other Yard</u>	-	<u>20 feet</u>	<u>45 feet</u>

**b. SEWER REPAIR CAPITAL PROJECT ORDINANCE –  
INTRODUCTION FOR PUBLIC HEARING**

Manager Lessard pointed out that the proposed ordinance states that the public hearing would be held on August 4<sup>th</sup>, and in light of the fact that the first meeting of August was changed to August 11<sup>th</sup>; the proposed ordinance would need to be amended accordingly.

Motion by Councilor Cushing, seconded by Councilor Arnett to amend the proposed ordinance to reflect a public hearing date of August 11, 2008 – unanimous vote in favor.

Councilor Brann introduced the ordinance as amended for public hearing at the next meeting.

**c. RENEWAL OF OUTDOOR WOOD-BURNING FURNACE PERMIT –  
SCOTT STANHOPE**

Motion by Councilor Cox, seconded by Councilor Arnett to approve the application – unanimous vote in favor.

**d. VOTING BALLOT – MMA EXECUTIVE COMMITTEE**

Manager Lessard recommended voting for the slate of candidates as presented. Motion by Councilor Arnett, seconded by Councilor Brann to endorse all candidates as proposed – unanimous vote in favor.

**e. VOTING BALLOT – MMA LEGISLATIVE POLICY COMMITTEE**

Manager Lessard noted that although the ballot states “vote for two”, one of the candidates is no longer the Manager of the Town of Carmel and recommended casting a vote just for Don Carroll of the Town of Stetson. Motion by Councilor Cushing, seconded by Councilor Cox to cast one vote for Don Carroll for the Maine Municipal Association’s Legislative Policy Committee – unanimous vote in favor.

**4. NEW BUSINESS**

**a. HAMLIN MARINE – DEVELOPMENT PROPOSAL**

Dan Higgins of Hamlin Marine introduced a concept plan for the marina area. It would involve Hamlin’s purchasing the adjacent 11-acre parcel of land and they are proposing swapping that parcel for the 7-acre parcel currently owned by the Town.

Motion by Councilor Cushing, seconded by Councilor Arnett to refer this proposal to the Economic Development Committee for review – unanimous vote in favor. During discussion, Councilor Cox made a friendly amendment to refer it to both Economic Development and the Community Services Committee simultaneously. Councilors Cushing and Arnett both

## TOWN OF HAMPDEN

ORDINANCE AUTHORIZING APPROPRIATION AND BORROWING OF FUNDS TO FINANCE VARIOUS SEWER PROJECTS, INCLUDING THE CONSTRUCTION, RECONSTRUCTION, REPLACEMENT OR REPAIR OF SEWER LINES, MANHOLES AND APPURTENANCES, STORMWATER SEPARATION FACILITIES AND OTHER INFRASTRUCTURE IMPROVEMENTS TO THE TOWN OF HAMPDEN SEWER SYSTEM THROUGH ISSUANCE OF GENERAL OBLIGATION BONDS OR NOTES OF THE TOWN OF HAMPDEN WHICH MAY BE CALLABLE IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$1,850,000.

The Town of Hampden hereby ordains as follows:

Section 1. That pursuant to Section 5772 of Title 30-A, Maine Revised Statutes, as amended, the Charter of the Town and any other applicable authority under Maine law, the Town of Hampden is hereby authorized to borrow a principal amount not to exceed in the aggregate of One Million Eight Hundred Fifty Thousand Dollars (\$1,850,000), said amount to be payable over a period not to exceed thirty (30) years, at such interest rates and on such further terms and conditions as may be approved by the Treasurer and a majority of the Town Council, the proceeds of said loan to be used substantially for various sewer projects, including the construction, reconstruction, replacement or repair of sewer lines, manholes, stormwater separation facilities and other infrastructure improvements to the Town of Hampden Sewer System, said loan to be evidenced by the General Obligation Bond or Bonds of the Town to be executed and delivered on behalf of the Town by the Town Treasurer and countersigned by a majority at least of the Town Council (the "Bond") in a principal amount not to exceed \$1,850,000. The Bond may be subject to call for redemption as determined by the Town Treasurer and majority of the Town Council.

Section 2. That in anticipation of the receipt of the Bond proceeds for the Project, pursuant to the Charter of the Town and Section 5772 of Title 30-A of the Maine Revised Statutes, as amended, and any other applicable authority under the laws of the State of Maine, the Town of Hampden is hereby authorized to borrow from a lending institution approved by the Town Treasurer and a majority at least of the Town Council a principal amount not to exceed One Million Eight Hundred Fifty Thousand Dollars (\$1,850,000) and in evidence thereof to execute and deliver one or more General Obligation Bond Anticipation Notes (the "Note") of the Town for a period not to exceed one year and to bear interest at such rate and said note to be subject to such further terms and conditions as the Town Treasurer and a majority at least of the Town Council shall approve, and said Note, together with interest thereon, to be a general obligation of the Town, and intended to be repaid from the Bond, said Note to be executed and delivered on behalf of the Town by the Town Treasurer and countersigned by a majority at least of the Town Council, and such Note may be refunded from time to time for a period not to

7/21/08 - Introduced for public hearing on 8/11/08

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

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

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

Section 5. That a Public Hearing be held at 7:00 p.m. in the Hampden Municipal Building in Hampden, Maine on August 11, 2008, for the purpose of taking testimony and comments from the public with respect to the proposed issuance of the Bond, and that notice of the public hearing be given by the Town Clerk by publishing a summary of this ordinance and a place where copies of the complete ordinance have been filed and times available for inspection in the Bangor Daily News on or before July 26, 2008, together with a notice setting forth the time and place for the public hearing, and for the consideration of the proposed ordinance by the Town Council at a meeting to be held on August 11, 2008, immediately following the public hearing.

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

Section 7. That pursuant to the requirements of the Internal Revenue Code of 1986, as amended, the Town designates the Bond and the Note to be "qualified tax exempt obligations" of the Town; and that the Town shall not issue in 2008 an aggregate total amount of qualified tax exempt obligations in excess of \$10,000,000. Further, the Town does not reasonably expect to issue qualified tax exempt obligations in an amount in excess of \$5,000,000 during 2008.

Section 8. That the Town shall take any and all actions required under the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status of the interest on the Bond and Note, and to maintain the status of the Bond and the Note as "qualified tax exempt obligations" of the Town, and that the Bond and the Note may be subject to such further terms and conditions as may be agreed to by a majority at least of the Councilors and the Treasurer of the Town to carry into effect the full intent of this ordinance.

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

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

Section 11. That pursuant to Section 902 of the Town Charter, this ordinance shall go into effect only upon approval by the voters of the Town of Hampden. Be it further ordained that a referendum of the Town of Hampden be held to decide this question on November 4, 2008, on the ballot question pursuant to the Town Charter and the laws of Maine. The ballot question shall be substantially as follows:

TOWN OF HAMPDEN  
BALLOT QUESTION NO. 1

Ordinance authorizing appropriation and borrowing of funds to finance various sewer projects, including the construction, reconstruction, replacement or repair of sewer lines, manholes and appurtenances, stormwater separation facilities and other infrastructure improvements to the Town of Hampden Sewer System through issuance of general obligation bonds or notes of the Town of Hampden which may be callable in the principal amount not to exceed \$1,850,000.

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

[ ] Yes

[ ] No

Financial Statement

TOWN OF HAMPDEN

1. Total Town Indebtedness

A. Bonds outstanding and unpaid: \$ 8,727,585.00

B. Bonds authorized and unissued: \$ 0.00

C. Bonds to be issued if this question is approved: \$ 1,850,000

TOTAL: \$ 10,577,585.00

2. Costs

At an estimated maximum interest rate of 4 %, the estimated costs of this bond issue will be: \$1,359,570.00 over a 30 Year term.

Principal: \$ 1,850,000.00

Interest: \$ 1,359,570.00

Total Debt Service: \$ 3,209,570.00

3. Validity

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



Susan M. Lessard  
Treasurer, Town of Hampden

agreed to the amendment and vote on the motion as amended was unanimously in favor.

**b. MIL RATE FOR 2008/2009 BUDGET**

Manager Lessard informed the Council that after reviewing the most recent valuation figures and in order to incorporate the budget as adopted; the mil rate will need to be \$16.10, which will be a \$.40 increase. This will be on the next agenda for the Council's consideration.

**D. COMMITTEE REPORTS**

Councilor Arnett reported that the Charter & Ordinance Committee met earlier in the evening and is working on a number of issues, including a possible amendment to the Zoning Ordinance regarding the building height limit should Hodgdon Yachts proceed with development. The Committee continues to work on shoreland zoning and will be scheduling some neighborhood meetings to educate the public on the proposed changes. Councilor Arnett further reported that there is an inconsistency between the Town's Subdivision Ordinance and the statutory definition of subdivision. The Planning Board has drafted an amendment to replace the current definition which will be sent to the Council for introduction for public hearing.

Councilor Brann noted that the minutes of the Friends of Dorothea Dix meeting are in the packet, but he added that the boundaries of the park are currently only marked by flagging. He informed the Council that there will be a proposal to do some additional marking. He also pointed out that there are some issues with access to the park and there may be a need to acquire an easement to gain access to the central portion of the park.

Councilor Cushing reported that the Economic Development Committee met last week and the next meeting will be on July 30<sup>th</sup> at 11:00 am. He further reported that the Committee on Committees will meet that same day at 12:00 noon.

Councilor Cox reported that the Community Services Committee will meet on August 5<sup>th</sup> at 6:00 pm.

Councilor Colford scheduled a meeting of the Public Safety Committee for July 28<sup>th</sup> at 6:00 pm.

**E. MANAGER'S REPORT**

A copy of the Manager's Report is attached.

Manager Lessard further reported that the Town Office is now accepting debit cards with a \$1.00 convenience fee to cover the costs incurred by the Town.

**F. COUNCILOR'S COMMENTS**

Councilor Cushing commented that there is a stop sign at the corner of Ferry and Summer Streets and a "Do Not Park" sign on the Mayo Road, both of which are very faded. He hoped that Public Works could look into replacing those signs. He also suggested the idea of putting a flag or signage in front of the Town Office on those weekends when the transfer station is open for C & D and brush.

Councilor Arnett commended Deputy Mayor Colford for a well-conducted meeting.

Councilor Colford said he received a request from a resident on Route 69 for a school bus turn-around sign. It is the last residence in Hampden and she is concerned about safety when the bus is turning around.

**G. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:52 p.m.



Denise Hodsdon  
Town Clerk