

## TOWN COUNCIL MINUTES

May 3, 2010

The regularly scheduled meeting of the Hampden Town Council was held on Monday, May 3, 2010. The meeting was held at the municipal building council chambers and was called to order by Deputy Mayor Cushing at 7:00 p.m.

**Attendance: Councilors:** Deputy Mayor Andre Cushing, Thomas Brann, William Shakespeare, Jean Lawlis, Shannon Cox and Janet Hughes; Mayor Matt Arnett was excused

**Town Manager:** Susan Lessard

**Town Counsel:** Thomas Russell

**Department Heads/Staff:** Public Works Director Galen 'Chip' Swan and Town Planner Bob Osborne

Deputy Mayor Cushing noted that Mayor Arnett was unable to attend the meeting this evening and had asked to be excused. Motion by Councilor Cox, seconded by Councilor Hughes to excuse Mayor Arnett – unanimous vote in favor.

### A. CONSENT AGENDA

The Treasurer's Warrants were reviewed and signed by the Finance Committee at their meeting earlier in the evening. Motion by Councilor Cox, seconded by Councilor Shakespeare to accept the balance of the Consent Agenda – unanimous vote in favor.

### B. PUBLIC COMMENTS

### C. POLICY AGENDA

#### 1. PUBLIC HEARINGS

- a. APPLICATION FOR RENEWAL OF VICTUALERS LICENSE  
RECEIVED FROM ANGLERS, INC. d/b/a ANGLERS RESTAURANT  
at 91 COLDBROOK ROAD

Deputy Mayor Cushing explained the procedure for the public hearing and then opened the hearing.

Proponents – none; Opponents – none: General Questions or Comments – None. The hearing was closed.

Motion by Councilor Shakespeare, seconded by Councilor Hughes to approve the application – unanimous vote in favor.

- b. APPLICATION FOR RENEWAL OF LIQUOR LICENSE RECEIVED FROM ANGLERS, INC. d/b/a ANGLERS RESTAURANT at 91 COLDBROOK ROAD

Deputy Mayor Cushing opened the hearing. Proponents – none; Opponents – none: General Questions or Comments – None. The hearing was closed.

Motion by Councilor Shakespeare, seconded by Councilor Hughes to approve the liquor license – unanimous vote in favor.

- c. APPLICATION FOR RENEWAL OF VICTUALERS LICENSE RECEIVED FROM MWP ENTERPRISES d/b/a NEALLEY'S CORNER STORE at 1230 KENNEBEC ROAD

At the initial inspection of the business, Building Inspector Keith Barnhard and Code Enforcement Officer Ben Johnson had determined that the store's hood system does not meet code requirements and owner Martin Panther has hired a contractor to do the work necessary to bring it up to code.

Deputy Mayor Cushing opened the hearing. Proponents – none; Opponents – none: General Questions or Comments – None. The hearing was closed.

Due to the hood system not being up to code and to allow the owner to have the work done, Councilor Brann moved and Councilor Hughes seconded to continue the public hearing until the next meeting – unanimous vote in favor.

## **2. NOMINATIONS-APPOINTMENTS-ELECTIONS**

There were none.

## **3. UNFINISHED BUSINESS**

- a. DRAFT ZONING ORDINANCE TEXT AMENDMENT – RURAL DISTRICT USES – REFERRAL TO PLANNING BOARD

Motion by Councilor Hughes, seconded by Councilor Cox to refer this item to the Planning Board – unanimous vote in favor.

- b. MAYO ROAD BIDS – INFRASTRUCTURE COMMITTEE RECOMMENDATION

Councilor Shakespeare reported that the Infrastructure Committee has reviewed the bids for the Mayo Road reconstruction project with the Public Works Director and it is the recommendation of the Committee to award the bid to the lowest bidder, K & K Construction in the amount of \$1,586,991.00. Councilor Shakespeare so moved and Councilor Brann seconded the motion – unanimous vote in favor.

C-3-a



**TO:** Mayor Arnett and Hampden Town Council  
**FROM:** Robert Osborne, Town Planner  
**SUBJECT:** Draft Zoning Ordinance Text Amendments for Rural District Uses  
**DATE:** April 27, 2010

At a recent Planning and Development Committee meeting it was voted that this item be sent to the Council for referral to the Planning Board.

This amendment would increase the types and size of buildings that could be considered accessory in this district. Attorney Russell is currently reviewing the document and no changes are anticipated.

5/3/2010 - Referred to Planning Board

**TOWN OF HAMPDEN**  
**Draft**

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

Deletions are ~~Strikethrough~~      Additions Double Underlined

**3.9. 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. Vehicles or equipment owned or leased by the person(s) residing on a lot may be stored or repaired in the accessory structure or building, and shall be considered to be an accessory use to the single family residential 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.

#### **4. NEW BUSINESS**

##### **a. SAFE ROUTES TO SCHOOL GRANT APPLICATION**

Motion by Councilor Brann, seconded by Councilor Hughes to sign letter in support of the grant application – unanimous vote in favor.

##### **b. LOCK-IN PRICE – PROPANE – INFRASTRUCTURE COMMITTEE RECOMMENDATION**

Councilor Shakespeare reported that the Infrastructure Committee has reviewed lock-in prices received for propane for the Town Garage for the 2010/2011 year. It is the recommendation of the Committee to accept the \$1.77 per gallon price from Maine Energy. Councilor Shakespeare so moved and Councilor Cox seconded the motion – unanimous vote in favor.

##### **c. USE OF POOL RESERVE – AIR HANDLING SYSTEM – INFRASTRUCTURE COMMITTEE RECOMMENDATION**

Manager Lessard explained that some additional maintenance work needs to be done to the pool's air handling system. The cost of the required maintenance is \$619.00. The pool's operating budget for routine maintenance is already pushed for this budget year and it is the recommendation of the Infrastructure Committee to expend the \$619.00 from the reserve account.

Motion by Councilor Shakespeare, seconded by Councilor Cox to expend \$619.00 from the Pool Reserve account – unanimous vote in favor.

##### **d. SEWER COMMITMENT – 1<sup>ST</sup> QUARTER 2010**

Motion by Councilor Hughes, seconded by Councilor Lawlis to approve and sign the commitment – unanimous vote in favor.

#### **D. COMMITTEE REPORTS**

Councilor Hughes reported that the Planning & Development Committee will meet on May 6<sup>th</sup> at 6:00 pm.

Councilor Brann reported that there is a Comp Plan public meeting tomorrow night at 6:00 pm.

Councilor Lawlis reported that the Services Committee will meet next Monday at 5:00.

#### **E. MANAGER'S REPORT**

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

**F. COUNCILOR'S COMMENTS**

Councilor Lawlis commented that she visited Dorothea Dix Park yesterday and noted that there has been a lot of cleanup done at the park and it is a lovely place to walk. She expressed appreciation to the Public Works Department for their work in cleaning up the park.

Councilor Brann noted that there are some public ways and road easements that the Town no longer has an interest in and may want to consider discontinuing. He would like to see this referred to the Infrastructure Committee for discussion with the Town Attorney.

Councilor Hughes reminded everyone that the Hampden Business Association will meet tomorrow at noon at Anglers Restaurant. The HBA's annual meeting and dinner to honor Garry Gilpatrick as Business Person of the Year will be held on May 19<sup>th</sup> at Spectacular Event Center in Bangor.

Deputy Mayor Cushing thanked Town Planner Bob Osborne and all the volunteers who participated in the annual stream cleanup. He also noted that the Mock Trial Team and the Destination Imagination Team are both preparing to leave for their respective national competitions.

**G. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:57 p.m.



Denise Hodsdon  
Town Clerk