

TOWN COUNCIL MINUTES

July 6, 2010

The regularly scheduled meeting of the Hampden Town Council was held on Tuesday, July 6, 2010. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:00 p.m.

Attendance: Councilors: Mayor Matt Arnett, Andre Cushing, Thomas Brann, William Shakespeare, Jean Lawlis and Janet Hughes

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Town Planner Robert Osborne

A. CONSENT AGENDA

Motion by Councilor Cushing, seconded by Councilor Lawlis to accept the Consent Agenda – unanimous vote in favor.

B. PUBLIC COMMENTS

None

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. ZONING ORDINANCE TEXT AMENDMENT – ARTICLE 3.9 RURAL DISTRICT RE: ACCESSORY STRUCTURES

The Town Planner introduced the Public Hearing by explaining that in the Rural District accessory structures were not necessarily smaller than the primary structures, and gave barns as a major example.

The Public Hearing was opened by Mayor Arnett. Robert Dunton, 1227 Carmel Road North spoke in favor of the proposed amendments. There were no opponents nor persons neither-for-nor-against. The Public Hearing was closed by Mayor Arnett at 7:05 p.m..

Motion by Councilor Brann, seconded by Councilor Hughes to approve the Zoning Ordinance text amendments to Article 3.9. Unanimous vote.



TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendments for Rural District Uses
DATE: June 15, 2010

Please be advised that at the June 9, 2010 Planning Board meeting the Board voted unanimously to return the subject amendment to the Council with an "ought-to-pass" recommendation.

This amendment would increase the types and size of buildings that could be considered accessory in this district. Attorney Russell reviewed the draft and made minor changes prior to the referral vote.

Adopted by Town Council 7/6/2010

TOWN OF HAMPDEN
Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

3.9. Rural District

3.9.1. Purpose - The intent of this district is to protect and promote the rural use and character of the area, to provide for traditional agricultural and open space uses, and to provide for low density residential development where appropriate. It is intended that much of the residential development occurring in this district will be either dispersed in nature or, where the developer chooses, will be clustered with extensive open space surrounding the development. *(Amended: 12-18-95)*

3.9.2. Permitted Uses (Subject to Site Plan Review where applicable) - Agriculture, forestry, single family dwelling, certified manufactured home, two family dwelling, three or four family dwelling when serviced by public sewer and water, home day care (subject to *Section 4.19*), accessory use, golf course or other outdoor recreational facilities, home occupation (subject to *Article 4.10*), cluster subdivisions, essential service, and wireless telecommunications facilities (subject to *Section 4.22*). *(Amended: 9-19-83, 8-22-94, 12-18-95, 10-01-01, 6-3-02, 03-21-05)*

3.9.3. Conditional Uses (Subject to Site Plan Review) - Daycare facility (subject to *Section 4.19*), nursing home, non-profit school, public schools, church, non-profit club, hospital or clinic, mobile home park (subject to *Section 4.13*), campground, cemetery, buildings and parking for recreational facilities, processing agricultural products which are not accessory to an agricultural use, processing and excavation, gravel pit and quarry activities (subject to *Article 4.23 Excavations, Gravel Pits and Quarries*), stockpiles (subject to *Article 4.9*) not accessory to excavation, gravel pit and quarry activities, commercial nursery, indoor recreational facilities, boarding of animals; to include training and grooming, veterinary hospital, buildings necessary for essential services, community facility (including solid waste facility), Customary Rural Business (subject to *Section 4.20*). *(Amended: 8-22-94, 12/18/95, 12-2-96, 1-21-97, 03-21-05, 12-17-07)*

3.9.4. Lot Dimensions

Minimum Area	-	2 acres
Minimum Road Frontage	-	200 feet
Minimum Setbacks:		
Street Yard	-	30 feet
Other Yards	-	30 feet
Maximum Ground Coverage	-	10 percent
Maximum Building Height	-	35 feet

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 Sq. Ft.	251 – 650 Sq. Ft.
Maximum Height	- 16 feet	- 24 feet
Minimum Other Yard	- 5 feet	- 15 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)*

3.9.5. Special District Requirements

1. All buildings for the commercial raising or keeping of animals shall be set back a minimum of fifty (50') feet from side and rear property line. *(Amended: 10-3-94, 12-18-95)*
2. Kennels for the commercial boarding, raising, and training of six or more dogs shall be kept fifty (50') feet from side and rear property lines. *(Amended: 12-18-95)*
3. Accessory structures or buildings associated with single family residences may be larger than the principal building (single family residence) in both building height and total floor area provided that: The accessory building shall function as an accessory use to the residential use and not as a second primary use. The accessory building shall not exceed 5,000 sq. ft. in floor area. The accessory building shall be constructed on a lot of at least 3 acres in size. Accessory buildings that meet these requirements do not require site plan approval.

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:

Accessory use or structure: A use or structure of a nature customarily incidental and subordinate to those of the principal use or structure. For residential uses, accessory structures shall not be used as habitable space. *(Amended: 11-18-02)*

Principal building: The primary use to which the premises is devoted, and the main purpose for which the premises exists.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

None

3. UNFINISHED BUSINESS

a. PURCHASE AND SALE – LOT 7 HAMPDEN BUSINESS AND COMMERCE PARK – FINANCE COMMITTEE RECOMMENDATION

The Town Manager reported that the Finance Committee had recommended approval of the Purchase and Sale Agreement for Lot 7 in the Business Park as presented.

Motion by Councilor Shakespeare, seconded by Councilor Lawlis to approve the Purchase and Sale Agreement for Lot 7 in the Business Park as presented. Unanimous vote.

Motion by Councilor Cushing, seconded by Councilor Hughes to authorize the Town Manager to sign the agreement on behalf of the Town. Unanimous Vote

b. SALT BID 2010/2011 – INFRASTRUCTURE COMMITTEE RECOMMENDATION

Councilor Shakespeare reported that the Infrastructure Committee had reviewed bids for winter salt for the Public Works Department and recommended that the low bid from Harcros for \$63.42 per ton be accepted.

Motion by Councilor Shakespeare, seconded by Councilor Brann to accept the low bid for salt from Harcros for \$63.42 per ton. Unanimous vote.

c. POOL AIR HANDLING SYSTEM – INFRASTRUCTURE COMMITTEE RECOMMENDATION

Councilor Shakespeare reported that the Infrastructure Committee had heard a presentation by the Pool Director and Mechanical Services indicating that the current system is in very poor condition and describing several options for repair or replacement. The Finance Committee further discussed this issue and recommended securing the services of an experienced engineer for evaluation and recommendations.

Motion by Councilor Shakespeare to authorize the Town Manager to issue an RFP for engineering services for evaluation of the air handling system at the Lura Hoyt Pool with the cost being paid by the Pool Trust Fund. Unanimous vote.

d. REPLACEMENT COMMITTEE MEMBERS –
INFRASTRUCTURE AND FINANCE COMMITTEES

Councilor Brann will serve as replacement for Councilor Flavin on the Infrastructure Committee, Councilor Lawlis will replace Councilor Flavin on the Finance Committee and Councilor Hughes will replace Councilor Flavin on the Committee on Committees.

e. FIRE TRUCK BID RESULTS – FINANCE COMMITTEE
RECOMMENDATION

The Finance Committee reviewed the bids received for the old tanker truck and recommended that it be awarded to the high bidder, James Smith for the bid of \$3,510.

Motion by Councilor Brann, seconded by Councilor Shakespeare to sell the old tanker truck to the high bidder, James Smith, for the bid of \$3,510. Unanimous vote.

4. NEW BUSINESS

a. BERM REMOVAL – PINE TREE LANDFILL

The Town Manager presented a memo from the Code Enforcement Officer related to the berm in question located along the Pine Tree Property adjacent to Old Coldbrook Road.

Motion by Councilor Cushing, seconded by Councilor Brann to negotiate removal of the berm with the landfill following discussion of this subject with residents on Old Coldbrook Road. Unanimous vote.

b. BOND ANTICIPATION NOTE – MAYO ROAD

Manager Lessard noted that the cost of the Mayo Road reconstruction project is \$1,825,000.00 and the town has been awarded recovery bonds at a very low interest rate to pay for the project. However, those bonds are not available until the bond issue is released at the end of October. Since this project is estimated to be completed by the end of October, the Town has put out a request for a bond anticipation note which would allow borrowing up to \$1,825,000.00 from a banking institution in the event payment needs to be made before the bonds are released. The Town received two bids, one from Bangor Savings Bank and one from Key Bank, on two different time periods; one for 109 days between July 15th and November 1st, when the bond money would be available; and the second is for a full year from July 15, 2010 to July 15, 2011.

Manager Lessard reported that the Finance Committee reviewed and discussed the bids and is recommending that the Council award the bond anticipation note bid to Key Bank for an amount

not to exceed \$1,825,000.00 at a rate of 1.4% interest for the 109 day term, with no prepayment penalties and the ability to withdraw funds in either a lump sum or on an as-needed basis. The anticipation note also carries a requirement for a deposit relationship with Key Bank during the time period that this note will be in effect.

Motion by Councilor Lawlis, seconded by Councilor Brann to support the recommendation of the Finance Committee – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Shakespeare reported on the Infrastructure meeting at the end of June. The Public Works Director reported only one major problem with the Mayo Road project related to a broken phone line. The Committee discussed complaints and concerns with run down properties at the corner of Kennebec Road and 1A and the corner of 1A and Western Avenue and it was the consensus of the Committee that we should work cooperatively with the owners to try and see their condition improved. The Committee also discussed a request from Habitat for Humanity for a land donation, and while it determined that the Town did not have land available for this purpose, suggested that this item be advertised in the next edition of Hampden Highlights. The Committee also considered a request from the Public Works Director to institute a 5 year construction moratorium on Mayo Road once it has been rebuilt. No action was taken on that request.

Councilor Lawlis reported that the Services Committee had not met since the last Council meeting but that the subcommittees had been active. The Tree Board has done replanting at the pool playground and are proposing changes to the Tree Ordinance regarding utility tree removal practices.

Councilor Hughes reported that the Planning and Development Committee would be meeting on August 3 to discuss the marina project, shoreland zoning, and the Hampden Academy re-use project

Finance Committee – The Finance Committee activity has been reported during the course of the meeting since all of its actions were recommendations for Council action.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached hereto.

F. COUNCILOR'S COMMENTS

Councilor Cushing asked for an inventory of town-owned open space and also reiterated his request for a date for a strategic planning session to be held by the

MANAGER'S REPORT
July 6, 2010

LLBean Parcel Cleanup – Gretchen is working with a representative from Inland Fisheries and Wildlife on a potential clean up of the LLBean parcel by a group of volunteers. The only contribution by the Town would be to dispose of the stuff that is collected. For those Councilors who have not walked that parcel, there are several areas where it is obvious that illegal dumping occurred some time ago. This would be a wonderful opportunity to get the site cleaned up. I will keep you posted on progress in this regard and if we are chosen by the group as the cleanup site.

Deadline for Newsletter – The deadline for the July edition of the newsletter is Tuesday, July 13th. Please submit any articles to either me or to Annie Gabbianelli O'Reilly.

Meeting Reminder – A reminder that the second Council meeting of July will be held on July 26th at 7:00 p.m. There will be a regular meeting but the School Superintendent and others will be attending to provide an update on the school construction project.

Year End – Fiscal year end closed on June 30th with no problems. Thanks to all the staff members who work so hard all year to insure that this process is a smooth one.

Condolences to Councilor Shakespeare – Condolences to Councilor Shakespeare and his family for the recent loss of his father. We will be making a contribution to the charity named in the announcement in his memory.

Truck Weight Limit Issue – A Committee representing communities that are directly impacted by the change in truck weight limits on the interstate is being formed to assist the State and our Congressional representatives in compiling information to insure that the 100,000 lb weight limit stay in place for the interstate north of Augusta. The special exemption otherwise would expire in December of this year. I will be attending a meeting in Augusta in regard to this issue on July 15th.

Nomination Papers – Papers will be available as of August 4, 2010 for the unexpired at-large term of former Councilor Cox as well as seats on the School Board, and Water District. Candidates must collect between 25 and 35 signatures of qualified voters in the Town of Hampden. All nomination papers must be returned to the Town Clerk's Office by 6 p.m. on 9/2/2010.

Council looking at long term revenue and expense considerations. He also had discussions with some members of the VFW about their desire to form a parade group that would take over the Memorial Day Parade.

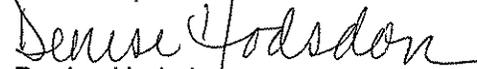
Councilor Lawlis reported that the Town Pool and the Town Library are great places to go to beat the heat this summer

Councilor Shakespeare thanked the Town Manager and the Town Council for condolences on the loss of his father.

Mayor Arnett remarked on what a wonderful area the park and playground by the Town pool was. He also reminded the Council that the Garden Club Tour in Hampden would be held in two weeks.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:43 p.m.


Denise Hodsdon
Town Clerk