



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

MARCH 1, 2010

7:00 P.M.

- **5:00 pm – HAMPDEN/HERMON – Discussion of Letter from Hermon Town Council**
- **5:45 pm – FINANCE COMMITTEE MEETING**

A. CONSENT AGENDA

1. SIGNATURES

- a. Treasurer's Warrants

2. SECRETARY'S REPORTS

- a. October 19, 2009
- b. February 1, 2010

3. COMMUNICATIONS

- a. DM&J Waste Statistics
- b. MRC Waste Delivery Shortfall 2009
- c. Islamic Center of Maine – Open House Invitation
- d. MRC Quarterly Cash Distribution
- e. Time Warner – Programming Agreement Expirations
- f. Congressman Michaud – Letter to Residents
- g. Senator Collins – Letter to Residents
- h. Pine Tree Landfill – Final Host Community Benefit Payment

4. REPORTS

- a. Landfill Complaint Report – January 2010
- b. Finance Committee Minutes – 1/19/2010
- c. Infrastructure Committee Minutes – 2/22/2010
- d. Pine Tree Landfill – Updated Opinion of Escrow Post-Closure Costs
- e. Mayo Road Meeting Minutes – 1/27/2010
- f. Pool Board Minutes – 1/12/2010
- g. Hampden Academy Building Committee Report – 2/8/2010

B. PUBLIC COMMENTS

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

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. Adoption of Draft Shoreland Zoning Ordinance and Map
- b. Zoning Ordinance Text Amendment – Article 5.3.1 re Issuance of Building Permits on Subdivision Lots and in Conjunction with Plumbing Permits
- c. Zoning Ordinance Text Amendment – Article 3.3 re Conditional Uses in Commercial Service District
- d. Zoning Ordinance Text Amendment – Article 7.2 re Institutional Building Definition

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Aimee Smith – Application for Reappointment to Board of Appeals – Finance Committee Recommendation

3. UNFINISHED BUSINESS

- a. Planning & Development Recommendation to Approve Renaissance Planning Associates as BEAR Consultant
- b. Comprehensive Plan Public Process – Schedule Development – Councilor Brann
- c. Infrastructure Committee Recommendation to Authorize Municipal Boiler Replacement Project to be Put Out for Bid
- d. Infrastructure Committee Recommendation to Approve Bangor Hydro Pole Location Permits - Off Ichabod Lane
- e. Infrastructure Committee Recommendation to Proceed to Bid for Mayo Road Project
- f. Infrastructure Committee Recommendation to Authorize Public Works Director to Use SRF Funds for CSO Manhole Repair Project

4. NEW BUSINESS

- a. Monument Fund – Request to Turn Over to Town – Finance Committee Recommendation
- b. Senior Citizens Club – Request for Change in Use of Appropriation – Finance Committee Recommendation
- c. MDOT – Request for Overlimit Transport
- d. Arbor Day Proclamation

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT

TOWN COUNCIL MINUTES**October 19, 2009**

The regularly scheduled meeting of the Hampden Town Council was held on Monday, October 19, 2009. 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 Matthew Arnett, Andre Cushing, Thomas Brann, William Shakespeare, and Jean Lawlis; Janet Hughes and Shannon Cox were excused

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: None

Mayor Arnett noted that Councilors Cox and Hughes were absent this evening and asked for a motion to excuse them. Councilor Cushing so moved; Councilor Brann seconded the motion – unanimous vote in favor.

A. CONSENT AGENDA

Treasurer's Warrants were reviewed and signed by the Finance Committee at its meeting prior to the Council meeting. Motion by Councilor Cushing, seconded by Councilor Brann to accept the balance of the Consent Agenda – unanimous vote in favor.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA**1. PUBLIC HEARINGS**

- a. GENERAL ASSISTANCE ORDINANCE – APPENDICES A-C 2009-2010 UPDATES

Manager Lessard explained that these are amended guidelines set annually by the State.

Mayor Arnett opened the hearing. Proponents – None; Opponents – None; General Questions or Comments – None. The hearing was closed.

Motion by Councilor Cushing, seconded by Councilor Brann to adopt Appendices A, B, and C – unanimous vote in favor.

GENERAL ASSISTANCE ORDINANCE APPENDICES A-C 2009-2010

The Municipality of HAMPDEN adopts the MMA Model Ordinance GA Appendices (A-C) for the period of Oct. 1, 2009—Oct. 1, 2010. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the 19th (day) of October (month) 2009 (year) by the municipal officers:

Wm. Shekerson
(Print Name)

[Signature]
(Signature)

Jean Lewis
(Print Name)

[Signature]
(Signature)

[Signature]
(Print Name)

[Signature]
(Signature)

Matthew D. Arnett
(Print Name)

[Signature]
(Signature)

ANDRE F. CUSHING
(Print Name)

[Signature]
(Signature)

(Print Name)

(Signature)

Adopted by Town Council 10/19/2009

GA MAXIMUMS SUMMARY SHEET

(Oct. 1, 2009-Oct. 1, 2010)

APPENDIX A OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
	596	695	887	1126.	1273.	

NOTE: For each additional person add \$75 per month.

(The applicable figures from Appendix A, *once adopted*, should be inserted here.)

APPENDIX B FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	46.51	200
2	85.35	367
3	122.33	526
4	155.35	668
5	184.42	793
6	221.40	952
7	244.65	1,052
8	279.53	1,202

NOTE: For each additional person add \$150 per month.

APPENDIX C HOUSING MAXIMUMS

<u>Number of Bedrooms</u>	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0				
1	93.	409.	110.	471.
2	106.	454.	126.	542.
3	132.	568.	161.	691.
4	169.	728.	205.	882.
5	176.	756.	228.	980.

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

FOR MUNICIPAL USE ONLY

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

There were none.

3. UNFINISHED BUSINESS

a. PVCOC CHANGES IN OPERATION

Manager Lessard explained that PVCOC has been in a state of flux over the past several years and is in the process of restructuring. PVCOC's Advisory Committee has recommended the alteration of the region by creating three Leagues of Towns. There will be an annual meeting on October 29th to vote on the proposal. Manager Lessard reported that the Finance Committee discussed the proposal earlier in the evening and has recommended that the Town's representative attend the meeting and cast a vote in opposition to the proposed changes and to withhold dues until there is evidence that the organization more effectively meets its statutory obligations.

Motion by Councilor Brann, seconded by Councilor Cushing to adopt the recommendations of the Finance Committee – unanimous vote in favor.

b. CABLE CONSORTIUM DUES

Manager Lessard reported that this item was also discussed by the Finance Committee and it was the committee's recommendation that the Town remain a member of the consortium and to pay the dues in the amount of \$3,054.00.

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

4. NEW BUSINESS

a. RED CROSS HEROES DINNER

Motion by Councilor Brann, seconded by Councilor Cushing to postpone action on this item until receipt of additional information – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Cushing reported that the Planning & Development Committee will meet at 6:00 pm on October 21st and the Committee on Committees will meet at 6:00 pm on October 27th.

Councilor Brann reported that the Infrastructure Committee will meet at 6:00 pm on October 26th. He further reported that the Comprehensive Plan is scheduled to be turned over to the Council at the first meeting in November.

Manager Lessard reported that the Finance Committee met this evening and in addition to the P/COG proposal and Cable Consortium dues invoice, the committee reviewed the pool's fuel usage and transfer station costs. Manager Lessard pointed out that the installation of the new boilers at the pool has resulted in a dramatic reduction in the use of fuel oil and she noted that with the savings, the payback on the boilers will be less than two years. She also noted that the transfer station savings on construction and demolition debris disposal have exceeded what was originally projected.

Councilor Lawlis reported that at its last meeting the Services Committee heard a presentation from the Library about a new circulation desk and discussed a proposed outdoor facilities ordinance, which will be considered in detail at the next meeting. Following the Services Committee meeting, the Dog Park exploratory committee met and she reported that there were a lot of very good ideas that came out of that meeting. The committee will meet again tomorrow evening at 5:30 pm at the tennis courts on Canoe Club Road, a potential site for the park.

E. MANAGER'S REPORT

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

F. COUNCILOR'S COMMENTS

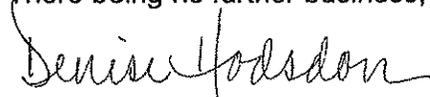
Councilor Shakespeare suggested that with the savings being realized at the pool since the installation of the new boilers, it might be time to look at replacing the old furnace at the library. Manager Lessard noted that the Public Works Director will be looking into some grant opportunities through the Efficiency Maine grants for improving heating systems.

Councilor Cushing expressed appreciation to the Pool Director and Public Works Director for their work in securing the new boilers for the pool. He noted that this is an example of the employees who work for the town and are willing to look for savings for the citizens.

Mayor Arnett reiterated the Council's opposition to upcoming Referendum Questions #2 (Reduction in Excise Taxes) and #4 (TABOR II) and urged everyone to think seriously about whether they want to see that kind of action taken. He also encouraged residents to contact the Council if they believe there are items in the local budget where we could make efficient and effective reductions.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:44 p.m.



Denise Hodsdon
Town Clerk

MANAGER'S REPORT
October 19, 2009

Tax Collections – I am happy to report that as of today we have collected 49% of property taxes due for 2009/2010. That is just 1% under the total due for the entire first half of the year.

Halloween – Edward's Shop n Save is working with Public Safety again this year on a Halloween party. The young and the young at heart are invited to attend this year's party on October 31st beginning at 5 p.m.!

Sewer Project – The Route 1A Sewer Project should be completed by the end of this week or beginning of the next. I am happy to report that the project has gone very smoothly, within budget, and on time.

Absentee Voting – Absentee voting is a brisk business at the Town Office! The Clerk reports that we are seeing a high turnout of them thus far for an 'off-year' election – 250 have been issued so far and there is still two weeks until the election! In comparison, in the 2007 off-year election – there were only a 107 absentee ballots cast in total.

Assessor Job Listing – The assessor position has been posted and resumes are due back in by November 17th. I anticipate interviews before the end of November. In key position hirings, I have asked for a few councilors to 'volunteer' to sit in on the second round of interviews. Assessing is certainly a key position for us so if there are any of you who wish to participate – please let me know.

School Contract Update – According to the School Superintendent, the School Board will be asked to award the site work contract to the low bidder for a negotiated price based on amendments to the work required. The Assistant Superintendent informed me that both the contractor and WBRC had indicated that the proposed revisions (\$852,550) to reduce the cost will not impact the quality of the project. We have received a copy of the contract revisions and it is being reviewed by the Code Enforcement Officer and the Town Planner.

Public Works Director – I am happy to report that PW Director Chip Swan has been elected to the Board of Directors of the Maine Chapter of the American Public Works Association. He has also volunteered to serve on a Policy Committee with the MDOT regarding potential changes in the way that the State and Towns share responsibilities for road maintenance.

TOWN COUNCIL MINUTES

February 1, 2010

The regularly scheduled meeting of the Hampden Town Council was held on Monday, February 1, 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 Matthew Arnett, Andre Cushing, Thomas Brann, William Shakespeare, Shannon Cox, Jean Lawlis and Janet Hughes

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

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

A. CONSENT AGENDA

Councilor Brann requested that Item A.3.c. be set aside. Motion by Councilor Cox, seconded by Councilor Cushing to accept the balance of the Consent Agenda – unanimous vote in favor.

A.3.c HERMON TOWN COUNCIL – FIRE DEPT. ORGANIZATIONAL IDEAS – REFERRAL TO INFRASTRUCTURE COMMITTEE

Councilor Brann noted that this is a letter from the Hermon Town Council asking if the Town would be interested in exploring the possibility of a cooperative Fire Department program and pointed out that this item is being referred to the Infrastructure Committee. Motion by Councilor Brann, seconded by Councilor Cushing to accept Item A.3.c. – unanimous vote in favor.

B. PUBLIC COMMENTS

Norman Prouty of 57 Mayo Road asked the Council to consider an email that he sent to the Town Councilors and Town Manager asking that more consideration be given to the reconstruction of Mayo Road for safety purposes. He commented that the residents of Mayo Road are concerned that the speed will increase significantly despite the speed limit. He said speeds on the Mayo Road are already excessive with the very poor condition of the road and the residents feel that speeds will increase even more upon completion of the reconstruction. Mr. Prouty recognized that safety has been considered in that a sidewalk is included in the plan, but noted that there a number of homes on this side of Reed's Brook that were built as part of a subdivision that dead-ended at Reed's Brook and most of them do not have turnarounds on their own property and vehicles have to back into the road. Mr. Prouty feels that despite the best efforts of the Police Department, speeds will increase and it will be a very dangerous road. He has made some suggestions of traffic calmers to slow traffic and said he hoped that some consideration would be given to implementing some of those into the reconstruction project.

Motion by Councilor Brann, seconded by Councilor Cushing to refer this to the Infrastructure Committee – unanimous vote in favor.

The Infrastructure Committee will hold a special meeting on Thursday, February 11th at 7:00 pm and a notification of the meeting will be mailed to all residents of Mayo Road.

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. PROPOSED AMENDMENTS TO PUBLIC WAYS ORDINANCE

Town Planner Bob Osborne explained that the purpose of the amendments is to shift the regulation for acceptance of streets from the Zoning Ordinance to the Public Ways Ordinance. The language formalizes the process that the Town Attorney must conduct in order to determine that the street acceptance is ready for Town Council action. The amendment also changes the name of the ordinance to “Town Ways Ordinance.”

Bob reported that Staff recommends the amendment and the Planning & Development Committee has returned an “ought to pass” recommendation.

Mayor Arnett 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 Cushing, seconded by Councilor Cox to accept the recommendation of the Planning & Development Committee and adopt the amendments to the ordinance – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

a. Applications for Reappointment – Planning & Development Committee Recommendation:

1. Richard Peer – Historic Preservation
2. Andrew Nelson – Planning Board

The Planning & Development Committee has reviewed both applications and has recommended reappointment of both.

Motion by Councilor Brann, seconded by Councilor Cushing to reappoint both applicants – unanimous vote in favor.

3. UNFINISHED BUSINESS

- a. ZONING ORDINANCE TEXT AMENDMENT re INSTITUTIONAL BUILDING DEFINITION – INTRODUCTION FOR PUBLIC HEARING on 3/1/2010

Councilor Cushing introduced this item for public hearing.

- b. ZONING ORDINANCE TEXT AMENDMENT re CONDITIONAL USES IN COMMERCIAL SERVICE DISTRICT – INTRODUCTION FOR PUBLIC HEARING ON 3/1/2010

Councilor Hughes introduced this item for public hearing.

- c. ZONING ORDINANCE TEXT AMENDMENT re ISSUANCE OF BUILDING PERMITS ON SUBDIVISION LOTS AND IN CONJUNCTION WITH PLUMBING PERMITS – INTRODUCTION FOR PUBLIC HEARING ON 3/1/2010

Councilor Cox introduced this item for public hearing.

- d. PROPOSED SHORELAND ZONING ORDINANCE – INTRODUCTION FOR PUBLIC HEARING ON 3/1/2010 WITH REVISED MAP

Town Planner Bob Osborne explained that the only change to the map is that the property lines have been removed. Following brief discussion, Councilor Brann introduced this item for public hearing.

- e. STREET LIGHT LOCATIONS – DUNTON CIRCLE/WESTERN AVENUE AND DUNTON CIRCLE/SILVER DRIFT TRAIL – INFRASTRUCTURE COMMITTEE REPORT

The Council had reviewed this request for street lights at the intersection of Dunton Circle and Western Avenue and Dunton Circle and Silver Drift Trail, both upper and lower locations at its December 7, 2009 meeting. At that time Public Safety Director Joe Rogers had submitted a memo to the Council indicating that the Department supports streetlights at intersections so that motorists can identify their location more easily. There was some question as to whether there were any safety concerns and this item was referred to the Infrastructure Committee for review and recommendation.

Infrastructure Committee Chair Shakespeare reported that the Committee discussed this at its last meeting and voted to return this to the Council for discussion at its next meeting and to forward it to the Finance Committee. The Committee also requested that the Public Safety Director submit another memo to the Council clarifying whether there are safety concerns at any of the requested locations.

Based upon the recommendation of Public Safety Director Rogers, Councilor Brann moved to authorize a street light at the intersection of Western Avenue and Dunton Circle only; Councilor Hughes seconded the motion and vote was unanimously in favor.

The Public Safety Director's memo also recommended that the Town consider a policy on new streetlights so that future requests may be reviewed using established criteria. Motion by Councilor Hughes, seconded by Councilor Brann to refer this back to the Infrastructure Committee to review the recommendations of Public Safety and in doing that consider the other 2 lights as part of that process – unanimous vote in favor.

f. **COMPREHENSIVE PLAN – SUGGESTED TIME FRAME/ADOPTION PROCESS**

The Council reviewed and endorsed the suggested timeframe and process for finalization and adoption of the 2010 Comprehensive Plan as submitted by the Community and Economic Development Director (copy attached).

4. NEW BUSINESS

a. **SEWER COMMITMENT – 4TH QUARTER 2009**

Motion by Councilor Brann, seconded by Councilor Cushing to approve and sign the Sewer Commitment – unanimous vote in favor.

b. **WATER DISTRICT REQUEST FOR MEETING DATE (2/10, 2/11 OR 2/12)**

At the request of the Water District's Board of Trustees, a meeting was scheduled for Thursday, February 11th at 6:00 pm for the purpose of discussing meter reading cost sharing with the Town and a proposed Water District rate increase.

c. **SEWER MANHOLE COVER RISERS – PUBLIC WORKS DIRECTOR'S REQUEST TO WAIVE BID PROCEDURE – INFRASTRUCTURE COMMITTEE RECOMMENDATION**

Councilor Shakespeare reported that the Infrastructure Committee had discussed a request from the Public Works Director to waive the bid procedure for 72 sewer manhole cover riser rings which will be required as part of this year's paving program. The Public Works Director had reported that there was only one vendor in the state that makes the rings and the Committee recommended that the Council approve the request.

Motion by Councilor Shakespeare, seconded by Councilor Brann to approve the request to waive the bid procedure – unanimous vote in favor.

d. **PUBLIC WORKS TRUCK AND LOADER BIDS – REQUEST FROM PUBLIC WORKS DIRECTOR TO SOLICIT BIDS – INFRASTRUCTURE COMMITTEE RECOMMENDATION**

Councilor Shakespeare reported that the Infrastructure Committee had discussed a request from the Public Works Director to advertise for bids

C-3-f

To: Manager Lessard
Town Council Members

From: Dean L. Bennett, Director of Community and Economic Development

Subject: Suggested Timeframe and Process to Comprehensive Plan Adoption

Date: January 27, 2010



As requested, I hereby submit a suggested timeframe and process by which to accomplish the finalization, submission and adoption of the 2010 Hampden Comprehensive Plan. As you are aware, more than 50 people, special interest groups, department heads, and committees have contributed to the development of this proposed plan. In addition, we have shared the working draft with the State Planning Office during its development to minimize the likelihood of numerous inconsistency findings which are common at the end of this process. Upon your endorsement and Managers direction, I am prepared to facilitate this process immediately.

1. Completion of Public Education/Input Process (60 days)
 - a. Recording of a Hampden Highlights Newsmagazine Show presenting/discussing the role, components, policies and overall concepts within the Proposed 2010 Hampden Comprehensive Plan.
 - b. Three (3) informational workshops, for the purposes of discussing the objectives and goals of the 2010 Comprehensive Plan with the general public. These workshops to be recorded and broadcast via Hampden Highlands Newsmagazine. Public input/comments to be recorded and provided to Council for consideration prior to adoption.
 - c. Offering the availability of the Director of Community and Economic Development to community groups, via Newsmagazine, Newsletter and/or direct mail, to present and discuss the Proposed Comprehensive Plan.

2. Council to approval and submit draft plan to the State Planning Office for consistency determination. State Planning Office has 45 days to review plan and return findings. (45 days)

3. Council to review State comments. Revisions to plan in response to State objections and resubmission of changes to SPO. Town to receive approval letter from State Planning Office once consistency is determined. (30 days)

4. Public Hearing must be held on Proposed Plan. Plan must be available for public review 30 days prior to public hearing. State comments must be available to public at the public hearing. (45 days)

5. Adoption of 2010 Hampden Comprehensive Plan.

for a new truck and loader prior to the next budget cycle. The two vehicles would cost approximately \$200,000 and it was the recommendation of the Committee to go out to bid in March 2010.

Motion by Councilor Shakespeare, seconded by Councilor Cox to approve the request and recommendation of the Infrastructure Committee.

e. POVERTY ABATEMENT REQUEST – EXECUTIVE SESSION
PURSUANT TO 1 M.R.S.A. §405(6)(F) CONFIDENTIAL RECORDS

This item was moved to the end of the agenda.

D. COMMITTEE REPORTS

Councilor Hughes reported that the Planning & Development Committee met last week and reviewed the Shoreland Zoning Ordinance and heard an update from the Director of Community and Economic Development relative to the BEAR program and the marina project. The next meeting will be at 6:00 pm on February 3rd.

Councilor Cox reported that the Committee on Committees will meet at 6:00 pm on February 9th.

Councilor Lawlis reported that the next Services Committee meeting is scheduled for 6:00 pm on February 8th. The Friends of Dorothea Dix Park will be holding its first meeting within the next month; the Dog Park committee has met twice and has an upcoming meeting on February 10th at 6:00 pm.

Councilor Shakespeare reported that the Infrastructure Committee met on January 25th and in addition to the items already discussed this evening, the Public Works Director updated the Committee on the Route 1A MDOT project, which has been postponed until the summer of 2011, and the Mayo Road Reconstruction informational meeting. The next meeting of the Infrastructure Committee is scheduled for 6:00 pm on February 22nd.

E. MANAGER'S REPORT

Manager Lessard reported that she is taking vacation time to chair the two weeks of BEP hearings in Augusta regarding the HoltraChem cleanup appeal. She thanked the Council for allowing her to do that. She also expressed appreciation to the Administration staff for handling everything while she has been in Augusta.

She reported that the Town received the final Host Community Benefit check today in the amount of \$41,000.

Manager Lessard reminded everyone that the grace period for transfer station decals is over and that any vehicle without a decal will be turned away from the transfer station. Additionally, the grace period for dog licenses has expired and there is a \$15.00 late fee in effect.

F. COUNCILOR'S COMMENTS

Councilor Brann suggested that after the public hearing and approval of the Shoreland Zoning Ordinance, a specific date should be set for submission for map changes.

Councilor Cushing noted that there is a meeting of the Hampden Business Association tomorrow morning at 7:30 am at Maine Savings Credit Union.

EXECUTIVE SESSION: - POVERTY ABATEMENT REQUEST

Motion by Councilor Cushing, seconded by Councilor Brann to enter Executive Session pursuant to 1 M.R.S.A. §405(6)(F) Confidential Records – unanimous vote in favor.

Motion by Councilor Brann, seconded by Councilor Cushing to come out of Executive Session at 8:50 pm – Vote 7-0

Motion by Councilor Cushing, seconded by Councilor Lawlis to deny the 2009 poverty abatement request – Vote 7-0

Motion by Councilor Brann, seconded by Councilor Shakespeare to deny the 2008 poverty abatement request – Vote 5-2; motion carried

Motion by Councilor Brann, seconded by Councilor Cushing to authorize the Town Manager to waive penalties and interest on the applicant's taxes if she works out and keeps an agreement with the Town Manager for payment of taxes – Vote 5-2; motion carried.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:10 p.m.



Denise Hodsdon
Town Clerk

A-3-a

DM&J WASTE, INC.

219 Stream Road
Winterport, Maine 04496
Tel. (207) 223-4112
Fax (207) 223-5411
Website: dmjwaste.com
Email: help@dmjwaste.com

MEMO

TO: Town of Hampden
DATE: February 9, 2010
SUBJECT: 2009 Year End- Demo, Wood, Metal & Other Waste Totals
FROM: DM&J Waste, Inc.

In 2009, we hauled, disposed of, and/or received the following tons of material from you,

Town of Hampden

2009 fiscal year

Demolition Debris = 540.28 tons (95 loads)

Wood = 445.98 tons (73 loads)

MSW= 7 loads

July 1 2008 to June 30, 2009

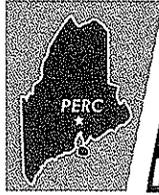
Demolition Debris = 549.68 tons (89 loads)

Wood = 442.76 tons (72 loads)

MSW= 4 loads

Thank you and we look forward to serving you in 2010.

40 Harlow Street
Bangor, ME 04401-5102



MEMORANDUM

TO: Charter Municipalities
FROM: Greg Louder 
DATE: February 9, 2010
RE: 2009 Charter Municipalities Waste Delivery Shortfall Below GAT

This memorandum was prepared to inform you that: 1) the Charter Municipalities as a group experienced a shortfall in 2009 waste deliveries; 2) the shortfall resulted in a penalty exposure for certain Charter Municipalities; and 3) PERC's partners have waived those penalties for 2009 premised in part due to their confidence in our ability to work together to direct municipal waste originating within your borders to the PERC facility for disposal under their waste disposal agreements.

2009 Charter Municipality Waste Deliveries v GAT

The Charter Municipalities as a group delivered 190,015 tons of municipal solid waste to the PERC facility in 2009, which is 2,857 tons below the sum of the Guaranteed Annual Tonnage (GAT) of the Charter Municipalities as a group. This shortfall resulted in an exposure to a penalty assessment for the 55 MRC members that delivered less than their individual contracted GAT effective in 2009. The attached spreadsheet details each Charter Municipalities' 2009 actual deliveries, GAT and potential penalty amount where applicable.

PERC's Private Partners Waive 2009 Penalties

We are pleased to inform you that PERC's private partners recently informed the MRC (letter attached) that a waiver has been granted for all GAT shortfall penalties for 2009. PERC's private partners recognize that the general economic slowdown was a contributing factor to reduced waste deliveries in 2009. PERC's private partners also highly value the strong partnership that has grown over the years with the Charter Municipalities and the MRC. In reaching their decision to waive penalties for 2009, PERC's private partners also expressed confidence that the municipalities would do all they can to direct municipal waste originating within their borders to the facility for disposal under their waste disposal agreements.

Background on Guaranteed Annual Tonnage (GAT)

Each Charter Municipality established a GAT waste delivery commitment in their waste disposal agreements with PERC. This GAT figure was typically set at a level that accounts for all of the MSW generated within their borders from normal residential, commercial and institutional sources. These GAT waste delivery commitments initially enabled the facility to obtain financing on favorable terms and also supported a favorable restructuring of the waste disposal agreements for the Charter Municipalities in 1998. More importantly, these GAT waste delivery commitments position the PERC facility to

operate economically, efficiently and at capacity – all of which have been critical factors in allowing the Charter Municipalities to enjoy net disposal costs (after cash distributions) of \$45.00 and \$54.00 per ton without any increase since 1998.

Short-term issues in MSW Deliveries v GAT

Charter Municipalities manage waste collection service, transfer stations and work with local waste haulers in a variety of ways to ensure that all MSW generated within their borders is delivered to PERC and credited toward their GAT. It is important for all Charter Municipalities to continue these management activities in order to continue to direct MSW to the PERC facility and to minimize or avoid exposure to shortfall penalties in 2010 and in subsequent years. MRC invites you to contact us regarding MSW generation and deliveries trends in your community. We would be pleased to work with you to evaluate your solid waste management program policies and practices with focus on managing risk and maintaining control over costs.

Long-term considerations regarding GAT and Waste Flow Management

The current arrangements between the Charter Municipalities and PERC, which have ensured an affordable, long term and environmentally sound solid waste disposal option for many years, expire in 2018. It sounds like a long way away, but it's not – and the planning process is starting now. If the arrangement is to be extended, the MRC and Charter Municipalities will need to engage in a concerted and coordinated planning effort. A key element of this coordinated effort will be a continued long term commitment of municipalities to manage MSW waste flows generated from the residential, commercial and institutional sectors within their borders.

If you have any questions about the above, or if your community faces changes in its solid waste generation rates or deliveries to PERC, please contact Greg Louder at 800-338-6389 or 207-942-6389.

We look forward to working with you.

Open House

The Islamic Center of Maine
cordially invites you to attend its
First Annual Open House

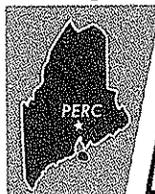
Please join us for a Welcoming Reception
and "Meet your Muslim Neighbor"
on Saturday, March 6th, 2010
at 5 o'clock in the evening
at 151 Park Street
Orono, ME

Refreshments will be served

The pleasure of your company is much anticipated

Jenan Jondy 217-8767

40 Harlow Street
Bangor, ME 04401-5102



800-339-6389
207-942-6389
207-942-3548
glounder@emdc.org

Voice
Fax
E-mail

February 11, 2010

Dear MRC Member Community:

The MRC Board of Directors is pleased to provide the enclosed check for the quarterly cash distribution return to Amending Charter Municipalities and new Charter Municipalities for the First Quarter of 2010. The payment is based on tipping fees, plant performance and asset activity in the Fourth Quarter of 2009.

Consistent with MRC Board-approved policies and Transaction Guidelines, a total distribution amount of \$1,149,490.44 to the Amending Charter Municipalities was approved to meet the system-wide target value of \$45.00 per ton, which is tipping fees less cash distributions. The tipping fee for the Fourth Quarter was \$72.00 per ton. Therefore, on average as a group, the Amending Charter Municipalities need a cash distribution of \$1,149,490.44 in order to achieve the \$45.00 per ton target value. This total amount is the product of \$27.00 per ton and 42,573.72 tons of solid waste delivered by all Amending Charter Municipalities in the Fourth Quarter of 2009. New Charter Municipalities also received funds from Performance Credits for Fourth Quarter equal to tons delivered multiplied by the difference between the tipping fee of \$72.00 per ton and the new Charter Municipality target value of \$54.00 per ton.

This cash distribution to Amending Charter Municipalities was generated from Performance Credits in the amount of \$732,712.85, Custody Account prior balance of \$186,937.08 and \$229,840.51 in Net Cash Flow received as a result of PERC ownership interests. Funds from Performance Credits in the amount of \$81,759.42 were distributed to new Charter Municipalities.

The MRC Board of Directors thanks all MRC members for their efforts and contributions in support of the MRC mission of an environmentally safe, long-term solid waste disposal solution at a reasonable and affordable cost.

Sincerely yours,

Gregory A. Lounder
Executive Director



PO Box 8180
Portland, ME 04104

A-3-e

Dear Town/City Manager,

I am writing to you as part of our ongoing efforts to keep you apprised of developments affecting Time

CABLE **HIGH-SPEED ONLINE** **DIGITAL PHONE**

www.timewarnercable.com/newengland • www.yourtownscable.com

MICHAEL H. MICHAUD
2ND DISTRICT, MAINE

WASHINGTON OFFICE
1724 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE: (202) 225-6306
FAX: (202) 225-2943
www.michaud.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515

January, 2010

A-3-F
COMMITTEES:

VETERANS' AFFAIRS
SUBCOMMITTEE ON HEALTH
CHAIRMAN

TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
SUBCOMMITTEE ON RAILROAD, PIPELINES
AND HAZARDOUS MATERIALS
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT,
PUBLIC BUILDINGS AND
EMERGENCY MANAGEMENT

SMALL BUSINESS
SUBCOMMITTEE ON RURAL AND URBAN
ENTREPRENEURSHIP
SUBCOMMITTEE ON FINANCE AND TAX

Dear Hampden residents and friends,

This past year, Mainers have faced many challenges. Yet as I travel across our state, I am inspired by the stories I hear of people coming together to help their friends, families and communities. I also continue to hear from many people who are worried about losing their jobs, heating their homes, putting food on the table and getting affordable health care. Although there are a few hopeful signs that our nation's economy is beginning to recover, there is much more we need to do to help Maine's economy.

As an example, I am very pleased that late last year the newly-created Northern Border Regional Commission received funding and will now be able to start working to create economic development and job creation projects in the most economically distressed areas of Maine, New Hampshire, Vermont and northern New York.

I am also pleased that Congress authorized a pilot program that would exempt Maine's interstate highways from the 80,000 pound federal truck weight limit and help get larger trucks off our back country roads. This is a good first step in addressing this issue, and I will continue to work to find a lasting solution that will improve road safety and increase productivity.

Our country has also taken important steps forward in protecting and improving veteran's benefits and health care. In October, I joined a number of my colleagues at the White House as President Obama signed the Veterans Health Care Budget Reform and Transparency Act. The legislation, which I helped introduce earlier this year, authorizes funding for the Department of Veterans Affairs (VA) medical care programs one year in advance of the start of each fiscal year, helping to end decades of uneven budget cycles and funding shortfalls that have contributed to the rationing of VA health care and inadequate access to treatment for our veterans.

Finally, my staff and I remain committed to providing quality constituent services whether it is help with cutting through red tape or a question about federal programs and benefits. If my office may ever be of assistance, please do not hesitate to contact me at my Bangor office at 207-942-6935 or by emailing me through my web page at www.house.gov/michaud. While on my website, I also encourage you to sign up for occasional e-mail updates on issues important to Mainers.

Thank you again for the opportunity to represent you in Congress.

With warmest regards,

Michael H. Michaud
Member of Congress

BANGOR:
6 STATE STREET, SUITE 101
BANGOR, ME 04401
PHONE: (207) 942-6935
FAX: (207) 942-5907

LEWISTON:
179 LISBON STREET, GROUND FLOOR
LEWISTON, ME 04240
PHONE: (207) 782-3704
FAX: (207) 782-5330

PRESQUE ISLE:
445 MAIN STREET
PRESQUE ISLE, ME 04769
PHONE: (207) 764-1036
FAX: (207) 764-1060

WATERVILLE:
16 COMMON STREET
WATERVILLE, ME 04901
PHONE: (207) 873-5713
FAX: (207) 873-5717



SUSAN M. COLLINS
MAINE

413 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1904
(202) 224-2323
(202) 224-2693 (FAX)

United States Senate

WASHINGTON, DC 20510-1904
January 14, 2010

4-3-g
COMMITTEES:
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
RANKING MEMBER
ARMED SERVICES
SPECIAL COMMITTEE
ON AGING

Town of Hampden
106 Western Avenue
Hampden, ME 04444

Dear Citizens of Hampden:

In 2009, I began my third term in the United States Senate. I remain deeply honored by the trust the people of Maine have placed in me, and I appreciate this opportunity to report on some highlights of my recent work in the U.S. Senate.

A significant accomplishment came in December when the President signed transportation legislation that includes a provision I authored to create a one-year pilot project to allow trucks weighing up to 100,000 pounds to use federal highways in Maine. This is moving heavy trucks off Maine's secondary roads and out of our downtowns and onto our modern, multi-lane, controlled access highways for one year, during which time a study of the impact on safety, commerce and road wear-and-tear would be conducted. In addition, this change helps to level the economic playing field, as neighboring states already have this exemption.

My appointment in early 2009 to the powerful Appropriations Committee has allowed me to have greater influence on the funding of priorities that are important to Mainers, such as shipbuilding, health care, education, and transportation, while also giving me the ability to continue pressing for the elimination of wasteful spending that exacerbates our federal deficit.

As a member of the Senate Armed Services Committee, I continue to be an advocate for Bath Iron Works, the Portsmouth Naval Shipyard, the Maine Military Authority in Limestone, and the many other defense contractors and institutions in Maine that contribute so much to our national security. In August, I traveled to Iraq and Afghanistan and had the opportunity to meet with many service men and women from Maine. My conversations with them were the most important aspect of my trip to the region. Our troops are brave, dedicated, compassionate, and highly skilled. I will continue to work hard to ensure that they have the support their difficult missions require.

Perhaps the greatest challenge facing our nation continues to be the struggling economy, and among my highest priorities are getting our people back to work and our economy back on track. That is why in early 2009 I joined a bipartisan effort to pass the American Recovery and Reinvestment Act. The bill contains robust infrastructure spending, significant funding for state aid and education, and tax relief for low- and middle-income families and for small businesses. As a result of this bill, Maine is receiving approximately \$133 million for highway investments, more than \$50 million combined for the Clean Water and Drinking Water State Revolving Funds, and \$70.5 million for weatherization and energy efficiency projects.

Energy policy remains another great challenge: America's reliance on foreign oil harms our economy, our security, and our environment. Meeting the challenge of developing energy alternatives will provide great opportunities for Maine to build an economy for the future, with new industries and thousands of good jobs. This endeavor received a significant boost last October when the U.S. Department of Energy announced an \$8 million grant for deepwater offshore wind research at the University of Maine, and Congress also approved \$5 million I sponsored for the Maine Offshore Wind Initiative at UMaine. This January, the U.S. Department of Commerce announced a \$12.4 million laboratory construction grant for the University of Maine. I strongly advocated for these projects because, with some of the strongest winds in the nation off our coast and some of the best engineers in the field, Maine has great potential as an ideal location for offshore wind projects and

can take the lead in the development of clean, renewable, and affordable energy for America. Estimates are that development of five gigawatts of offshore wind in Maine – enough to power more than 1 million homes for a year – could attract \$20 billion of investment to our state and create more than 15,000 green energy jobs that would be sustained over 30 years.

Of course, this past year brought not just successes. A disappointment was the failure of Congress to produce bipartisan health care reform legislation that would contain soaring costs and provide more choices for struggling families and small businesses. I am deeply concerned about the nearly \$500 billion in Medicare cuts included in the bill.

It is fiscally irresponsible to raid Medicare – a program which already has long-term financing problems – to pay for a new entitlement program, particularly at a time when the number of Medicare beneficiaries is on the rise. The bill would saddle Maine's hospitals with some \$800 million in Medicare cuts over the next ten years, and could push one in five hospitals, nursing homes, and home health providers into the red. Ultimately, such cuts could jeopardize access to care for millions of our nation's seniors.

As the Ranking Member of the Senate Homeland Security Committee, I am committed to ensuring that our nation is as safe as possible and that government is better prepared to respond to disasters. The Christmas Day terrorist attempt to detonate explosives on an aircraft reminds us of the dangers we continue to confront. My homeland security priorities include further strengthening our defenses against terrorism and providing our first responders with the resources they need.

On March 19, 2009, I reached a personal milestone when I cast my 4,000th consecutive roll call vote, continuing a record of participating in every single roll call vote since I first came to the Senate in 1997. I am grateful for the opportunity to serve Hampden and Maine in the United States Senate. If ever I can be of assistance to you, please contact my Bangor office at 207-945-0417, or visit my website at <http://collins.senate.gov>. May 2010 be a good year for your family, your community, and our state.

Sincerely,

A handwritten signature in cursive script that reads "Susan Collins". The signature is written in dark ink and is positioned above the printed name and title.

Susan M. Collins
United States Senator

A-3-h



Operated By
New England Waste Services of ME, Inc.

January 28, 2010

Susan Lessard
Town Manager
Municipal Building
106 Western Avenue
Hampden, ME 04444

Dear Susan:

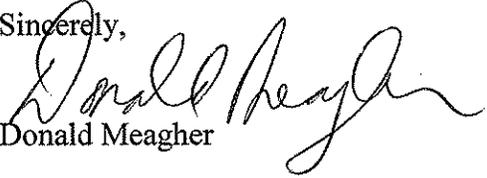
The enclosed host fee payment of \$40,862.82 represents the period December 2009, during which 22,088 tons were disposed at PTL. The enclosed check is the final payment to the Town under the December 18, 2006 amendment to the Host Community Agreement. Enclosed with this letter is a summary of the community benefits PTL has provided since 2002. The bottled water program will continue for the duration of the gas-to-energy facility.

Although PTL is no longer an active landfill, a number of important activities will continue at the site:

- final phase of closure during 2010;
- post-closure monitoring and maintenance of the landfill;
- continue to operate "Area C" transfer station (disposal at the Juniper Ridge Landfill);
- gas-to-energy facility operations;
- container and other related storage;
- cardboard baling and shipment for recycling;
- consolidation of recyclables for shipment to Casella's Zero-Sort processing facility in Boston;
- universal and electronic waste collection, consolidation, and shipment for recycling.

As always, please give me a call if you have any questions about the landfill.

Sincerely,


Donald Meagher

Enc: Host community benefit payment
Benefits summary

February 10, 2010

Susan Lessard
Town Manager
Town of Hampden
106 Western Avenue
Hampden, Maine 04444

**RE: Pine Tree Landfill
Monthly Report of Landfill Complaints**

Dear Susan:

During the Month of January 2010, one complaint was received pertaining to Pine Tree Landfill.

If you should require any additional information, please feel free to contact me at 862-4200, ext. 245.

Sincerely,



Tom Gilbert
Environmental Compliance Manager
Pine Tree Landfill

CC: Cyndi Darling, MDEP
Wayne Boyd, Casella Waste Systems, Inc.
Don Meagher, Casella Waste Systems, Inc.
Toni King, Casella Waste Systems, Inc.

PINE TREE LANDFILL
-LANDFILL COMPLAINT RECORD FORM-
 JANUARY 2010

Date of Complaint	Time of Day	Nature of Complaint	Complaint Originating From	Real-time Complaint?	Wind From What Direction & Speed	Site downwind From landfill?	Call of Site Visit Made By	Potential Source of Odor	Landfill Odor Confirmed?	Caller/Responder Comments
Real-time Complaints for the Month:										
01/08/10	1:33 AM	Odor	30 Wilbur Dr	Yes	Zero Wind	NA	Tom Gilbert	Landfill Gas	Yes	LFG well drilling is probable cause
Non-Real-time Complaints for the Month:										
None										
Mobile Complaints for the Month:										
None										

Month Total Complaints: 1

Number of Complaints Confirmed to be Landfill: 1

Number of Complaints Not Confirmed as Originating from landfill or Possibly from Other Sources: 0

Note:

A "Real-time Complaint" is a complaint called in within the first 30 minutes of detecting the odor to allow for proper response.

A "Non-Real-time Complaint" is a complaint called in after 30 minutes or more have passed since first detecting the presence of odor and does not allow for proper response time (the odor may no longer be present).

A "Mobile Complaint" is a complaint called in as detecting odor on a roadway and not at a particular residence.

FINANCE COMMITTEE MEETING MINUTES

January 19, 2010

Attending:

Mayor Matthew Arnett	Town Manager Susan Lessard
Councilor Andre Cushing	Librarian Debbie Lozito
Councilor Tom Brann	
Councilor Shannon Cox	
Councilor Janet Hughes	
Councilor William Shakespeare	
Councilor Shannon Cox	

1. Treasurer's warrants were reviewed and signed.
 2. Financial statements were presented by the Town Manager. Motion by Jean Lawlis, seconded by William Shakespeare to approve as presented. Vote 7-0.
 3. Old Business
 - a. Reappointments

Motion by Andre Cushing, seconded by Shannon Cox to recommend that the Council reappoint William Devoe and Russell Lumley to the Board of Appeals. Vote 7 – 0.

INFRASTRUCTURE COMMITTEE REAPPOINTMENT

Motion by Tom Brann, seconded by Jean Lawlis to recommend to the Council that Gerry Ouellette be reappointed to the Personnel Appeals Board. Vote 7- 0.
 - b. Fee Increase – Library

Librarian Debbie Lozito answered Committee questions related to library usage and costs, non-resident participation, and the structure of the deed to the library from the Edythe Dyer Estate. Motion by Janet Hughes, seconded by Jean Lawlis to recommend to the Council that they approve the fee increases as presented. Vote 6 – 1 (Brann)
 4. New Business
 - a. 2008 Ambulance Fees Abatements

The Town Manager presented information on the 2008 ambulance bills that remained uncollected. The three categories were those who were self-pay, those whose insurance did not cover ambulance expense, and those with small balances after insurance had been applied. Motion by Tom Brann, seconded by Andre Cushing to abate the 2008 unpaid bills as presented. Vote 7 – 0.
 5. Public Comments – None
 6. Committee Member Comments – None
- The meeting was adjourned at 6:50 p.m.

Respectfully submitted,



Susan Lessard
Town Manager

INFRASTRUCTURE COMMITTEE MEETING MINUTES
February 22, 2010

Attending:

Chairman William Shakespeare	Public Works Director Chip Swan
Mayor Matthew Arnett	Town Manager Susan Lessard
Councilor Jean Lawlis	Jim Wilson, Woodard & Curran
Councilor Janet Hughes	Kyle Corbeil, Woodard & Curran
Councilor Andre Cushing	
Councilor Tom Brann	

The meeting was opened at 6 p.m. by Chairman Shakespeare.

1. Mayo Road – The Public Works Director gave a brief history of the development of Mayo Road and its traffic. After review of proposals presented by Norm Prouty by the Town's consulting engineers, the Director's recommendation remains that the road be constructed with 4 foot shoulders to accommodate the ability of people to pull over and then back into their driveways if necessary, and lining the lanes at a 10 foot width as a calming measure. The proposal for islands is not a good application for a high-volume road such as Mayo. The Town is working within the existing right of way on this project in order to lessen impact on Mayo Road Property owners, and still provide a much safer environment for both pedestrian and vehicular traffic. The Committee discussed the proposals with the consulting engineers from Woodard and Curran. Motion by Jean Lawlis, seconded by Janet Hughes to recommend to the Council that it proceed to bid the Mayo Road Project as presented, to include 4' paved shoulders and 10' lane markings as traffic calming and safety enhancements, and also to have the Mayor and Manager send a letter to Mayo Road residents explaining the decision. Vote 6-0
 - 1a. Sewer Line Extension – The Committee discussed whether or not the Town should explore extending the sewer line the rest of the way across Mayo Road during the reconstruction project. The cost is estimated at +/- \$500,000 and the line would not be usable unless or until another line was run across 4 Mile Square. The Manager indicated that this might be considered as a bid 'add-on' in case bids were less than the authorized borrowing amount, but it was pointed out that engineering would need to be done in advance if that was going to happen. Sewer funds are very limited at this time. It was the consensus of the Committee not to go forward with further exploration of this idea at this time, but to keep it on the list of future goals and objectives.
2. Grant for Municipal Building Boiler Replacement
Motion by Tom Brann, seconded by Janet Hughes to recommend to the Council that the Municipal Building Boiler Replacement Project be put out for bid. Vote 6-0.
3. The Public Works Director explained that the manhole adjacent to the CSO tanks had a broken line and needed replacement. This has been a problem in the past and requires a more complicated replacement than has been done before. The

Town has the ability to use existing State Revolving Loan Fund monies that remain from the Route 1A Sewer Project to do the work with the same contractor, Sargent, that did the 1A project. This is a critical repair in order to prevent overflow from the CSO tanks. Motion by Jean Lawlis, seconded by Janet Hughes to recommend that the Council authorize the Public Works Director and the Town Manager to use existing SRF funds to repair the CSO manhole problem with plans for that repair to be reviewed by the Town's engineering consultant prior to construction. Vote 5-0.

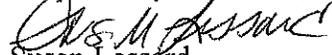
4. Pool Roof. The Committee discussed the problems identified by the Pool Director with the pitched roof portion of the pool roof. Previous problems with moisture in the attic space were due to an inoperative fan and also to the amount of moist heat generated by the facility. It was the consensus of the Committee to direct the Public Works Director to meet with the Town's engineering consultant and bring back a recommended course of action in regard to the roof repair or replacement.

Other. Meeting with Hermon. The Hermon Town Council wishes to meet with representatives from Hampden Town Council to discuss the retirement of their fire chief and possible collaborative opportunities that exist as a result. William Shakespeare, Tom Brann, and Andre Cushing volunteered to meet with them at 5 p.m. on Monday, March 1st.

5. Public Comments – None
6. Committee Member Comments – Matthew Arnett will be attending a meeting on Monday, March 1st in regard to the idea of utilizing 'green energy' from the landfill gas-to-energy plant as an alternative to the standard electric offer.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,



Susan Lessard

Town Manager

February 17, 2010

Clifton Eliason
Bureau of Hazardous Materials and Solid Waste
Department of Environmental Protection
State House Station 17
Augusta, Maine 04333

Re: Pine Tree Landfill
Updated Opinion of Escrow Post-Closure Costs

Dear Mr. Eliason:

Enclosed is the 2010 Pine Tree Landfill Secure III Annual Calculation of Fund Contribution as required by Article 5(d) of the 1999 DEP Trust. The post-closure costs have been recalculated (rather than adjusted for inflation) as the basis for the Annual Fund Contribution.

If you have any questions concerning this report, please feel free to contact me at 862-4200, extension 245.

Sincerely,



Tom Gilbert
Environmental Compliance Manager
Pine Tree Landfill

cc: Jane E. Labouliere, Citizens Bank
Susan Lessard, Town of Hampden
Cyndi Darling, DEP
Toni King, Casella
Don Meagher, Casella
Wayne Boyd, PTL

Trust Report Recipients

Jane E. Labouliere
JPMorgan Bank
Institutional Trust Services
4 New York Plaza, Floor 15
New York, NY 10004

Susan Lessard, Town Manager
Town of Hampden
Municipal Building
106 Western Avenue
Hampden, Maine 04444

Cynthia W. Darling
Department of Environmental Protection
Bangor Office Center
106 Hogan Road
Bangor, Maine 04401

Toni King
Casella Waste Systems
110 Main Street
Suite 1308
Saco, ME 04072

Janet Shatney
Casella Waste Systems
408 East Montpelier Road
Montpelier, VT 05602



Sevee & Maher Engineers, Inc.

ENVIRONMENTAL • CIVIL • GEOTECHNICAL • WATER • COMPLIANCE

February 11, 2010

91002.06
20100204 tg.doc

Tom Gilbert, Environmental Compliance Manager
Pine Tree Landfill
Casella Waste Systems
358 Emerson Mill Road
Hampden, ME 04444

Subject: Update of Opinion of Escrow Post-Closure Costs
For Calendar Year 2010
Pine Tree Landfill, Hampden, Maine

Dear Tom:

As requested, Sevee & Maher Engineers, Inc. (SME) has updated our opinion of escrow post-closure costs for the Pine Tree Landfill (PTL) in Hampden, Maine for the calendar year 2010. Historically, our opinion of escrow costs have included both closure costs to place a final cover over areas of PTL which have been constructed but have not received final cover as of the end of the calendar year, and 30 year post closure monitoring and maintenance costs. This year's escrow costs only includes post closure costs since the last phased of final cover construction (i.e., Phase VIII-C Stages 1 and 2) will be completed in 2010.

Our opinion of escrow post-closure monitoring and maintenance costs for the 30 year post closure period \$8,476,346 as summarized in Table 1. These costs include leachate collection transport and disposal, post closure water quality and methane gas monitoring, landfill inspections, active gas system operation and maintenance, general site maintenance, and professional services. The overall post-closure costs assume a 30-year post-closure period based on 2010 dollars. Assumptions used to develop costs for each item on Table 1 are summarized on the table.

If you have any questions on our opinion of costs presented in this letter, please feel free to contact us.

Very truly yours,

SEVEE & MAHER ENGINEERS, INC.

Michael S. Booth, P.E.
Project Engineer
(cont'd)

Attachments

Table 1 Opinion of Post-Closure Monitoring and Maintenance Costs for
Site-Wide Closure for Calendar Year 2009

cc: Wayne Boyd, PTL
 Toni King, Casella

TABLE 1
OPINION OF POST-CLOSURE MONITORING AND MAINTENANCE COSTS for
SITE WIDE CLOSURE

ITEM	OPINION OF YEARLY COSTS	TOTAL COST FOR 30 YEAR PERIOD	ASSUMPTIONS
Leachate Collection, Transport and Disposal			Cost to treat leachate \$0.0089 per gallon
A. Secure I	\$931	\$27,923	109,500 gallons per year (gpy) based on 2009 data
B. Secure II	\$13,813	\$414,375	1,625,000 gpy based on 2009 data reduced 50% for corrective actions to occur in 2010
C. Secure III Phase I-V	\$1,970	\$59,103	231,775 gpy, assumes 1.22 inches of leachate collected per year
D. Secure III Expansion Phases VI, VII, VIII-A	\$11,720	\$351,596	1,378,807gpy, assumes 1.22 inches of leachate collected per year
E. Perimeter Drain	\$29,908	\$897,243	3,518,600 gpy based on 2009 data
F. Extraction Wells	\$36,210	\$1,086,300	4,260,360 gpy assumes 1.5 GPM from 6 extraction wells operating 90% of time
G. Electrical to run 8 pump stations	\$1,280	\$38,395	Assumes 15 Hp pumps rated at 220 gpm running 843 hours per year
H. Annual Leachate Testing	\$2,500	\$75,000	
Total Leachate Collection, Transport & Treatment Costs		\$2,949,935	
Post Closure Water Quality & Methane Gas Monitoring			
Samples for 3 Rounds/Year & Methane Measurements from Wells 2 Times per Year Collect one additional sample per year from five onsite pump stations	\$35,000	\$175,000	Assumes 2 rounds detect, monitor para, 1 round extended list for year 1-5
A.2 Collect Samples From 16 Wells & 4 Surface Waters and 2 Leachate Samples for 2 Rounds/Year & Methane Measurements From Wells 1 Times per Year	\$18,000	\$90,000	Assumes 2 rounds, one detect, monitor para, & one round extended list for years 6-10
A.3 Collect Samples From 16 Wells & 4 Surface Waters and 2 Leachate samples for 1 Round/Year & Methane Measurements From Wells 1 Time per Year	\$9,000	\$180,000	Assumes one round extended list for years 11-30
B.1 Analyses of 30 samples 3 Times per Year, & Five leachate samples once per year	\$29,250	\$146,250	Assumes 20 wells, 4 surface, 2 leachate samples & 4 QA/QC & 5 leachate samples once per year
B.2 Analyses of 25 Sample 2 Times per Year	\$13,100	\$65,500	Assumes 16 wells, 4 surface, 2 leachate samples & 3 QA/QC
B.3 Analyses of 25 Sample 1 Times per Year	\$9,000	\$180,000	Assumes 16 wells, 4 surface, 2 leachate samples & 3 QA/QC
B.4 Analyses Samples from Residential Wells	\$4,704	\$141,120	Assumes 4 locations sample 3 time per year
C Compile Data and Submit to MDEP	\$4,000	\$120,000	Assumes Report prepared and submitted to MDEP after each sample round
E. Perimeter Gas Probe Monitoring	\$3,600	\$108,000	Assume measurement of gas probes 3 time per year
Subtotal Yearly Cost Years 1-5	\$76,554	\$382,770	
Subtotal Yearly Cost Years 6-10	\$43,404	\$217,020	
Subtotal Yearly Cost Years 11-30	\$30,304	\$606,080	
Subtotal Total		\$1,205,870	
Landfill Inspection			
A. Monthly Site Walk Over & Report Generation	\$12,600	\$378,000	Assumes 14 hr per month @ \$75/hr
Active Landfill Gas Extraction System			
A. Equipment Replacement	\$10,000	\$300,000	General equipment replacement including well heads, condensate pumps etc.
B. Flare Maintenance	\$6,000	\$180,000	Replacement of flare parts such as flame arrester etc.
C. Electrical and Blower Maintenance	\$10,000	\$300,000	Routinng inspection and maintenance on blower system
D. System Operations and Inspection	\$5,000	\$150,000	General system operations & maintenance
E. Well Tuning	\$10,000	\$300,000	Well tuning one per month
F. Compliance Monitoring	\$5,000	\$150,000	Collection of air monitoring samples
G. Methane scan	\$1,900	\$57,000	Assumes methane scan 2 times per year first two years annually after @ \$1800 per scan
H. Electrical	\$17,668	\$530,041	Electrical costs to run blower for average flow of 750 scfm.
I. H2S monitoring media	\$3,250	\$97,500	Media of onsite methane monitors
Total		\$2,064,541	
Landfill Maintenance			
A. Cover Maintenance Include Annual Mowing & Erosion Repair	\$12,000	\$360,000	Assumes man & equip 6 days/ year
B.1 Pump Stations Inspections	\$10,400	\$312,000	Assumes 4 hr week @ \$50 per hour
B.2 Pump Replacement	\$16,000	\$480,000	Assumes replace pumps in leach & leak systems every 5 years
C. General Site Maintenance	\$5,000	\$150,000	Assumes snow plowing 20 storm per year @250 per storm
D. Leachate Line Cleaning	\$12,500	\$375,000	Assumes twice per years 1-5, then one per year 6-10 then every other years 11-30@ \$15,000 per cleaning
Subtotal	\$55,900	\$1,677,000	
Professional Services			
A. Engineering Services	\$4,000	\$120,000	General Services
B. Settlement and Stability Monitoring	\$2,700	\$81,000	Prepare yearly report
Subtotal	\$6,700	\$201,000	
TOTAL		\$8,476,346	

A-4-e

Public Meeting
Mayo Road Project
January 27, 2010
6 p.m. – 8 p.m.
Community Room at Public Safety

Attendance: Kyle Corbeil / Jim Wilson – Woodard & Curran, Chip Swan – Public Works Director

Approx. 35 residents in attendance, Greg Nash, Cam Torrey, Councilor Brann, Councilor Hughes, Councilor Shakespeare, recording secretary Rosemary Bezanson.

Kyle Corbeil, Engineer and Jim Wilson, Senior Engineer at Woodard & Curran spoke about the project:

Mayo Road will be widened to 28 feet with a five foot side walk on the inside of Mayo Road or the east side. There will be no open ditches; A turn lane for traffic turning left onto Western Ave. from Mayo Road will also be included in the re-construction. All within the current right of way except grading easements.

Mayo Road will be widened 6 to 8 feet wider than it is presently, with a 5 foot sidewalk, and 3 to 4 foot shoulders, and a 10 to 11 foot travel lanes.

Citizen's comments and questions:

The safety of pedestrians and the speed of the traffic. The enforcement of speed and traffic is needed on Mayo Road. With the new re-construction of the Road, truck traffic and speed of general traffic will make it like a freeway. What can we do to enforce the speed limit?

Will the residents of Mayo Road have input into the re-construction of Mayo Road. Yes they will, that is why we are here tonight.

Had Dead Ending Mayo Road been discussed? Yes, but the Council did not consider it an option.

Walking around the 4-mile square and the safety of the walkers/runners is a big concern.

A few of the residents felt that there was no opportunity for input from the public.

Land usage will be balanced, it will not be from all on one side or the other.

The bond issue to do the re-construction was voted on by Hampden residents.

Are the mail boxes being moved? Ideally the mail boxes may be moved to the opposite side from the sidewalk that would be the west side of the road. But we are still in talks with the post office about the move. They may have to stay were they are.

The sidewalks will be cleared of snow the same as other sidewalks in town.

Closed drainage is proposed. The culverts by Western Ave. will remain open.

At this time there will be no modifications to the sewer to allow more flow.

Time line would be bids in the spring then start May/June, the project would go thru the summer and wrapped up in August/September.

The hardship will be the traffic on Mayo Road which is there now, just making the conditions safer.

At no point will access to homes be cut off.

There will be no thru trucks. This is a residential neighborhood and our hope is to keep speed down on the Mayo Road.

Trees and shrubs that need to be removed will be replaced by the town with the Town's Tree Board involvement.

Are the sidewalks going to be moved on Kennebec and Western Ave. to the inside? No, there will be crosswalks for people using the sidewalks.

Site distance problems will be made better or improved as the re-construction project goes down Mayo Road.

Trees that have the drip line and root disturbed or that is impacted by the re-construction will be taken care of by the town and replaced if need be.

There was some question on why this was put on the ballot and why no public hearings on the issue. There was a public hearing before it was put on the ballot.

It was suggested that no notice was given. Yes there was public notice given.

There was some discussion as to other alternatives for a cross road other than Mayo Road. Did the Town explore other avenues such as the extension of 202?

The town did contact the DOT several times in the possibility of extending 202. That avenue is not an option now because of the new high school's location.

How much will the traffic increase once the project is completed? It has been suggested that traffic increase will be 40 % approximately. Not sure if this increase is due to the school or the road or both.

Citizens were invited to view the maps on display and ask further questions, specific to their property or make an appointment to have the Public Works Director and Woodard and Curran Engineers meet with them on site.

LUKA HOIT POOL

Board Meeting Minutes ~ 1/12/10

Cedena McAvoy brought the meeting to order at 7:00 pm.

Those present: Cedena McAvoy, Karen Brooks, Mary Ellen Conner, Jim Feverston, Norm Stern, David Hawkins, Greg Hawkins, John Weinmann, Darcey Peakall, and Julie Macleod. Not present: Pat Foley. Others Present: Council Member Jean Lawlis

Norm introduced Lynn Calista as the guest speaker for the evening. She is an auctioneer from Searsport who gave a talk about fundraising ideas that the pool could explore. She recommended a dinner auction that the pool could host in the fall. Some key points she discussed were:

- Place to host the event, event planning time table, time of year to host event
- Number of people to run an event
- Brochures, ticket information, thank you notes
- Donations for dinner, silent auction, main auction
- She wouldn't charge to be the auctioneer

The board will continue to discuss options at the next board meeting.

The secretary's minutes were accepted as presented.

The Director's Report:

~ The number of participants in December was up 509 people and daily receipts were up \$648 compared to last year. The total daily receipts were up \$9,324 for the year.

~ The pool rental income was down \$219 compared to last year. There were a few rentals spots that the pool was closed for due to the holidays. The total rental income was down \$159 for the year.

~ The monthly fuel usage went down by 487.7 gallons.

Darcey reviewed the pool history report that was included in the board's packet. In one year the new boilers have paid for itself in savings. Jean said that the council would be pleased to see that in every category the pool has made a considerable increase in revenue and that the projected expense budget has gone down. It was discussed that the air handling system will need to be replaced within the next two years. Darcey has a monthly preventative maintenance plan with Mechanical Services. Jean recommended getting the state to do an energy savings audit to be able to apply for grant money.

The treasurer's report was accepted as presented. The money has been transferred from Mean's Investment to Maine Savings Bank in a new liquid account. The board has no investment policies in place. John volunteered to write a rough draft to be discussed at the next board meeting.

A motion was made to pay \$350.00 for the seven swimmers who applied for the Susan G. Abraham Scholarship for Session II. The motion was passed 8-0. Jim will get a check to Darcey.

Cedena will be the chairperson for the pool board until the annual May meeting. The board agreed that a co-chair position would not be filled until then. A nominating committee will be elected at the March meeting.

Meeting adjourned at 8:23pm.

Respectfully Submitted,



Julie A. Macleod

A-4-g

MEMO

TO: Hampden Town Councilors
FR: Kathy Walker and Norm Prouty
DA: February 8, 2010
RE: Hampden Academy (HA) Building Committee

Some dates for the Phase Two bidding process have been changed since our memo to the Council dated January 22, 2010. The new dates, two weeks later than originally posted, are as follows:

- Mandatory Prebid meeting will be held on Thursday, February 18, at 2 PM at the project site.
- Sub-bids must be received in the Maine Construction Bid Depository on or before 3 PM on Thursday, March 4.
- The bid opening will be held on Thursday, March 11, 2010, at the Weatherbee School library at 2 PM.

The next Building Committee meeting is still scheduled on March 4, 2010, 6PM, at the HA Library. Either one of us is willing to hear comments or answer questions, or to attend a Council meeting and provide a verbal update upon request. We appreciate the opportunity to be involved in this project.



C-1-a

TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Shoreland Zoning Ordinance
DATE: January 26, 2010

Update. Please be advised that at the January 25, 2010 the Town Council Planning and Development Committee meeting the committee voted 3 in favor 1 against and 2 abstentions to recommend the Draft Shoreland Zoning Ordinance and Map be set for Public Hearing. The Committee discussed the limitations of tax maps for purposes other than assessing. The Committee determined that the property lines should be removed from the map to remove the error that they introduce to the Shoreland Zoning Map. Attorney Russell had determined the property lines are not required in the DEP Rule Chapter 1000 and that removal of the property lines does not require the item return through the Planning Board hearing process. The Committee did not vote any changes to the text of the Shoreland Zoning Ordinance.

This is the draft Shoreland Zoning Ordinance and Map that the Planning Board is returning to the Town Council with a unanimous "ought to pass" recommendation at their November 18, 2009 meeting. This document is the culmination of an extensive effort of the Planning and Development Committee, Planning Board, citizens and staff. It has been reviewed by Tom Russell and his recommendations have been incorporated into the document that the Planning Board has returned to the Council. This draft ordinance indicates each proposed addition or deletion change from the referral document that the Council referred the Planning Board for the September 23, 2009 hearing.

Background. The Hampden Town Council voted to refer this item to the Planning Board for Public Hearing. Subsequently, the Planning Board voted on August 12, 2009 to set the public hearing for this draft ordinance and map. At 7:00 pm, September 23, 2009 in Community Room the Planning Board held the public hearing on this item. Following the public hearing the Planning Board referred this item to the Planning Board Ordinance Committee for review of the ordinance and the public record and to make recommendations. Please find attached a draft of the Shoreland Zoning Ordinance. This document incorporates the written recommendations from Tom Russell into the ordinance and the recommendations of the Ordinance Committee. The Planning Board Ordinance Committee meetings were held October 7, 14 and 28, 2009 in the Council Chambers.

As you are aware these regulations are mandated by statute, and the Town must adopt them in the form of a local ordinance. The Maine Department of Environmental Protection drafted the "Model Ordinance" Chapter 1000 on which this draft is based.

This draft ordinance is a freestanding ordinance. The shoreland provisions currently found in the Zoning Ordinance would be removed and these regulations would apply.

The primary departure from the model ordinance is the addition of a local stream protection district. The statute requires protection of streams which are below the confluence of two USGS mapped streams.

2/1/2010 - Introduced for public hearing on 3/1/2010

The Council Ordinance Committee, Conservation Commission, Comprehensive Plan Committee and previous Planning Boards and Town Councils have agreed that protection of non-jurisdictional streams such as Reeds Brook is important to the community. This ordinance would expand the list to also include Baker Brook and two unnamed tributaries, Cold Brook, Reeds Brook, Shaw Brook, Sucker Brook and Weber Brook.

List of Changes From the Referral Document and Map. The following is a list of proposed changes to the Draft Shoreland Zoning Ordinance and Map recommended by the Planning Board Ordinance Committee at its October 28, 2009 meeting to the referral documents received in July, 2009.

The following changes to the Draft Shoreland Zoning Map were recommendations by citizens to the Board and or Staff and found to have merit:

Dick Rushmore pointed out that his residence on Mead Road (off Sawyer Road) is on a town way and should be *zoned LR rather than Resource Protection*.

Larry Cliff pointed out that his land on Bog Road is not on a river but a stream and should have *SP rather than RP*.

Alex King pointed out that his land on Ichabod Lane did not properly map wetlands and provided new location provided by Moyses Environmental and *map was adjusted*.

Ray Buchanon requested that his property on Emerson Mill Road at the Souadscook Stream not be RP and staff determined that his property should be a *split zone RP/GD consistent with the other side of the street*.

Don Peletier requested that the *Baker Brook Tributary 2 be shortened* because it did not extend as far as indicated on the original map.

Mr. Frey requested that the town review if the Souadabscook is actually a river. We determined that a *portion of the West Branch Souadabscook Stream is actually a stream* because it did not drain 25 sq. mi.

Mr. Lipincott requested that the town review his residence on Wilbur Drive to see if RP could be changed. *Staff recommended 100 foot rule around all existing residences for LR*.

The following changes were recommended by staff and found to have merit:

The Deighan camps on Hammond Pond changed *LR rather than RP*.

Souadabscook Stream just south of Route 202 changed *LR rather than RP*.

Other Souadabscook Stream areas changed to be consistent with 300 ft. rule from streets thus changing RP to LR.

An extensive list of notes were added to the map changed to identify significant wildlife habitats, great ponds, rivers, streams, local streams, wetlands, etc.

A note was added changed to make all shorelines subject to ground verification.

A note must be added to describe rivers flowing to great ponds to describe West Branch Souadabscook Steam as *Brown Brook to Hammond Pond* rather than Newburgh Line to Hammond Pond.

A note must be added: Residential dwelling units and the land area within 100 feet of such residential dwelling units subject to shoreland zone regulations at the time of adoption of this ordinance shall be

included in Limited Residential District. Such Limited Residential Districts shall be limited to the subject property only and not extend to neighboring properties.

Add initials of zoning districts in keeping with the ordinance (SP, RP, etc.).

The following is a list of proposed changes to referral Shoreland Zoning Ordinance draft.

4C Repeal of Prior Shoreland Zoning Ordinance - Repeal of Zoning Ordinance shoreland provisions.

9A 6,7 and 8 Official Shoreland Zoning Map - Delete unused shoreland districts.

11 (after) - Delete note to be used elsewhere.

12C2 - Non-conforming Structures Relocation – Substitute Code Enforcement Off. for Planning Board.

12C3 - Non-conforming Structures Relocation – Substitute Code Enforcement Off. for Planning Board.

12D3 – Non-Conforming Uses – Delete unused shoreland districts.

13A1 – RP District Waterbodies and Wetlands – Delete and add wetlands.

13B - Limited Residential District – Add existing residences to be included in LR designation.

13C - Limited Commercial District (deleted) – Add defunct zone name to 13C.

13E - General Development District (deleted) - Add defunct zone name to 13 E.

13F - Commercial Fisheries/Maritime Activities (deleted) – Add defunct zone name to 13F.

13G - Stream Protection District – Add list of streams.

13H - Local Stream Protection District – Delete incorrect stream names.

14 Table of Land Uses – Delete unused districts.

- Add notes now appearing after Table 1

Table 1 – Add LSP Column.

- Delete Limited Commercial Column
- Require Code Enforcement Officer for 3, 4 and 5 in SP, LSP and RP
- Delete footnotes 5 and 11
- Add footnotes 13 and 14
- Delete notes after Table 1.

15A Minimum Lot Standards (1)(b)(i) & (ii) – Delete references to CFMA district.

15B(1) Shoreline Setback – Delete reference to GD1 and CFMA districts.

15B(1) Shoreline Setback – Add note referencing 15B(1)(c).

15B(1) Shoreline Setback - Add note from elsewhere to here.

15B(1)(c) Shoreline Setback – Add reference to GIS data layer and “Town of Hampden” Board of Appeals.

15B(2) Height - Delete reference to Limited Commercial (LC)

15B(3) Floodplain – Delete single flood standard and reference Floodplain Management Ordinance.

15B(4) Lot Coverage – Delete reference to CFMA.

15G(1) Parking Areas – Delete reference to CFMA and GD.

15M Mineral Exploration... – Add note after to reference Article 4.23 Zoning Ordinance rules.

15M(2) – Delete “classified GPA” references and property line setback regulation and add sentence referencing Zoning Ordinance Article 4.23 property line setback standards.

15O Timber Harvesting – Add licensed forester language.

15P Clearing and Removal... - Add licensed forester language.

15P(5) Add language relaxing requirement for licensed forester for construction of new single-family residence under certain conditions.

16C Shoreland Permit... - Add language to allow application for shoreland permit through building permit.

17 Definitions.

Family – Replace original definition with zoning ordinance definition.

Forest Management Plan – Add licensed forester to language.

Local Stream – Add streams to list and delete Brown Brook.

River – Add list of rivers.

Significant River Segment – Add new language per Tom Russell regarding date of adoption.

Stream – Add list of streams.

Tributary Stream – Delete list of streams.

Town of Hampden, Maine

**Draft Shoreland Zoning Ordinance
TABLE OF CONTENTS**

NOTE: This document is based on Chapter 1000 Guidelines for Municipal Shoreland Zoning Ordinances.

	Page
1. Purposes.....	1
2. Authority.....	1
3. Applicability.....	1
4. Effective Date.....	1
A. Effective Date of Ordinance and Ordinance Amendments	1
B. Sections 15(O) and 15(O-1).....	1
C. Repeal of Prior Shoreland Zoning Provisions	1
5. Availability	2
6. Severability.....	2
7. Conflicts with Other Ordinances	2
8. Amendments	2
9. Shoreland Districts and Shoreland Zoning Map	2
A. Official Shoreland Zoning Map	2
B. Scale of Map	2
C. Certification of Official Shoreland Zoning Map	2
D. Changes to the Official Shoreland Zoning Map	2
10. Interpretation of District Boundaries.....	3
11. Land Use Requirements.....	3
12. Non-conformance	3
A. Purpose.....	3
B. General.....	3
C. Non-conforming Structures.....	3
D. Non-conforming Uses	6
E. Non-conforming Lots.....	6
13. Establishment of Districts.....	7
A. Resource Protection District	7
B. Limited Residential District.....	8
D. General Development District	8
G. Stream Protection District.....	8
H. Local Stream Protection District.....	8
14. Table of Land Uses.....	9
15. Land Use Standards	11
A. Minimum Lot Standards	11
B. Principal and Accessory Structures	12
C. Deleted	14
D. Campgrounds	14
E. Individual Private Campsites	15
F. Commercial and Industrial Uses	15
G. Parking Areas.....	16
H. Roads and Driveways	16
I. Signs.....	18

J. Storm Water Runoff	18
K. Subsurface Wastewater Disposal Systems.....	18
L. Essential Services	19
M. Mineral Exploration and Extraction	19
N. Agriculture	20
O. Timber Harvesting	21
O-1 Timber Harvesting – Statewide Standards.....	22
P. Clearing or Removal of Vegetation for Activities Other than Timber Harvesting	30
Q. Erosion and Sedimentation Control	32
R. Soils.....	33
S. Water Quality	33
T. Archaeological Site	34
16. Administration	34
A. Administering Bodies and Agents	34
B. Shoreland Permits Required.....	34
C. Shoreland Permit Application.....	34
D. Procedure for Administering Shoreland Permits	35
E. Special Exceptions	36
F. Expiration of Shoreland Permit.....	37
G. Installation of Public Utility Service	37
H. Appeals.....	37
I. Enforcement	40
17. Definitions	41

**Town of Hampden, Maine
Draft Shoreland Zoning Ordinance**

NOTE: Words appearing in *italics* are defined terms that appear in Article 17 Definitions.

1. **Purposes.** The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect *commercial* fishing and maritime industries; to protect freshwater and *coastal wetlands*; to control building sites, placement of *structures* and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of *development* in shoreland areas.
2. **Authority.** This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).
3. **Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the *normal high-water line* of any *great pond* or *river*, the upland edge of a *coastal wetland*, including all areas affected by tidal action, the upland edge of a *freshwater wetland*, all land areas within 75 feet, horizontal distance, of the *normal high-water line* of a *stream* and all land areas within 75 feet, horizontal distance, of the *normal high-water line* of certain *local streams*.

NOTE: The Town of Hampden, Maine has opted to not govern docks, wharfs, piers or other extending or located below the shoreline. Such structures are subject to other regulatory bodies.

4. Effective Date

A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the Town of Hampden on _____ Date _____, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Town Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

Any application for a *shoreland permit* submitted to the Town of Hampden within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

B. Sections 15(O) and 15(O-1). Section 15(O) is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time Section 15(O-1) shall become effective. Until such time as Section 15(O) is repealed, Section 15(O-1) is not in effect.

C. Repeal of Prior Shoreland Zoning Provisions. Upon the effective date of this Ordinance pursuant to Section 4(A) above, Section 4.14 of the "Zoning Ordinance of the Town of Hampden, Maine" shall stand repealed. Provided, however, that said provisions of the Zoning Ordinance shall remain in effect for the prosecution of any violations thereof in existence as of the effective date of this Ordinance."

5. **Availability.** A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.
6. **Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the Town of Hampden, the more restrictive provision shall control.
8. **Amendments.** This Ordinance may be amended by majority vote of the Town Council. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the Town of Hampden and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a *shoreland permit* submitted to the Town of Hampden within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

9. Shoreland Districts and Shoreland Zoning Map

A. Official Shoreland Zoning Map. The *shoreland zone* areas to which this Ordinance is applicable are hereby divided into the following shoreland districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

- (1) Resource Protection also identified by the initials RP
- (2) Limited Residential also identified by the initials LR
- (3) General Development also identified by the initials GD
- (4) *Stream* Protection also identified by the initials SP
- (5) *Local Stream* Protection also identified by the initials LSP
- (6) ~~Limited Commercial also identified by the initials LC~~
- (7) ~~General Development II also identified by the initials GDII~~
- (8) ~~Commercial Fisheries and Maritime Activities also identified by the initials CFMA~~

B. Scale of Map. The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2,000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map. The Official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the municipal office.

D. Changes to the Official Shoreland Zoning Map. If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days

after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

10. Interpretation of Shoreland District Boundaries. Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, edge of pavement of streets, *roads* and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of shoreland district boundary lines, the Board of Appeals shall be the final authority as to location.

11. Land Use Requirements. Except as hereinafter specified, no building, *structure* or land shall hereafter be used or occupied, and no building or *structure* or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

NOTE: ~~A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.~~

12. Non-conformance.

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that *non-conforming conditions* that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a *non-conforming condition* shall not be permitted to become more non-conforming.

B. General

- (1) Transfer of Ownership. *Non-conforming conditions* may be transferred, and the new owner may continue the *non-conforming use* or continue to use the *non-conforming structure* or *non-conforming lot*, subject to the provisions of this Ordinance.
- (2) Repair and Maintenance. This Ordinance allows, without a *shoreland permit*, the normal upkeep and maintenance of *non-conforming uses* and *structures* including repairs or renovations that do not involve *expansion* of the *non-conforming use* or *structure*, and such other changes in a *non-conforming use* or *structure* as federal, state, or local building and safety codes may require.

NOTE: See Section 17 for the definitions of non-conforming *structures*, *non-conforming uses* and *non-conforming lots*.

C. Non-conforming Structures

- (1) Expansions. A *non-conforming structure* may be added to or expanded after obtaining a *shoreland permit* from the same permitting authority as that for a new *structure*, if such addition or *expansion* does not create an *increase in non-conformity of the structure* and is in accordance with subparagraphs (a) and (b) below.

- (a) After January 1, 1989 if any portion of a *structure* is less than the required *shoreline setback* from the *shoreline*, that portion of the *structure* shall not be expanded, as measured in *floor area* or *volume of a structure*, by 30% or more, during the lifetime of the *structure*. If a replacement *structure* conforms with the requirements of Section 12(C)(3), and is less than the required *setback* from the *shoreline*, the replacement *structure* may not be expanded if the original *structure* existing on January 1, 1989 had been expanded by 30% in *floor area* and *volume of a structure* since that date.
- (b) Whenever a new, enlarged, or replacement *foundation* is constructed under a *non-conforming structure*, the *structure* and new *foundation* must be placed such that the *shoreline setback* requirement is met to the greatest practical extent as determined by the Code Enforcement Officer, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed *foundation* does not extend beyond the exterior dimensions of the *structure*, except for *expansion* in conformity with Section 12(C)(1)(a) above, and the *foundation* does not cause the *structure* to be elevated by more than three (3) additional feet, as measured from the uphill side of the *structure* (from original ground level to the bottom of the first floor sill), it shall not be considered to be an *expansion* of the *structure*.
- (2) Relocation. A *non-conforming structure* may be relocated within the boundaries of the parcel on which the *structure* is located provided that the site of relocation conforms to all *setback* requirements to the greatest practical extent as determined by the Code Enforcement Officer ~~Planning Board or its designee~~, and provided that the applicant demonstrates that the present *subsurface wastewater disposal system* meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a *replacement system* can be installed in compliance with the law and said Rules. In no case shall a *structure* be relocated in a manner that causes the *structure* to be more non-conforming.

In determining whether the building relocation meets the *shoreline setback* to the greatest practical extent, the Code Enforcement Officer ~~Planning Board or its designee~~ shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other *structures* on the property and on adjacent properties, the location of the *subsurface wastewater disposal system* and other on-site soils suitable for *subsurface wastewater disposal systems*, and the type and amount of *vegetation* to be removed to accomplish the relocation. When it is necessary to remove *vegetation* within the *shoreline setback* area in order to relocate a *structure*, the Code Enforcement Officer ~~Planning Board~~ shall require replanting of *native vegetation* to compensate for the destroyed *vegetation*. In addition, the area from which the relocated *structure* was removed must be replanted with *vegetation*. Replanting shall be required as follows:

- (a) Trees removed in order to relocate a *structure* must be replanted with at least one *native tree*, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the *shoreline* than the trees that were removed.

Other woody and herbaceous *vegetation*, and *ground cover*, that are removed or destroyed in order to relocate a *structure* must be re-established. An area at least the same size as the area where *vegetation* and/or *ground cover* was disturbed, damaged, or

removed must be reestablished within the *shoreline setback* area. The *vegetation* and/or *ground cover* must consist of similar *native vegetation* and/or *ground cover* that was disturbed, destroyed or removed.

- (b) Where feasible, when a *structure* is relocated on a parcel the original location of the *structure* shall be replanted with *vegetation* which may consist of grasses, shrubs, trees, or a combination thereof.
- (3) Reconstruction or Replacement. Any *non-conforming structure* which is located less than the minimum required *shoreline setback* and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the *market value* of the *structure* before such damage, destruction or removal, may be reconstructed or replaced provided that a *shoreland permit* is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the *shoreline setback* requirement to the greatest practical extent as determined by the Code Enforcement Officer ~~Planning Board or its designee~~ in accordance with the purposes of this Ordinance. In no case shall a *structure* be reconstructed or replaced so as to create an *increase in non-conformity of a structure*. If the reconstructed or replacement *structure* is less than the minimum required *shoreline setback* it shall not be any larger than the original *structure*, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming *floor area* and volume of the reconstructed or replaced *structure* at its new location. If the total amount of *floor area* and volume of the original *structure* can be relocated or reconstructed beyond the minimum required *shoreline setback* area, no portion of the relocated or reconstructed *structure* shall be replaced or constructed at less than the minimum *shoreline setback* requirement for a new *structure*. When it is necessary to remove *vegetation* in order to replace or reconstruct a *structure*, *vegetation* shall be replanted in accordance with Section 12(C)(2) above.

Any *non-conforming structure* which is located less than the minimum required *shoreline setback* and which is removed by 50% or less of the *market value*, or damaged or destroyed by 50% or less of the *market value* of the *structure*, excluding normal maintenance and repair, may be reconstructed in place if a *shoreland permit* is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the *shoreline setback* to the greatest practical extent the Code Enforcement Officer ~~Planning Board or its designee~~ shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of *foundation* present, if any.

- (4) Change of Use of a Non-conforming Structure. The use of a *non-conforming structure* may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the *water body*, *tributary stream*, *local stream*, or *wetland*, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain

management, archaeological and historic resources, and *commercial* fishing and maritime activities, and other *functionally water-dependent uses*.

D. Non-conforming Uses

- (1) Expansions. *Expansions* of *non-conforming uses* are prohibited, except that non-conforming residential uses may, after obtaining a *shoreland permit* from the Planning Board, be expanded within existing residential *structures* or within *expansions* of such *structures* as allowed in Section 12(C)(1)(a) above.
- (2) Resumption Prohibited. A lot, building or *structure* in or on which a *non-conforming use* is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a *non-conforming use* except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential *structure* provided that the *structure* has been used or maintained for residential purposes during the preceding five (5) year period.
- (3) Change of Use. An existing *non-conforming use* may be changed to another *non-conforming use* provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, ~~including *functionally water-dependent uses* in the CFMA district,~~ than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

E. Non-conforming Lots

- (1) Non-conforming Lots: A *non-conforming lot* of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except *lot area*, *minimum lot width* and *shore frontage* can be met. Variances relating to *shoreline setback* or other requirements not involving *lot area*, *minimum lot width* or *shore frontage* shall be obtained by action of the Board of Appeals.
- (2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the *dimensional requirements* of this Ordinance, and if a *principal use* or *structure* exists on each lot, the *non-conforming lots* may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more *principal uses* or *structures* existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the *dimensional requirements* of this Ordinance.

- (3) Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the *dimensional requirements* of this

Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no *principal structure* the lots shall be combined to the extent necessary to meet the *dimensional requirements*.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on December 16, 1991 and recorded in the registry of deeds if the lot is served by a municipal sanitary sewer or can accommodate a *subsurface wastewater disposal system* in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- (a) Each lot contains at least 100 feet of *shore frontage* and at least 20,000 square feet of *lot area*; or
- (b) Any lots that do not meet the *shore frontage* and *lot area* requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of *shore frontage* and 20,000 square feet of *lot area*.

13. Establishment of Shoreland Districts

A. Resource Protection District. The Resource Protection District includes areas in which *development* would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the *Stream Protection District*, except that areas which are currently developed and areas which meet the criteria for the General Development District need not be included within the Resource Protection District.

- (1) Water bodies and Wetlands. Areas within 250 feet, horizontal distance, of the *shoreline* of *freshwater wetlands* and *wetlands* associated with *great ponds* and *rivers*, (depicted on the Town of Hampden Fresh-Water Wetlands Map prepared by the DEP and dated 1989) which have Wetland Identification Number: 3, 118, 121, 123, 136, 137, 138, 139, 147, 148, 149, 153 and 157 are rated as moderate or high value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph "*wetlands* associated with *great ponds* and *rivers*" shall mean areas characterized by non-forested wetland *vegetation* and hydric soils that are contiguous with a *great pond* or *river*, and have a surface elevation at or below the water level of the *great pond* or *river* during the period of normal high water. "*Wetlands* associated with *great ponds* or *rivers*" are considered to be part of that *great pond* or *river*.
- (2) Floodplains. Floodplains along *rivers* defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps *s*. This district shall also include 100 year floodplains adjacent to *tidal waters* as shown on FEMA's Flood Insurance Rate Maps.
- (3) Slopes. Areas of two or more contiguous acres with *sustained slopes* of 20% or greater.
- (4) Other Smaller Wetlands. Areas of two (2) or more contiguous acres supporting *wetland vegetation* and hydric soils, which are not part of a freshwater or *coastal wetland* as defined,

and which are not surficially connected to a *water body* during the period of normal high water.

NOTE: These areas usually consist of *forested wetlands* abutting *water bodies* and non-forested *wetlands*.

(5) Bluffs and River Bank Erosion. Land areas along *rivers* subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to *tidal waters* which are subject to severe erosion or mass movement, such as steep coastal bluffs.

B. Limited Residential District. The Limited Residential District includes those areas within 250 feet, horizontal distance, of the *shoreline* suitable for residential and recreational *development*. It includes areas other than those in the Resource Protection District, Stream Protection District or Local Stream Protection District and areas which are used less intensively than those in the General Development District. Residential dwelling units and the land area within 100 feet of such residential dwelling units subject to shoreland zone regulations at the time of adoption of this ordinance shall be included in Limited Residential District. Such Limited Residential Districts shall be limited to the subject property only and not extend to neighboring properties.

C. (Limited Commercial District). Deleted.

D. General Development District. The General Development District includes areas within the *shoreland zone* containing the following types of existing, intensively developed areas:

(1) Areas of two or more contiguous acres devoted to *commercial, industrial* or intensive recreational activities, or a mix of such activities, including but not limited to the following:

(a) Areas devoted to manufacturing, fabricating or other *industrial* activities;

(b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other *commercial* activities; and

(c) Areas devoted to intensive recreational *development* and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

(2) Areas otherwise discernible as having patterns of intensive *commercial, industrial* or recreational uses.

E. (General Development II District). Deleted.

F. (Commercial Fisheries/Maritime Activities District). Deleted.

G. Stream Protection District. The *Stream* Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the *shoreline* of a *stream* exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the *shoreline* of a *great pond*, or *river*, or freshwater or *coastal wetland*. The three following waterways are streams: the portion of the West Branch Souadabscook Stream southwest of its confluence with Brown Brook, Brown Brook and Burnt Swamp Stream. Where a *stream* and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or

wetlands, that land area shall be regulated under the terms of the shoreland district associated with that *water body* or *wetland*.

H. Local Stream Protection District. The Local Stream Protection District shall include all land areas within seventy-five (75) feet horizontal distance of the shoreline of the following *local waterways* including: Baker Brook (and two unnamed tributaries of Baker Brook), ~~Brown Brook~~, Cold Brook, Reeds Brook, Shaw Brook, Sucker Brook, and Weber Brook ~~and an unnamed brook in the southwest corner of Town.~~

14. Table of Land Uses. All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

- Yes - Allowed (no *shoreland permit* required but the use must comply with all applicable land use standards.)
- No - Prohibited
- PB - Allowed with *shoreland permit* issued by the Planning Board.
- CEO - Allowed with *shoreland permit* issued by the Code Enforcement Officer
- LPI - Allowed with *shoreland permit* issued by the Local Plumbing Inspector

Abbreviations:

- RP - Resource Protection
- LR - Limited Residential
- GD - General Development
- SP - Stream Protection
- LSP - Local Stream Protection
- LC - Limited Commercial
- ~~GDII - General Development II~~
- ~~CFMA - Commercial Fisheries and Maritime Activities~~

The following notes are applicable to the Land Uses Table on the following page:

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, *great pond, river, stream* or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, *vegetation* or other materials;

B. Draining or otherwise dewatering;

C. Filling, including adding sand or other material to a sand dune; or

D. Any construction or alteration of any permanent *structure*.

NOTE: A person performing any activities in a Shoreland Area shall also be subject to the Town of Hampden, Maine Zoning Ordinance which also governs land use activities. The most restrictive standards shall apply.

TABLE 1. LAND USES IN THE SHORELAND ZONE

<u>LAND USES</u>	<u>DISTRICT</u>				
	SP	LSP	RP	LR	GD
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	Yes CEO	Yes CEO	CEO	Yes ¹²	Yes ¹³
4. Timber harvesting	CEO	CEO	CEO	Yes ¹⁴	Yes ¹⁴
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO	CEO ¹	Yes ¹⁴	Yes ¹⁴
6. Fire prevention activities	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes
9. Mineral exploration	no	no	yes ²	yes ²	yes ²
10. Mineral extraction including sand and gravel extraction	no	no	PB ³	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes
13. Agriculture	yes	yes	PB	yes	yes
14. Aquaculture	PB	PB	PB	PB	yes
15. Principal structures and uses					
A. One and two family residential, including driveways	PB ⁴	PB ⁴	PB ⁹	CEO	CEO
B. Multi-unit residential	no	no	no	PB	PB
C. Commercial	no	no	no ¹⁰	no ¹⁰	PB
D. Industrial	no	no	no	no	PB
E. Governmental and institutional	no	no	no	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB ⁴	PB	CEO	CEO
16. Structures accessory to allowed uses	PB ⁴	PB ⁴	PB	CEO	yes
17. Deleted					
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
19. Home occupations	PB	PB	PB	PB	yes
20. Private subsurface wastewater disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB ⁶	PB ⁶	PB ⁶	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	CEO ⁶	yes ¹²	yes ¹²
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB ⁶	PB ⁶	PB ⁶	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB ⁶	PB ⁶	PB ⁶	PB	PB
D. Other essential services	PB ⁶	PB ⁶	PB ⁶	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	PB	CEO
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no	no ⁷	PB	PB
26. Road construction	PB	PB	no ⁸	PB	PB
27. Land management roads	yes	yes	PB	yes	yes
28. Parking facilities	no	no	no ⁷	PB	PB
29. Marinas	PB	PB	no	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	CEO	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	PB	CEO	CEO
32. Signs	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO shoreland permit	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB shoreland permit	PB	PB	PB	PB	PB

¹In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

²Requires shoreland permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

³In RP not allowed in areas so designated because of wildlife value.

⁴Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁵Reserved. Functionally-water-dependent uses and uses accessory to such water-dependent uses only.

⁶See further restrictions in Section 15(L)(2).

⁷Except when area is zoned for resource protection due to floodplain criteria in which case a shoreland permit is required from the PB.

⁸Except as provided in Section 15(H)(4).

⁹Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Single Family, Special Exceptions. Two-family residential structures are prohibited.

¹⁰Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

¹¹Reserved. Excluding bridges and other crossings not involving earthwork, in which case no shoreland permit is required.

¹²Shoreland permit not required but must file a written "notice of intent to construct" with CEO.

¹³Forest Management Activities must be carried out consistent with a forest management plan prepared and submitted by a licensed forester.

¹⁴All timber harvesting and clearing activities shall be supervised by a licensed forester.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

NOTE: A person performing any activities in a Shoreland Area shall also be subject to the Town of Hampden, Maine Zoning Ordinance which also governs land use activities. The most restrictive standards shall apply.

15. Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit Within the Shoreland Zone		
(i) Adjacent to Tidal Areas on well and septic	30,000	150
(ii) Adjacent to Non-Tidal Areas on well and septic	40,000	200
(iii) Adjacent to Tidal Areas on municipal sewer and water	18,000	125
(iv) Adjacent to Non-Tidal Areas on municipal sewer and water	18,000	125
(b) Governmental, <i>Institutional</i> , <i>Commercial</i> or <i>Industrial</i> per <i>principal structure</i> Within the Shoreland Zone		
(i) Adjacent to Tidal Areas, Exclusive of Those Areas Zoned for <i>Commercial Fisheries</i> and <i>Maritime Activities</i>	40,000	200
(ii) Adjacent to Tidal Areas Zoned for <i>Commercial</i> Fisheries and Maritime Activities Deleted.	NONE	NONE
(iii) Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities Within the Shoreland Zone		
(i) Adjacent to Tidal and Non-Tidal Areas	40,000	200
(2) Certain Land Not Included Toward Lot Area. Land below the <i>normal high-water line</i> of a <i>water body</i> or <i>upland edge of a wetland</i> and land beneath <i>roads</i> serving more than two (2) lots shall not be included toward calculating minimum <i>lot area</i> .		
(3) Lots Bisected By Roads. Lots located on opposite sides of a public or private <i>road</i> shall be considered each a separate tract or parcel of land unless such <i>road</i> was established by the owner of land on both sides thereof after September 22, 1971.		
(4) Minimum Lot Width. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the <i>normal high-water line</i> of a <i>water body</i> or <i>upland edge of a wetland</i> shall be equal to or greater than the <i>shore frontage</i> requirement for a lot with the proposed use.		
(5) Group Developments. If more than one <i>residential dwelling unit</i> , <i>principal governmental</i> , <i>institutional</i> , <i>commercial</i> or <i>industrial structure</i> or <i>use</i> , or combination thereof, is constructed		

or established on a single parcel, all *dimensional requirements* shall be met for each additional dwelling unit, *principal structure*, or *use*. (Please note that there are additional standards for group developments contained in the Zoning Ordinance).

B. Principal and Accessory Structures

- (1) Shoreline Setback. All new *principal* and *accessory structures* shall be set back at least one hundred (100) feet, horizontal distance, from the *shoreline* which is the *normal high-water line* of *great ponds* and *rivers* that flow to *great ponds*, and seventy-five (75) feet, horizontal distance, from the *normal high-water line* of other *water bodies*, *tributary streams*, local streams or the *upland edge of a wetland* ~~except that in a General Development I District the shoreline setback from the normal high water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback.~~ In the Resource Protection District the *shoreline setback* requirement shall be 250 feet, horizontal distance, except for *structures*, *roads*, parking spaces or other regulated objects specifically allowed in that district in which case the *shoreline setback* requirements specified above shall apply.

Minimum Shoreline setback requirements

RP District except for specifically permitted structures	250 feet
Great Ponds	100 feet
Rivers that flow to Great Ponds	100 feet
Rivers	75 feet
Streams, Tributary Streams ¹ and Local Streams	75 feet
Wetlands	75 feet
In addition:	
Unstable & Highly Unstable Coastal Bluffs	Required shoreline setback measured from top of bluff. <u>(See section 15B(1)(c) below)</u>

¹NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

- (a) Exception for Water-Dependent Uses. The *shoreline setback* provision shall neither apply to *structures* which require direct access to the *water body* or *wetland* as an operational necessity, such as piers, docks and retaining walls, nor to other *functionally water-dependent uses*.
- (b) deleted.
- (c) Coastal Bluff Setback. For *principal structures*, the *shoreline setbacks* established in 15B(1) shall be measured in horizontal distance starting at and away from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. The Maine Office of GIS Data Catalog provides a data layer titled “coastal bluff hazards” (<http://megis.maine.gov/catalog>) which is also acceptable as source information for coastal bluffs. If the specific location of a “highly unstable” or “unstable” bluff, or where the top

of the bluff is located is in question, the applicant must at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement by the permitting official is not reached in regard to the location of the top of the bluff the applicant may appeal the matter to the Town of Hampden Board of Appeals.

- (d) Exception for Accessory Structures. On a *non-conforming lot* of record on which only a residential *structure* exists, and it is not possible to place an *accessory structure* meeting the required *shoreline setbacks*, the code enforcement officer may issue a *shoreland permit* to place a single *accessory structure*, with no utilities, for the storage of yard tools and similar equipment. Such *accessory structure* shall not exceed eighty (80) square feet in area nor eight (8) feet in *height of a structure*, and shall be located as far from the *shoreline* as practical and shall meet all other applicable standards, including lot coverage and *vegetation* clearing limitations. In no case shall the *structure* be located closer to the *shoreline* than the *principal structure*.
- (2) Height. *Principal* or *accessory structures* and *expansions* of existing *structures* which are permitted in the Resource Protection, Limited Residential, ~~Limited Commercial~~ and *Stream Protection* Districts, shall not exceed thirty-five (35) feet in *height of a structure*. This provision shall not apply to *structures* such as transmission towers, windmills, antennas, and similar *structures* having no *floor area*.
- (3) Floodplain. ~~The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. Accessory structures may be placed in accordance with the standards of the Town of Hampden Floodplain Management Ordinance and need not meet the elevation requirements of this paragraph. All development located in the special Flood Hazard Area as depicted on Flood Insurance Rate Maps shall comply with the Town of Hampden Floodplain Management Ordinance.~~
- (4) Lot Coverage. The total footprint area of all *structures*, parking lots and other non-vegetated surfaces, within the *shoreland zone* shall not exceed twenty (20) percent of the lot or a portion thereof, located within the *shoreland zone*, including land area previously developed, except in the General Development District adjacent to *tidal waters* and *rivers* that do not flow to *great ponds*, ~~and in the Commercial Fisheries/Meritime Activities District, where lot coverage shall not exceed seventy (70) percent.~~
- (5) Retaining Walls. Retaining walls that are not necessary for erosion control shall meet the *structure shoreline setback* requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
- (a) The site has been previously altered and an effective vegetated buffer does not exist;
- (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the *normal high-water line* of a *water body, tributary stream, local stream* or *upland edge of a wetland*;
- (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring *vegetation*, and which cannot be stabilized with vegetative plantings;

- (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
- (e) Retaining walls are located outside of the 100-year floodplain on *rivers, streams, coastal wetlands*, local streams and *tributary streams*, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as *recent floodplain soils*.
- (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural *development* will occur within the setback area, including patios and decks; and
- (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the *normal high-water line* of a *water body, tributary stream*, local stream or *upland edge of a wetland* when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous *vegetation*. Where natural *ground cover* is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) *Vegetation* plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only *native* species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the *normal high-water line* or *upland edge of a wetland*;
 - (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;
- (6) Structures For Shoreline Access. Notwithstanding the requirements stated above, stairways or similar *structures* may be allowed with a *shoreland permit* from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the *structure* is limited to a maximum of four (4) feet in width; that the *structure* does not extend below or over the *normal high-water line* of a *water body* or *upland edge of a wetland*, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property. All applications for structures for shoreline access shall be accompanied by an engineering report that contains an analysis of soil conditions, addresses stormwater analysis for the installation area, contains installation details and necessary best management practices to assure stable soil conditions both during construction and thereafter.

C. Deleted.

D. Campgrounds. *Campgrounds* shall conform to the minimum requirements imposed under State licensing procedures and the following:

- (1) **Minimum Size.** *Campgrounds* shall contain a minimum of five thousand (5,000) square feet of land, not including *roads* and *driveways*, for each site. Land supporting *wetland vegetation*, and land below the *normal high-water line* of a *water body* shall not be included in calculating land area per site.
- (2) **Shoreline Setback.** The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the *normal high-water line* of a *great pond* or a *river* flowing to a *great pond*, and seventy-five (75) feet, horizontal distance, from the *normal high-water line* of other water bodies, *tributary streams*, *local streams*, or the *upland edge of a wetland*.

E. Individual Private Campsites. *Individual private campsites* not associated with *campgrounds* are allowed provided the following conditions are met:

- (1) **Minimum Size.** One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of *lot area* within the *shoreland zone*, whichever is less, may be permitted.
- (2) **Shoreline Setback.** Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the *normal high-water line* of a *great pond* or *river* flowing to a *great pond*, and seventy-five (75) feet, horizontal distance, from the *normal high-water line* of other water bodies, *tributary streams*, *local streams* or the *upland edge of a wetland*.
- (3) **Recreational Vehicles.** Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent *foundation* except for a gravel pad, and no *structure* except a canopy shall be attached to the recreational vehicle.
- (4) **Vegetation Clearing.** The clearing of *vegetation* for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (5) **Sewage Disposal Plan Required.** A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (6) **After 120 Days.** When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential *structures* shall be met, including the installation of a *subsurface wastewater disposal system* in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Prohibited Commercial and Industrial Uses. The following new *commercial* and *industrial* uses are prohibited within the *shoreland zone* adjacent to *great ponds*, and *ivers* and *streams* which flow to *great ponds*:

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories
- (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
- (5) *Commercial* painting, wood preserving, and furniture stripping
- (6) Dry cleaning establishments
- (7) Electronic circuit assembly
- (8) Laundromats, unless connected to a municipal sanitary sewer
- (9) Metal plating, finishing, or polishing
- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with *marinas*
- (11) Photographic processing
- (12) Printing

G. Parking Areas

- (1) Shoreline Setback. Parking areas shall meet the *shoreline setback* requirements for *structures* for the district in which such areas are located, ~~except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty five (25) feet, horizontal distance, from the shoreline. The *shoreline setback* requirement for parking areas serving public *boat launching facilities* in Districts other than the General Development District shall be no less than fifty (50) feet, horizontal distance, from the *shoreline* if the Planning Board finds that no other reasonable alternative exists further from the *shoreline*.~~
- (2) Design. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a *water body, tributary stream, local stream* or *wetland* and where feasible, to retain all runoff on-site.
- (3) Compliance With Zoning Ordinance. In determining the appropriate size and minimum number of proposed parking spaces, the parking layouts and handicap parking configurations shall comply with the Town of Hampden Zoning Ordinance standards contained in Article 4.7.
 - (a) Parking Space Exception: Parking spaces for a vehicle and attached boat trailer shall be forty (40) feet long.
 - (b) Deleted.

H. Roads and Driveways. The following standards shall apply to the construction of *roads* and/or *driveways* and drainage systems, culverts and other related features.

- (1) **Shoreline Setback.** *Roads* and *driveways* shall be set back at least one-hundred (100) feet, horizontal distance, from the *normal high-water line* of a *great pond* or a *river* that flows to a *great pond*, and seventy-five (75) feet, horizontal distance from the *normal high-water line* of other *water-bodies*, *tributary streams*, *local stream* or the *upland edge of a wetland* unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the *road* and/or *driveway setback* requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the *water-body*, *tributary stream*, *local stream* or *wetland*. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the *water body*, *tributary stream*, *local stream* or *wetland*.

On slopes of greater than twenty (20) percent the *road* and/or *driveway shoreline setback* shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (H)(1) does not apply to approaches to *water crossings* or to *roads* or *driveways* that provide access to permitted *structures* and facilities located nearer to the *shoreline* due to an operational necessity, excluding temporary docks for recreational uses. *Roads* and *driveways* providing access to permitted *structures* within the *setback* area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the *road* or *driveway* necessary for direct access to the *structure*.

- (2) **Existing Public Roads.** Existing public *roads* may be expanded within the legal *road* right of way regardless of their *shoreline setback* from a *water body*, *tributary stream*, *local stream* or *wetland*.
- (3) Deleted.
- (4) **Roads in the RP District.** New *roads* and *driveways* are prohibited in a Resource Protection District except that the Planning Board may grant a *shoreland permit* to construct a *road* or *driveway* to provide access to permitted uses within the district. A *road* or *driveway* may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a *road* or *driveway* is permitted in a Resource Protection District the *road* and/or *driveway* shall be set back as far as practicable from the *normal high-water line* of a *water body*, *tributary stream*, *local stream* or *upland edge of a wetland*.
- (5) **Road Side Slope.** *Road* and *driveway* banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).
- (6) **Road Grades.** *Road* and *driveway* grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

(7) Drainage Buffers. In order to prevent *road* and *driveway* surface drainage from directly entering water bodies, *tributary streams*, *local streams* or *wetlands*, *roads* and *driveways* shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the *normal high-water line* of a *water body*, *tributary stream*, *local stream* or *upland edge of a wetland*. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

(8) Stormwater Management. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the *road*, *driveway*, or ditch. To accomplish this, the following shall apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the *road*, or *driveway* at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the *road* or *driveway*.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

(9) Stormwater Maintenance. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with *roads* and *driveways* shall be maintained on a regular basis to assure effective functioning.

I Signs. Conformance With Zoning Ordinance. Signs locations, size, configuration and lighting shall comply with the Town of Hampden Zoning Ordinance standards contained in Article 4.8.

J. Storm Water Runoff

(1) Stormwater Management. All new construction and *development* shall be designed to minimize storm water runoff from the site in excess of the natural *predevelopment*

conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

- (2) Stormwater Maintenance. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning. Stormwater runoff control systems shall be in compliance with Department Chapter 500 and applicable Postconstruction Ordinance, Zoning Ordinance and Subdivision Ordinance standards.

K. Subsurface Wastewater Disposal Systems

- (1) Subsurface Wastewater Disposal. All *subsurface wastewater disposal systems* shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of *woody vegetation* necessary to site a *replacement system* and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the *normal high-water line* of a *water body* or the *upland edge of a wetland* and b) a holding tank is not allowed for a first-time residential use in the *shoreland zone*.

L. Essential Services

- (1) Expansions. Where feasible, the installation of *essential services* shall be limited to existing public ways and existing service corridors.
- (2) Limitations in the RP and SP Districts. The installation of *essential services*, other than *road-side* distribution lines, is not allowed in a Resource Protection or *Stream* Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such *structures* and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- (3) Replacement. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a *shoreland permit*.

M. Mineral Exploration and Extraction. *Mineral exploration* to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A *shoreland permit* from the Code Enforcement Officer shall be required for *mineral exploration* which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

NOTE: Mineral Exploration and Extraction are also regulated in the Town of Hampden, Maine Zoning Ordinance in Article 4.23.

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a *shoreland permit* is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the *normal high-water line* of a *great pond classified-GPA* or a *river* flowing to a *great pond classified-GPA*, and within seventy-five (75) feet, horizontal distance, of the *normal high-water line* of any other *water body, tributary stream, or the upland edge of a wetland*. ~~Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.~~ Minimum distances from property lines for extraction operations are established in the Hampden Zoning Ordinance in Article 4.23.
- (3) ~~(Significant River Segments). Deleted. When gravel pits must be located within the shoreland zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.~~
- (4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - (b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with *vegetation native* to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with *mineral extraction* operations on surrounding uses and resources.

N. Agriculture

- (1) **Manure Spreading.** All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- (2) **Manure Stockpiling.** Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a *great pond* or a *river* flowing to a *great pond*, or within seventy-five (75) feet horizontal distance, of other *water-bodies, tributary streams, local stream or wetlands*. All manure storage areas within the *shoreland zone* must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

- (3) Tillage Requiring Conservation Plan. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the *shoreland zone* shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- (4) Tillage Shoreline Setbacks. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the *normal high-water line* of a *great pond*; within seventy-five (75) feet, horizontal distance, from other *water-bodies* and *coastal wetlands*; nor within twenty-five (25) feet, horizontal distance, of *tributary streams*, *local streams* and *freshwater wetlands*. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) Grazing Shoreline Setbacks. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the *normal high-water line* of a *great pond*; within seventy-five (75) feet, horizontal distance, of other *water-bodies* and *coastal wetlands*, nor; within twenty-five (25) feet, horizontal distance, of *tributary streams*, *local streams* and *freshwater wetlands*. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above *shoreline setback* provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

O. Timber Harvesting. All Shoreland Districts are subject to this Timber Harvesting section. Timber Harvesting shall be supervised by a licensed forester. Supervision shall include marking of trees for cutting and written verification by the licensed forester post-cut stating that the cutting was in keeping with the original markings.

- (1) In a Resource Protection District abutting a *great pond*, *timber harvesting* shall be limited to the following:
 - (a) Within the strip of land extending 75 feet, horizontal distance, inland from the *normal high-water line*, *timber harvesting* may be conducted when the following conditions are met:
 - (1) The ground is frozen;
 - (2) There is no resultant soil disturbance;
 - (3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
 - (4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural *vegetation* remains; and
 - (5) A licensed professional forester has marked the trees to be harvested prior to a *shoreland permit* being issued by the Town of Hampden.
 - (b) Beyond the 75 foot strip referred to in Section 15(O)(1)(a) above, *timber harvesting* is permitted in accordance with paragraph 2 below except that in no case shall the average *residual basal area* of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

- (2) Except in areas as described in Section 15(O)(1) above, *timber harvesting* shall conform with the following provisions:
- (a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - (i) Within one-hundred (100) feet, horizontal distance, of the *normal high-water line* of a *great pond* or a *river* flowing to a *great pond*, and within seventy-five (75) feet, horizontal distance, of the *normal high-water line* of other *water-bodies*, *tributary streams*, *local streams* or the *upland edge of a wetland*, there shall be no clearcut openings and a well-distributed stand of trees and other *vegetation*, including existing *ground cover*, shall be maintained.
 - (ii) At distances greater than one-hundred (100) feet, horizontal distance, of a *great pond* or a *river* flowing to a *great pond*, and greater than seventy-five (75) feet, horizontal distance, of the *normal high-water line* of other *water-bodies* or the *upland edge of a wetland*, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest *canopy*. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to *basal area*.
 - (b) *Timber harvesting* operations exceeding the 40% limitation in Section 15(O)(2)(a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.
 - (c) No accumulation of *slash* shall be left within fifty (50) feet, horizontal distance, of the *normal high-water line* of a *water body*. In all other areas *slash* shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the *normal high-water line* of a *water body* or *tributary stream* shall be removed.
 - (d) *Timber harvesting* equipment shall not use stream channels as travel routes except when:
 - (i) Surface waters are frozen; and
 - (ii) The activity will not result in any ground disturbance.
 - (e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
 - (f) *Skid trail* approaches to *water crossings* shall be located and designed so as to prevent water runoff from directly entering the *water body* or *tributary stream*. Upon completion

of *timber harvesting*, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

- (g) Except for *water crossings*, *skid trails* and other sites where the operation of machinery used in *timber harvesting* results in the exposure of mineral soil shall be located such that an unscarified strip of *vegetation* of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the *normal high-water line* of a *water body* or *upland edge of a wetland*. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the *water body* or *wetland*, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the *normal high-water line* of a *water body* or *upland edge of a wetland*.

O-1. Timber Harvesting – Statewide Standards [Effective on effective date established in Section 4(B)]

- (1) Shoreline integrity and sedimentation. Persons conducting *timber harvesting and related activities* must take reasonable measures to avoid the *disruption of shoreline integrity*, the occurrence of sedimentation of water, and the disturbance of *water body* and *tributary stream* banks, *water body* and *tributary stream* channels, shorelines, and soil lying within water bodies, *tributary streams* and *wetlands*. If, despite such precautions, the *disruption of shoreline integrity*, sedimentation of water, or the disturbance of *water body* and *tributary stream* banks, *water body* and *tributary stream* channels, shorelines, and soil lying within water bodies, *tributary streams* and *wetlands* occurs, such conditions must be corrected.
- (2) Slash treatment. *Timber harvesting and related activities* shall be conducted such that slash or debris is not left below the *normal high-water line* of any *water body* or *tributary stream*, or the *upland edge of a wetland*. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from *timber harvesting and related activities* otherwise conducted in compliance with this section.
 - (a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.
 - (b) Adjacent to *great ponds, rivers* and *wetlands*:
 - (i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the *normal high-water line* or *upland edge of a wetland*; and
 - (ii) Between 50 feet and 250 feet, horizontal distance, of the *normal high-water line* or *upland edge of a wetland*, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
- (3) *Timber harvesting and related activities* must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:
 - (a) Option 1 (40% volume removal), as follows:
 - (i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches *DBH* or greater in any 10 year period is allowed. Volume may be considered to be equivalent to *basal area*;
 - (ii) A well-distributed stand of trees which is *windfirm*, and other *vegetation* including existing *ground cover*, must be maintained; and,
 - (iii) Within 75 feet, horizontal distance, of the *normal high-water line* of *rivers, streams*, and *great ponds*, and within 75 feet, horizontal distance, of the upland edge of a freshwater or *coastal wetlands*, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the *normal high-water line* of a *river* or *great pond* or *upland edge of a wetland*, *timber harvesting and related activities* must not create single cleared openings greater than 14,000 square feet in the forest

canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to *basal area*.

(b) Option 2 (60 square foot *basal area* retention), as follows:

- (i) The *residual stand* must contain an average basal area of at least 60 square feet per acre of *woody vegetation* greater than or equal to 1.0 inch *DBH*, of which 40 square feet per acre must be greater than or equal to 4.5 inches *DBH*;
- (ii) A well-distributed stand of trees which is *windfirm*, and other *vegetation* including existing *ground cover*, must be maintained; and,
- (iii) Within 75 feet, horizontal distance, of the *normal high-water line* of water bodies and within 75 feet, horizontal distance, of the upland edge of *wetlands*, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the *normal high-water line* of a *river* or *great pond*, or *upland edge of a wetland*, *timber harvesting and related activities* must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average *basal area*. Volume may be considered equivalent to *basal area*.

(c) Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a *Licensed Forester* or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (*Bureau*) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, *timber harvesting and related activities* may not begin until the *Bureau* has approved the alternative method.

The *Bureau* may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the *harvest area*.

(4) Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

(a) Equipment used in *timber harvesting and related activities* shall not use *river*, *stream* or *tributary stream* channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.

(b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a *water body*, *tributary stream*, or *wetland*. Upon termination of their use, skid trails and yards must be stabilized.

(c) *Setbacks*:

- (i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any *water body, tributary stream, or wetland*. On slopes of 10 percent or greater, the *setback* for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot *setback* is required.
 - (ii) Where such *setbacks* are impracticable, appropriate techniques shall be used to avoid sedimentation of the *water body, tributary stream or wetland*. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the *water body, tributary stream, or wetland*. If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.
- (5) Land Management Roads. *Land management roads*, including approaches to crossings of water bodies, *tributary stream* channels, and *freshwater wetlands*, ditches and other related *structures*, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the *water body, tributary stream or wetland*. Surface water on or adjacent to *water crossing* approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or *wetland*. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the *setback* requirements in Section 15(O-1)(7) of this rule.
- (a) *Land management roads* and associated ditches, excavation, and fill must be set back at least:
 - (i) 100 feet, horizontal distance, from the *normal high-water line* of a *great pond, river* or freshwater or *coastal wetland*;
 - (ii) 50 feet, horizontal distance, from the *normal high-water line* of *streams*; and
 - (iii) 25 feet, horizontal distance, from the *normal high-water line* of *tributary streams*
 - (b) The minimum 100 foot *setback* specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot *setback* specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the *water body, tributary stream, or wetland*. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the *water body, tributary stream or wetland*. If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.

- (c) On slopes of 10 percent or greater, the *land management road setback* must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.
- (d) New *land management roads* are not allowed within the shoreland area along a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the *normal high-water line* and screened from the *river* by existing *vegetation*.
- (e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage *structures* shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the *setback* requirements in Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the *water body, tributary stream, or wetland*. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the *water body, tributary stream, or wetland*. If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.
- (f) Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage *structures* at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
- (g) Upgrading existing *roads*. Extension or enlargement of presently existing *roads* must conform to the provisions of Section 15(O-1). Any nonconforming existing *road* may continue to exist and to be maintained, as long as the *non-conforming conditions* are not made more nonconforming.
- (h) Exception. Extension or enlargement of presently existing *roads* need not conform to the *setback* requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the *water body, tributary stream, or wetland*. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the *water body, tributary stream, or wetland*. If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.
- (i) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of *roads and river, stream and tributary stream* crossings must take reasonable measures to avoid sedimentation of surface waters.

- (6) Crossings of waterbodies. Crossings of *rivers, streams, and tributary streams* must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
- (a) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining *water crossing* sizes as required in Section 15(O-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.
 - (b) Upgrading existing *water crossings*. Extension or enlargement of presently existing *water crossings* must conform to the provisions of Section 15(O-1). Any nonconforming existing *water crossing* may continue to exist and be maintained, as long as the *non-conforming conditions* are not made more nonconforming; however, any maintenance or repair work done below the *normal high-water line* must conform to the provisions of Section 15(O-1).
 - (c) Other Agency Permits. Any *timber harvesting and related activities* involving the design, construction, and maintenance of crossings on waterbodies other than a *river, stream* or *tributary stream* may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.
 - (d) Any *timber harvesting and related activities* involving the design, construction, and maintenance of crossings of *freshwater wetlands* identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.
 - (e) Notice to Bureau of Forestry. Written notice of all *water crossing* construction maintenance, alteration and replacement activities in shoreland areas must be given to the *Bureau* prior to the commencement of such activities. Such notice must contain all information required by the *Bureau*, including:
 - (i) a map showing the location of all proposed permanent crossings;
 - (ii) the GPS location of all proposed permanent crossings;
 - (iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
 - (iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.
 - (f) *Water crossing* standards. All crossings of *rivers* require a bridge or culvert sized according to the requirements of Section 15(O-1)(6)(g)) below. *Streams* and *tributary streams* may be crossed using temporary *structures* that are not bridges or culverts provided:
 - (i) concentrated water runoff does not enter the *stream* or *tributary stream*;
 - (ii) sedimentation of surface waters is reasonably avoided;
 - (iii) there is no substantial disturbance of the bank, or *stream* or *tributary stream* channel;
 - (iv) fish passage is not impeded; and,
 - (v) water flow is not unreasonably impeded.

Subject to Section 15(O-1)(6)(f)(i-v) above, skid trail crossings of *streams* and *tributary streams* when channels of such *streams* and *tributary streams* are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary *structures*.

- (g) Bridge and Culvert Sizing. For crossings of *river*, *stream* and *tributary stream* channels with a bridge or culvert, the following requirements apply:
- (i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and *structure* to accommodate 10 year frequency water flows or with a *cross-sectional area* at least equal to 2 1/2 times the *cross-sectional area* of the *river*, *stream*, or *tributary stream* channel.
 - (ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the *water body* or *tributary stream* is avoided. Such crossing *structures* must be at least as wide as the channel and placed above the *normal high-water line*. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:
 - 1. use of temporary skidder bridges;
 - 2. removing culverts prior to the onset of frozen ground conditions;
 - 3. using water bars in conjunction with culverts;
 - 4. using *road* dips in conjunction with culverts.
 - (iii) Culverts utilized in *river*, *stream* and *tributary stream* crossings must:
 - 1. be installed at or below *river*, *stream* or *tributary stream* bed elevation;
 - 2. be seated on firm ground;
 - 3. have soil compacted at least halfway up the side of the culvert;
 - 4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
 - 5. have a headwall at the inlet end which is adequately stabilized by *riprap* or other suitable means to reasonably avoid erosion of material around the culvert.
 - (iv) *River*, *stream* and *tributary stream* crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a *water crossing* may be required to pass a 100-year flood event.
 - (v) Exception. Skid trail crossings of *tributary streams* within shoreland areas and *wetlands* adjacent to such *streams* may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided *persons* conducting such activities take reasonable measures to avoid the *disruption of shoreline integrity*, the occurrence of sedimentation of water, and the disturbance of *stream*

banks, *stream* channels, shorelines, and soil lying within ponds and *wetlands*. If, despite such precautions, the *disruption of shoreline integrity*, sedimentation of water, or the disturbance of *stream* banks, stream channels, shorelines, and soil lying within ponds and *wetlands* occurs, such conditions must be corrected.

- (h) Skid trail closeout. Upon completion of *timber harvesting and related activities*, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
- (i) Bridges and culverts installed for *river, stream* and *tributary stream* crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for *land management roads* in Section 15(O-1)(6)(i) below.
 - (ii) *Water crossing structures* that are not bridges or culverts must either be removed immediately following *timber harvesting and related activities*, or, if frozen into the *river, stream* or *tributary stream* bed or bank, as soon as practical after snowmelt.
 - (iii) *River, stream* and *tributary stream* channels, banks and approaches to crossings of water bodies and *tributary streams* must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.
- (i) *Land management road* closeout. Maintenance of the water control features must continue until use of the *road* is discontinued and the *road* is put to bed by taking the following actions:
- (i) Effective installation of water bars or other adequate *road* drainage *structures* at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the *road* surface.
 - (ii) *Water crossing structures* must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the *water body* or *tributary stream*.
 - (iii) Any bridge or *water crossing* culvert in *roads* to be discontinued shall satisfy one of the following requirements:
 - 1. it shall be designed to provide an opening sufficient in size and *structure* to accommodate 25 year frequency water flows;
 - 2. it shall be designed to provide an opening with a *cross-sectional area* at least 3 1/2 times the *cross-sectional area* of the *river, stream* or *tributary stream* channel; or
 - 3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the *river, stream* or *tributary stream*.

If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.

(7) Slope Table

Filter strips, skid trail *setbacks*, and *land management road setbacks* must be maintained as specified in Section 15(O-1), but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

P. Clearing or Removal of *Vegetation* for Activities Other Than *Timber Harvesting* All Shoreland Districts are subject to this Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting section. Clearing or removal of vegetation for activities other than timber harvesting shall be supervised by a licensed forester. Supervision shall include marking of trees for cutting and written verification by the licensed forester post-cut stating that the cutting was in keeping with the original markings.

(1) Resource Protection Cutting Limits. In a Resource Protection District abutting a *great pond*, there shall be no cutting of *vegetation* within the strip of land extending 75 feet, horizontal distance, inland from the *normal high-water line*, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of *vegetation* shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in areas as described in Section P(1), above, and except to allow for the *development* of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the *normal high-water line* of a *great pond* or a *river* flowing to a *great pond*, and seventy-five (75) feet, horizontal distance, from any other *water body*, *tributary stream*, *local stream* or the *upland edge of a wetland*, a buffer strip of *vegetation* shall be preserved as follows:

(a) There shall be no cleared opening greater than 250 square feet in the forest *canopy* (or other existing *woody vegetation* if a forested *canopy* is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

(b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural *vegetation* is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a *great pond* or a *river* or *stream* flowing to a *great pond*, shall be defined as maintaining a rating score of 24 or

more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 < 4 in.	1
4 < 8 in.	2
8 < 12 in.	4
12 in. or greater	8

Adjacent to other *water-bodies, tributary streams, local streams* and *wetlands*, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

NOTE: As an example, adjacent to a *great pond*, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36 - 24 = 12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no *vegetation* removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have *vegetation* removed down to the minimum points required or as otherwise allowed by is Ordinance;
- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural *vegetation*" is defined as retaining existing *vegetation* under three (3) feet in height and other *ground cover* and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- (c) In order to protect water quality and wildlife habitat, existing *vegetation* under three (3) feet in height and other *ground cover*, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
- (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- (e) In order to maintain a buffer strip of *vegetation*, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with *native* tree species unless existing new tree growth is present.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- (3) At distances greater than one hundred (100) feet, horizontal distance, from a *great pond* or a *river* flowing to a *great pond*, and seventy-five (75) feet, horizontal distance, from the *normal high-water line* of any other *water body*, *tributary stream*, *local streams* or the *upland edge of a wetland*, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the *development* of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to *basal area*.

In no event shall cleared openings for any purpose, including but not limited to, *principal* and *accessory structures*, *driveways*, lawns and sewage disposal areas, exceed in the aggregate, 25% of the *lot area* within the *shoreland zone* or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development District.

Notwithstanding the general requirement that clearing and removal of vegetation be supervised by a licensed forester clearing for construction of a new single-family residence does not require supervision by a licensed forester if the home builder adheres to a maximum limit of 25% of the lot area in the shoreland zone or ten thousand (10,000) square feet, whichever is greater.

- (4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- (5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other *woody vegetation* shall be regulated under the provisions of Section 15(P).

Q. Erosion and Sedimentation Control

- (1) Filling, Grading and Excavation Requires *Shoreland Permit* and Plan. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a *shoreland permit* shall also require a written soil erosion and sedimentation control plan. The plan must reference and conform to the Maine Erosion and Sedimentation Control Best Management Practices Handbook. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

- (a) Mulching and revegetation of disturbed soil.
 - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (c) Permanent stabilization *structures* such as retaining walls or *riprap*.
- (2) Avoid Steep Slopes. In order to create the least potential for erosion, *development* shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- (3) Erosion and Sedimentation Control. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- (4) Stabilization. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of *riprap*, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
- (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of *vegetation* is established.
 - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- (5) Drainageways. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with *vegetation* or lined with *riprap*.
- R. Soils.** All land uses shall be located on soils in or upon which the proposed uses or *structures* can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring *subsurface wastewater disposal systems*, and *commercial* or *industrial development* and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified *persons* may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other *persons* who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

- S. Water Quality.** No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the *water body, tributary stream, local stream or wetland*.
- T. Archaeological Site.** Any proposed land use activity involving structural *development* or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

16. Administration

A. Administering Bodies and Agents

- (1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
- (2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.
- (3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

B. Shoreland Permits Required. After the effective date of this Ordinance no *person* shall, without first obtaining a *shoreland permit*, engage in any activity or use of land or *structure* requiring a *shoreland permit* in the district in which such activity or use would occur; or expand, change, or replace an existing use or *structure*; or renew a discontinued *non-conforming use*. A *person* who is issued a *shoreland permit* pursuant to this Ordinance shall have a copy of the *shoreland permit* on site while the work authorized by the *shoreland permit* is performed.

- (1) Exception Road Culvert Replacement. A *shoreland permit* is not required for the replacement of an existing *road* culvert as long as:
 - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (b) The replacement culvert is not longer than 75 feet; and
 - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- (2) Exception Archaeological Excavations. A *shoreland permit* is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

- (3) Other Permits May Be Required. Any *shoreland permit* required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Shoreland Permit Application

- (1) Application and Plan Required. Every applicant for a *shoreland permit* shall submit a written application, including a scaled site plan, on a form provided by the Town of Hampden, to the Code Enforcement Officer as indicated in Section 14. Applications for activities also required to obtain a building permit under the Town of Hampden, Maine Zoning Ordinance may apply for said permit concurrent with a building permit. Such a building permit shall substitute the required shoreland permit upon clear demonstration that all aspects of this ordinance have been satisfied.
- (2) Legal Standing and Certification of Information. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a *shoreland permit* hereunder, certifying that the information in the application is complete and correct.
- (3) Date Stamp Applications. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) Plumbing and Subsurface Permits Required. If the property is not served by a municipal sanitary sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed *structure* or use would require the installation of a *subsurface wastewater disposal system*.
- (5) Other Information as Required. The Code Enforcement Officer and the Planning Board shall have the authority to require additional information which may reasonably be necessary for them to make their decision and inform the facts of the application.

D. Procedure for Administering Shoreland Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or *structure* is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Deleted;
- (8) Will avoid problems associated with floodplain *development* and use; and
- (9) Is in conformance with the provisions of Section 15, Land Use Standards.

If a *shoreland permit* is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a *structure* if the *structure* would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the Town.

E. Single Family Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepting *structure setback* requirements, the Planning Board may approve a *shoreland permit* for a single *family residential structure* in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the *structure* can be built.
- (2) The lot on which the *structure* is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District or no later than July 1, 2009.
- (3) All proposed buildings, *subsurface wastewater disposal systems* and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; and
 - (b) Located outside the *floodway* of the 100-year floodplain along *rivers* and artificially formed *great ponds* along *rivers* and outside the *velocity zone* in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including *basements*, are elevated at least one foot above the 100-year floodplain elevation; and the *development* is otherwise in compliance with the Town of Hampden, Maine Floodplain Management Ordinance.

If the *floodway* is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

- (4) The total ground-*floor area*, including cantilevered or similar overhanging extensions, of all *principal* and *accessory structures* is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
- (5) All *structures*, except *functionally water-dependent structures*, are set back from the *normal high-water line* of a *water body*, *tributary stream*, *local stream* or *upland edge of a wetland* to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of *vegetation* to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value *wetlands*.

F. Expiration of Shoreland Permit. *Shoreland permits* shall expire one year from the date of issuance if a *substantial start* is not made in construction or in the use of the property during that period. If a *substantial start* is made within one year of the issuance of the *shoreland permit*, the applicant shall have one additional year to complete the project, at which time the *shoreland permit* shall expire.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new *structure* located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Appeals

(1) Powers and Duties of the Board of Appeals. A Board of Appeals is hereby established in accordance with the state law and the provisions of this Ordinance. The Board of Appeals shall be governed by the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The Board of Appeals shall have the following powers with regard to this Ordinance:

- (a) Administrative Appeals: All administrative appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The Board of Appeals shall hear and decide administrative appeals. An administrative appeal is an appeal: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an *aggrieved party* that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an *aggrieved party* that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a *shoreland permit* application under this Ordinance. Any order, requirement, decision or determination

made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

(b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance and the Town of Hampden Board of Appeals Ordinance.

(2) Variance Appeals. All variance appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The Board of Appeals shall hear and decide variance appeals. A variance from the provisions of the Ordinance may only be granted by the Board of Appeals in accordance with the following conditions:

(a) Variances may be granted only from *dimensional requirements* including, but not limited to, *minimum lot width, maximum structure height, percent of lot coverage, shoreline setback requirements, lot area*, and shore frontage.

(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

(c) The Board shall not grant a variance unless it finds that:

(i) The proposed *structure* or use would meet the provisions of Section 15, Land Use Standards, except for the specific provision which has created the non-conformity and from which relief is sought; and

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

(d) Disability Variance. Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a *residential dwelling* for the purpose of making that dwelling accessible to a *person* with a *disability* who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of *structures* necessary for access to or egress from the dwelling by the *person* with the *disability*. The board may impose conditions on the variance, including limiting the variance to the duration of the *disability* or to the time that the *person* with the *disability* lives in the dwelling. The term "*structures* necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the *structure*.

- (e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals.

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an *aggrieved party* from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and *structures* and other physical features of the lot pertinent to the relief sought.

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The *person* filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

(5) Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any *aggrieved party* who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

(6) Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement

(1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

- (a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the *person* responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or *structures*, or work being done, removal of illegal buildings or *structures*, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- (b) The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- (c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

(3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal *structure* or use to continue unless there is clear and convincing evidence that the illegal *structure* or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the *structure* or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) Fines. Any *person*, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

17. Definitions.

Accessory structure or use. "Accessory structure or use" means a use or *structure* which is incidental and subordinate to the *principal use* or *structure*. Accessory uses, when aggregated, shall not subordinate the *principal use* of the lot. A deck or similar extension of the *principal structure* or a garage attached to the *principal structure* by a roof or a common wall is considered part of the *principal structure*.

Aggrieved party. "Aggrieved party" means an owner of land whose property is directly or indirectly affected by the granting or denial of a *shoreland permit* or variance under this Ordinance; a *person* whose

land abuts land for which a *shoreland permit* or variance has been granted; or any other *person* or group of *persons* who have suffered particularized injury as a result of the granting or denial of such *shoreland permit* or variance.

Agriculture. "Agriculture" means the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green-house products. Agriculture does not include *forest management* and *timber harvesting* activities.

Aquaculture. "Aquaculture" means the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area. "Basal Area" means the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement. "Basement" means any portion of a *structure* with a floor-to-ceiling height of 6 feet or more and having more than 50% of its *volume of a structure* below the existing ground level.

Boat Launching Facility. "Boat Launching Facility" means a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Bureau. "Bureau" means the State of Maine Department of Conservation's Bureau of Forestry

Campground. "Campground" means any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy. "Canopy" means the more or less continuous cover formed by tree crowns in a wooded area.

Coastal wetland. "Coastal wetland" means all tidal and subtidal lands; all lands with *vegetation* present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. The line defining the limits of the subject term is defined by the term *shoreline*.

Commercial use. "Commercial use" means the use of lands, buildings, or *structures*, other than a "*home occupation*," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Cross-sectional area. "Cross-sectional area" means the cross-sectional area of a *stream* or *tributary stream* channel is determined by multiplying the *stream* or *tributary stream* channel width by the average *stream* or *tributary stream* channel depth. The *stream* or *tributary stream* channel width is the straight line distance from the *normal high-water line* on one side of the channel to the *normal high-water line* on the opposite side of the channel. The average *stream* or *tributary stream* channel depth is the average of the vertical distances from a straight line between the *normal high-water lines* of the *stream* or *tributary stream* channel to the bottom of the channel.

DBH. "DBH" means the diameter of a standing tree measured 4.5 feet (breast height) from ground level.

Development. “Development” means a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of *structures* or other construction not naturally occurring.

Dimensional requirements. “Dimensional requirements” means numerical standards relating to spatial relationships including but not limited to *shoreline setback, lot area, shore frontage* and *height of a structure*.

Disability. “Disability” means any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a *person* which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Disruption of shoreline integrity. “Disruption of shoreline integrity” means the alteration of the physical shape, properties, or condition of a shoreline at any location by *timber harvesting and related activities*. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline *cross-section*, and in the case of flowing waters, a profile and character altered from natural conditions.

Driveway. “Driveway” means a vehicular access-way less than five hundred (500) feet in length serving two single-*family* dwellings or one two-*family* dwelling, or less.

Emergency operations. “Emergency operations” means operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services. “Essential services” means gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a structure. “Expansion of a structure” means an increase in the *floor area* or *volume of a structure*, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of use. “Expansion of use” means the addition of one or more months to a use's operating season; or the use of more *floor area* or ground area devoted to a particular use.

Family: “Family” means one (1) or more persons related by blood, adoption or marriage occupying a premises and living as a single housekeeping unit. A family may contain no more than two (2) individuals not related by blood, adoption or marriage except for "community living facilities" as defined by Title 30-A, Section 4357 which shall be considered a family. ~~“Family” means one or more persons occupying a premises and living as a single housekeeping unit.~~

Floodway. “Floodway” means the channel of a *river* or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area. “Floor area” means the sum of the horizontal areas of the floor(s) of a *structure* enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a *structure* such as porches and decks.

Forest management activities. “Forest management activities” means timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of *forest stands*, and other similar or associated activities, exclusive of *timber harvesting* and the construction, creation or maintenance of *roads*. All proposed forest management activities shall require a forest management plan prepared and submitted by a licensed forester.

Forested wetland. “Forested wetland” means a *freshwater wetland* dominated by *woody vegetation* that is six (6) meters tall (approximately twenty (20) feet) or taller.

Forest stand. “Forest stand” means a contiguous group of trees sufficiently uniform in age class distribution, composition, and *structure*, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Foundation. “Foundation” means the supporting substructure of a building or other *structure*, excluding wooden sills and post supports, but including *basements*, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland. “Freshwater wetland” means freshwater swamps, marshes, bogs and similar areas, other than *forested wetlands*, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface *water body*, excluding any *river*, *stream* or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of *wetland vegetation* typically adapted for life in saturated soils.

Freshwater wetlands may contain small *stream* channels or inclusions of land that do not conform to the criteria of this definition. The line defining the limits of the subject term is defined by the term *shoreline*.

Functionally water-dependent uses. “Functionally water-dependent uses” means those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to *commercial* and recreational fishing and boating facilities, (excluding recreational boat storage buildings) finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, *marinas*, navigation aids, basins and channels, retaining walls, *industrial* uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

Great pond. “Great pond” means any inland body of water which in a natural state has a surface area in excess of ten acres. (*Great pond* in Hampden, Maine includes Hermon Pond, Patten Pond, Hammond Pond and Ben Annis Pond). The line defining the limits of the subject term is defined by the term *shoreline*.

Ground cover. “Ground cover” means small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Harvest area. “Harvest area” means the area where *timber harvesting and related activities*, including the cutting of trees, skidding, yarding, and associated *road* construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Height of a structure. “Height of a structure” means the vertical distance between the mean original (prior to construction) grade at the downhill side of the *structure* and the highest point of the *structure*, excluding chimneys, steeples, antennas, and similar appurtenances that have no *floor area*.

Home occupation. “Home occupation” means an occupation or profession which is customarily conducted on or in a residential *structure* or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) *persons* other than *family* members residing in the home.

Increase in nonconformity of a structure. “Increase in nonconformity of a *structure*” means any change in a *structure* or property which causes further deviation from the *dimensional requirement(s)* creating the nonconformity such as, but not limited to, reduction in *shoreline setback* distance, increase in lot coverage, or increase in *height of a structure*. Property changes or *structure expansions* which either meet the *dimensional requirement* or which cause no further increase in the linear extent of nonconformance of the existing *structure* shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the *shoreline setback* requirement for *water-bodies, wetlands, local streams* or *tributary streams* if the *expansion* extends no further into the required *shoreline setback* area than does any portion of the existing *non-conforming structure*. Hence, a *structure* may be expanded laterally provided that the *expansion* extends no closer to the *water body, tributary stream, local stream* or *wetland* than the closest portion of the existing *structure* from that *water body, tributary stream, local stream* or *wetland*. Included in this allowance are *expansions* which in-fill irregularly shaped *structures*.

Individual private campsite. “Individual private campsite” means an area of land which is not associated with a *campground*, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

Industrial. “Industrial” means the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional. “Institutional” means a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, *structure* or land used for public purposes.

Land management road. “Land management road” means a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized

vehicles and used primarily for *timber harvesting and related activities*, including associated log yards, but not including *skid trails* or *skid roads*.

Licensed forester “Licensed forester” means a forester licensed under 32 M.R.S.A. Chapter 76.

Local stream. “Local stream” means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial *vegetation* or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock. This definition does not include the term “*stream*” or *tributary stream* as defined elsewhere in this Ordinance, and in Hampden, Maine only applies to Baker Brook, Baker Brook Tributary 1 and Baker Brook Tributary 2, ~~Brown Brook~~, Cold Brook, Reeds Brook, Shaw Brook, Sucker Brook and Weber Brook.

Lot area. “Lot area” means The area of land enclosed within the boundary lines of a lot, minus land below the *normal high-water line* of a *water body* or *upland edge of a wetland* and areas beneath *roads* serving more than two lots.

Marina. “Marina” means a business establishment having frontage on navigable water and, as its *principal use*, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value. “Market value” means the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral exploration. “Mineral exploration” means hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction. “Mineral extraction” means any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width. “Minimum lot width” means the closest distance between the side lot lines of a lot. When only two lot lines extend into the *shoreland zone*, both lot lines shall be considered to be side lot lines.

Multi-unit residential. “Multi-unit residential” means a residential *structure* containing three (3) or more *residential dwelling units*.

Native. “Native” means indigenous to the local forests.

Non-conforming condition. “Non-conforming condition” means a *non-conforming lot*, *non-conforming structure* or *non-conforming use* in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot. “Non-conforming lot” means a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure. “Non-conforming structure” means a *structure* which does not meet any one or more of the following *dimensional requirements; shoreline setback, height of a structure, or lot coverage*, but in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use. “Non-conforming use” means use of buildings, *structures*, premises, land or parts thereof which is not allowed in the district in which it is situated, but in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line (non-tidal waters). “Normal high-water line (non-tidal waters)” means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in *vegetation*, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with *rivers* and *great ponds* that support non-forested *wetland vegetation* and hydric soils and that are at the same or lower elevation as the water level of the *river* or *great pond* during the period of normal high-water are considered part of the *river* or *great pond*.

Person. “Person” means an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland. Piers, docks, wharves, bridges and other *structures* and uses extending over or beyond the *normal high-water line* or within a *wetland* are divided into two categories:

Temporary: *Structures* which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: *Structures* which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure. “Principal structure” means a building other than one which is used for purposes wholly incidental or *accessory* to the use of another building or use on the same premises.

Principal use. “Principal use” means a use other than one which is wholly incidental or *accessory* to another use on the same premises.

Public facility. “Public facility” means any facility, including, but not limited to, buildings, property, recreation areas, and *roads*, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils. “Recent floodplain soils” means the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational facility. “Recreation facility” means a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding *boat launching facilities*.

Recreational vehicle. “Recreational vehicle” means a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a *structure*, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system. “Replacement system” means a *subsurface wastewater disposal system* intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the *structure*, or 2.) any existing overboard wastewater discharge.

Residential dwelling unit. “Residential dwelling unit” means a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one *family* at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. *Recreational vehicles* are not *residential dwelling units*.

Residual basal area. “Residual basal area” means the average of the basal area of trees remaining on a harvested site.

Riprap. “Riprap” means rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

Residual stand “Residual stand” means a stand of trees remaining in the forest following *timber harvesting and related activities*

River. “River” means a free-flowing body of water including its associated floodplain *wetlands* from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. The line defining the limits of the subject term is defined by the term *shoreline*. In Hampden, Maine “river” includes: Penobscot River, Souadabscook Stream and West Branch Souadabscook Stream beginning north at its confluence with Brown Brook.

Road. “Road” means a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a *driveway* as defined.

Service drop. “Service drop” means any utility line extension which does not cross or run beneath any portion of a *water body* provided that:

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Shore frontage. “Shore frontage” means the length of a lot bordering on a *water body* or *wetland* measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland permit. “Shoreland permit” means documented municipal authorization of any activity or use would occur; or expand, change, or replace an existing use or *structure*; or renew a discontinued *non-conforming use* requiring a permit within the shoreland area in accordance with this ordinance.

Shoreland zone. “Shoreland zone” means the land area located within two hundred and fifty (250) feet, horizontal distance, of the *normal high-water line* of any *great pond* or *river*; within 250 feet, horizontal distance, of the upland edge of a *coastal wetland*, including all areas affected by tidal action; within 250 feet of the upland edge of a *freshwater wetland*; or within seventy-five (75) feet, horizontal distance, of the *normal high-water line* of a *stream* and specified *tributary streams*.

Shoreline. “Shoreline” means the *normal high-water line*, or *upland edge of a wetland* whichever is greater.

Shoreline setback. “Shoreline setback” means the required minimum horizontal distance from the *shoreline* to the nearest part of a *structure*, *road*, parking space or other regulated object or area.

Significant River Segments. “Significant River Segments” means See Appendix B or 38 M.R.S.A. section 437. (As of the date of adoption of this ordinance as of this time the Statute does not identify any Significant River Segments in Hampden, Maine).

Skid Road or Skid Trail. “Skid road or skid trail” means a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash. “Slash” means the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Stream. “Stream” means a free-flowing body of water from the outlet of a *great pond* or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a *river* or flows to another *water body* or *wetland* within the shoreland area. In Hampden, Maine “stream” applies to Brown Brook, Burnt Swamp Stream and West Branch Souadabscook Stream southwest of its confluence with Brown Brook.

Structure. “Structure” means anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Substantial start. “Substantial start” means completion of thirty (30) percent of a permitted *structure* or use measured as a percentage of estimated total cost.

Subsurface wastewater disposal system. “Subsurface wastewater disposal system” means any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or municipal sanitary sewer system.

Sustained slope. “Sustained slope” means a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Tidal waters. “Tidal waters” means all waters affected by tidal action during the highest annual tide.

Timber harvesting. “Timber harvesting” means the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Timber harvesting and related activities. “Timber harvesting and related activities” means timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tributary stream. “Tributary stream” means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial *vegetation* or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural *vegetation* cover has been removed by human activity.

This definition does not include the term “*stream*” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving *water body* or *wetland*. ~~The subject term shall also include Baker Brook, Brown Brook, Cold Brook, Reeds Brook, Shaw Brook, Sucker Brook, Weber Brook and an unnamed brook in the southwest corner of town.~~

Upland edge of a wetland. “Upland edge of a wetland” means the boundary between upland and *wetland*. For purposes of a *coastal wetland*, this boundary is the line formed by the landward limits of the salt tolerant *vegetation* and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a *freshwater wetland*, the upland edge is formed where the soils are not saturated for a duration sufficient to support *wetland vegetation*; or where the soils support the growth of *wetland vegetation*, but such *vegetation* is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Vegetation. “Vegetation” means all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Velocity zone. “Velocity zone” means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Volume of a structure. “Volume of a structure” means the volume of all portions of a *structure* enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body. “Water body” means any *great pond, river* or *stream*. Water body also includes *local streams*.

Water crossing. “Water crossing” means any project extending from one bank to the opposite bank of a *river, stream, tributary stream, or wetland* whether under, through, or over the water or *wetland*. Such projects include but may not be limited to *roads, fords, bridges, culverts, water lines, sewer lines, and cables* as well as maintenance work on these crossings. This definition includes crossings for *timber harvesting* equipment and related activities.

Wetland. “Wetland” means a *freshwater wetland* or *coastal wetland*.

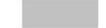
Windfirm. “Windfirm” means the ability of a *forest stand* to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody vegetation. “Woody vegetation” means live trees or woody, non-herbaceous shrubs.

STATUTORY AUTHORITY: 38 M.R.S.A. Section 438-A(5)

LEGEND

INFRASTRUCTURE

-  Town Road
-  Private Road
-  State Road
-  Unimproved Road
-  Railroad
-  Pipeline US Government
-  Pipeline ExxonMobil

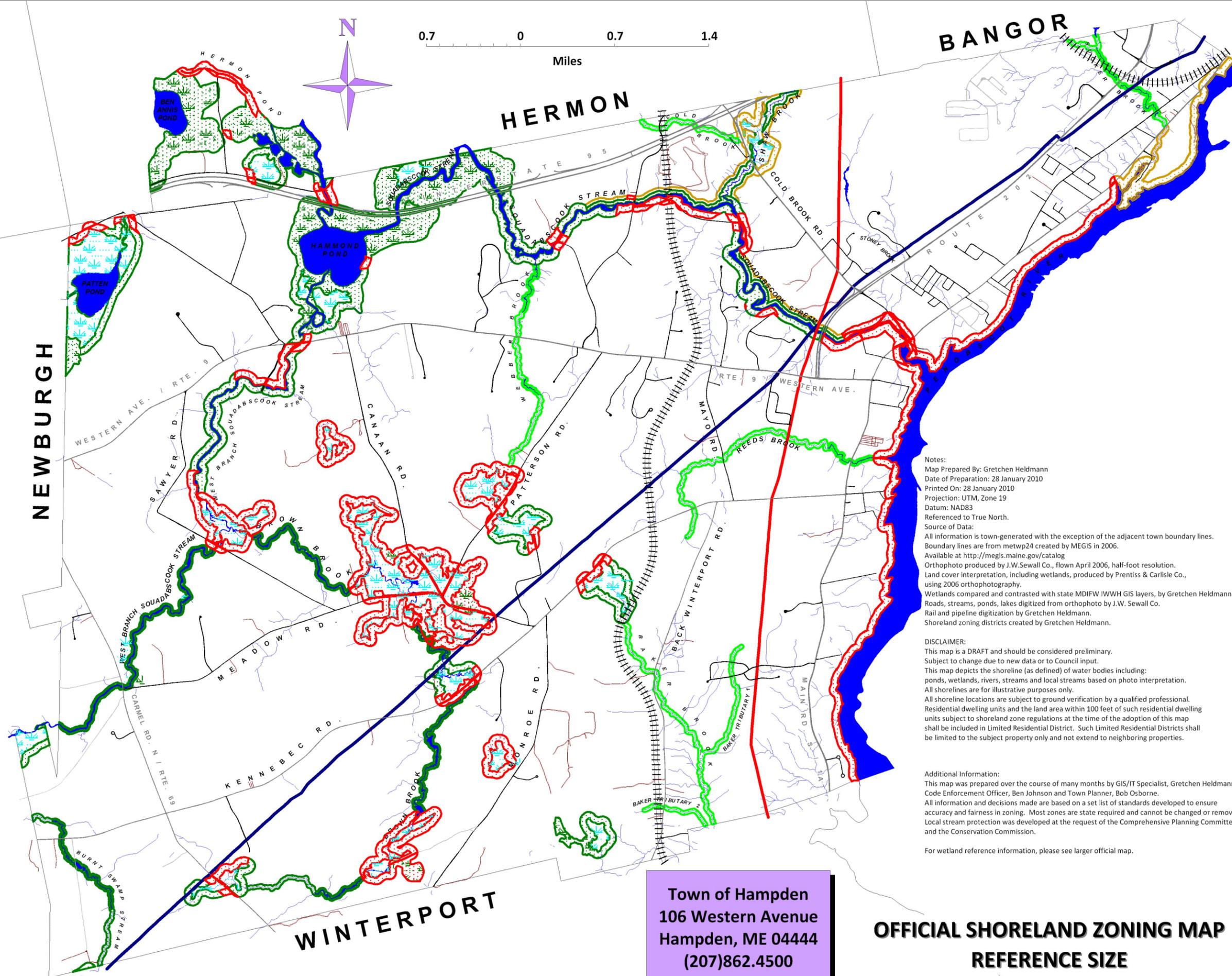
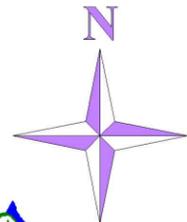
SHORELAND ZONING DISTRICTS

-  75ft Stream Protection or up to 250ft Resource Protection
-  75ft Local Stream Protection
-  Limited Residential
-  General Development

WETLAND CLASSIFICATION

-  Non Forested
-  Forested

0.7 0 0.7 1.4
Miles



Notes:
 Map Prepared By: Gretchen Heldmann
 Date of Preparation: 28 January 2010
 Printed On: 28 January 2010
 Projection: UTM, Zone 19
 Datum: NAD83
 Referenced to True North.
 Source of Data:
 All information is town-generated with the exception of the adjacent town boundary lines. Boundary lines are from metwp24 created by MEGIS in 2006. Available at <http://megis.maine.gov/catalog>
 Orthophoto produced by J.W.Sewall Co., flown April 2006, half-foot resolution. Land cover interpretation, including wetlands, produced by Prentiss & Carlisle Co., using 2006 orthophotography.
 Wetlands compared and contrasted with state MDIFW IWWH GIS layers, by Gretchen Heldmann. Roads, streams, ponds, lakes digitized from orthophoto by J.W. Sewall Co.
 Rail and pipeline digitization by Gretchen Heldmann.
 Shoreland zoning districts created by Gretchen Heldmann.

DISCLAIMER:
 This map is a DRAFT and should be considered preliminary. Subject to change due to new data or to Council input. This map depicts the shoreline (as defined) of water bodies including: ponds, wetlands, rivers, streams and local streams based on photo interpretation. All shorelines are for illustrative purposes only. All shoreline locations are subject to ground verification by a qualified professional. Residential dwelling units and the land area within 100 feet of such residential dwelling units subject to shoreland zone regulations at the time of the adoption of this map shall be included in Limited Residential District. Such Limited Residential Districts shall be limited to the subject property only and not extend to neighboring properties.

Additional Information:
 This map was prepared over the course of many months by GIS/IT Specialist, Gretchen Heldmann; Code Enforcement Officer, Ben Johnson and Town Planner, Bob Osborne. All information and decisions made are based on a set list of standards developed to ensure accuracy and fairness in zoning. Most zones are state required and cannot be changed or removed. Local stream protection was developed at the request of the Comprehensive Planning Committee and the Conservation Commission.

For wetland reference information, please see larger official map.

Town of Hampden
 106 Western Avenue
 Hampden, ME 04444
 (207)862.4500

**OFFICIAL SHORELAND ZONING MAP
 REFERENCE SIZE**





TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendments for Issuance of Building Permits on Subdivision Lots and in Conjunction with Plumbing Permits
DATE: January 26, 2010

The Planning Board at their January 26, 2010 meeting voted unanimously to return the text with an "ought-to-pass" recommendation. They did note that this approval should be linked to the approval of the Town Ways Ordinance amendments currently before the Town Council because of the language requiring a letter from a professional land surveyor indicating that all subdivision monuments have been set.

This draft zoning ordinance text amendment clarifies under what conditions the Code Enforcement Officer can issue a building permit in a newly constructed subdivision. The amendment also clarifies what sort of plumbing permit is required for issuance of a building permit.

This language was reviewed by Attorney Russell he made some adjustments for the building permit language prior to the Ordinance Committee meeting.

Proposed Amendments to Article 5 of Zoning Ordinance

The proposed amendments to Section 5.3.1.8 and Section 5.3.1.9 are the same ones that I reviewed in March of 2008, and my comments have been incorporated therein. Therefore, I find the proposed amendments to be acceptable, except that in Section 5.3.1.9, the word "disposal" should be "Disposal".

2/1/2010 - Introduced for public hearing on 3/1/2010

TOWN OF HAMPDEN
Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

ARTICLE 5
ENFORCEMENT
(Amended: 6/3/02)

5.1. Administrative Officer - This Ordinance shall be enforced by a Code Enforcement Officer appointed by the Town Manager with confirmation by the Town Council.

5.2. Duties - The Code Enforcement Officer, in enforcing this Ordinance, shall be responsible for establishing reasonable procedures for enforcement, keeping all activities within the jurisdiction of this Ordinance under surveillance, issuing building and/or use permits where applicable, keeping public records of his proceeding and instituting or causing to be instituted any or all actions that might be appropriate for the enforcement of this Ordinance.

5.3. Permits - Application for a building permit and a certificate of compliance shall be made concurrently with the initial application.

5.3.1. Building Permits

5.3.1.1. Building Permit Required - An application shall be submitted to the Code Enforcement Officer for the following activities, and these activities shall not commence in the Town of Hampden without a permit being issued.

1. Construct or alter a structure.
2. Change of exterior dimensions of an existing structure;
3. Construct a sign or change the exterior dimensions of a sign;
4. Reconstruction of a disaster-damaged or disaster-destroyed structure.

5.3.1.2. No building permit shall be issued except in conformity with the provisions of this Ordinance.

5.3.1.3. Within fourteen (14) days of the filing of an application for a building permit, the Code Enforcement Officer shall approve or deny such application or shall refer the applicant to the planning board or the Board of Appeals. The decision shall be in writing and communicated directly to the applicant. In the case of a denial of an application, the decision shall include reasons for such. One (1) copy of the Code Enforcement Officer's decision shall be filed in the municipal office.

(Amended:09-18-06)

5.3.1.4. No building permit for a building or structure on any lot shall be issued except to the owner of record thereof, or his authorized agent. The Code Enforcement Officer may require that any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, an on site soils survey, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure, and other such information as may be necessary to provide for the execution and enforcement of this Ordinance.

5.3.1.5. Applications for permits with their accompanying plans and building permits shall be maintained as a permanent record by the Code Enforcement Officer.

5.3.1.6. A building permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within six (6) months of the date on which the permit is granted, or if the work or change is not substantially completed within two (2) years of the date on which the permit is granted.

5.3.1.7. No building permit, demolition permit, earth moving permit, sign permit or certificate of compliance shall be issued without payment of fees in accordance with the Town of Hampden Fees Ordinance. *(Amended: 11-17-03)*

Any structure on which construction, including but not limited to foundation work, has begun before the issuance of a building permit will be assessed double the above described fees.

5.3.1.8. ~~Building permits for structures to be located on subdivision lots shall not be issued by the Code Enforcement Officer until all improvements, including public utilities (sewer, water and electrical), roads and drainage facilities as approved by the Planning Board and required by town ordinances, are completed to the satisfaction of the Town designated engineering consultant and the road, if any, has been accepted by the Town Council as a town way, unless the following improvements have been completed:~~

- ~~1. Installation of all public utilities, in accordance with the approved subdivision plan, including sewer, water and electrical,~~
- ~~2. Substantial construction of roads, meaning the complete installation of gravel sub-base and drainage facilities including ditches, detention basins, road culverts, driveway culverts, etc., and~~
- ~~3. Installation of all property pins for the subdivision lots by a registered surveyor.~~

5.3.1.9. Plumbing Wastewater Disposal Permit Required - No building permit shall be issued for any structure or use involving the construction, installation, or alteration of plumbing facilities unless either a valid internal plumbing subsurface wastewater disposal permit or sewer hook-on permit has been secured by the applicant or his authorized agent in conformance with the plumbing code of the State of Maine Subsurface Wastewater Disposal Rules or the Town of Hampden Sewer Ordinance.

C-1-C



TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendments for Conditional Uses in the Commercial Service District.
DATE: January 26, 2010

The Planning Board at their January 26, 2010 meeting voted unanimously to return the text with an "ought-to-pass" recommendation.

This draft zoning ordinance text amendment would make possible a wide range of additional water dependent uses in the Commercial Service District along the Penobscot River.

This language was reviewed by Attorney Russell who recommendations were discussed by the Council Planning and Development Committee. That Committee indicated that they did not wish to add a specific height limitation in feet. They did however wish to incorporate the remainder of the suggestions and those were added to the text of the draft amendment.

2/1/2010 - Introduced for public hearing on 3/1/2010

TOWN OF HAMPDEN
Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

3.3. Commercial Service District

3.3.1. Purpose - This district is intended for the location of heavy commercial uses, wholesale uses, office buildings, automotive type of uses such as sales and service, convenience stores and commercial service type of uses. In general this area is devoted to service or wholesale uses.

3.3.2. Permitted Uses (Subject to Site Plan Review) - Any retail or service business, hotel and motels, business or professional offices, take-out restaurant, small restaurant, sit-down restaurant, automobile service, place of assembly, outdoor recreation and accessory uses or structures. Essential service and buildings for essential service, single family dwellings in existence on the date of this amendment. *(Amended 12-6-04)*

3.3.3. Conditional Uses (Subject to Site Plan Review) – Fast-food restaurant, outdoor dining restaurant, tavern, bar, dance hall, commercial school, drive-thru business, wholesale distribution, truck terminal, light industrial operations (but not including excavation, gravel pit and quarry activities) which do not exceed 10,000 square feet, such as warehousing assembly or fabrication. Functionally water-dependent uses along the Penobscot River. Any establishment which provides in excess of 5,000 square feet of outdoor display or storage of goods or equipment. Stockpiles (subject to *Article 4.9*) not accessory to excavation, gravel pit and quarry activities. *(Amended 4-7-03, 12-6-04, 12-17-07)*

3.3.4. Lot Dimensions

Minimum Lot Area	-	20,000 sq. ft.
Minimum Road Frontage	-	100 feet
Minimum Setbacks:		
Street Yard	-	40 feet
Other Yards	-	30 feet
Maximum Ground Coverage	-	25 percent
Maximum Building Height	-	35 feet

3.3.5. Special District Regulations

1. Where a commercial or industrial use abuts any residential use or residential district, the other yard setback shall be double where it abuts the residential property.
2. Notwithstanding the ~~above~~ maximum building height regulations in Article 3.3.4.~~structures not intended to be occupied may be constructed up to 50 feet in height when treated as a conditional use.~~ building height may be up to 50 feet under the following standards.

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 yard setback requirement.

EXAMPLE: A 48 foot tall building is proposed. By subtracting the base Commercial Service District maximum building height from the proposed height the following is the result $48' - 35' = 13'$.

Then add that amount to each yard or setback.

<u>Setback Type</u>	<u>Base Setbacks:</u>	<u>Total Setback</u>
<u>Street Yard</u>	<u>- 40 feet</u>	<u>53 feet</u>
<u>Other Yard</u>	<u>- 30 feet</u>	<u>43 feet</u>

3. Notwithstanding other requirements in this section any structure which requires access to rail service shall not be required to setback from the railroad siding. *(Amended 8-17-92, 10-4-93)*
4. Fast-food restaurant use shall be located on a lot having a minimum lot size of 1.5 acres, minimum frontage of 200 feet and no part of the vehicle queue shall be located within 100 feet of a residential structure. *(Amended 12-6-04)*
5. Sale or consumption of alcoholic beverages is prohibited for outdoor dining restaurant uses in conjunction with take-out restaurants and fast-food restaurants. *(Amended 12-6-04)*
6. Outdoor dining areas proposed for outdoor dining restaurant uses shall be clearly delineated on a site plan including barriers required under M.R.S.A. *Title 28-A*. Outdoor dining restaurant uses proposing outdoor consumption of alcoholic beverages shall comply with M.R.S.A. *Title 28-A: LIQUORS §1051. Licenses generally* which requires that outside areas be controlled by barriers and by signs prohibiting consumption beyond the barriers. *(Amended 12-6-04)*
7. Notwithstanding the maximum building height regulations buildings used for functionally water-dependent uses along the Penobscot River are not subject to the maximum building height standard in Article 3.3.4. or 3.3.5.2. provided the lot area for such a use is at least five acres in size.

C-1-d



TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Zoning Text Amendment Institutional Building Definition
DATE: January 26, 2010

The Planning Board at their January 13, 2010 meeting voted unanimously to return the text with an "ought-to-pass" recommendation.

At the time Town Council amended the Residential B District height standards to accommodate the Hampden Academy project it was agreed that a definition of institutional building should be added to the Zoning Ordinance. Please find attached a draft of that definition. This language was reviewed by Attorney Russell who asked if the committee wished that institutional buildings also be owned by the eligible entity. The Council Planning and Development Committee determined that an ownership requirement could present an unintended problem here because, for example, church buildings are owned by diocese or synods rather than locally by a congregation.

2/1/2010 - Introduced for public hearing on 3/1/2010

TOWN OF HAMPDEN
Draft

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

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:

Institutional building: A building or group of buildings used to provide a public service and operated by a Federal, State or local government, public or private utility, public or private school or college, tax-exempt organization, and/or a place of religious assembly. Examples include: public agency, public safety and emergency services, essential and utility services, cultural, service and religious facilities, public/private health facilities or other similar uses.

Check One: Initial Application
 Reappointment Application



TOWN OF HAMPDEN APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: SMITH AIMEE E
LAST FIRST MI

ADDRESS: 51 SUNSET AVE HAMPDEN 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 951-0192 866-5500
HOME WORK

EMAIL: asmith@griffinandjordan.com

OCCUPATION: PARALEGAL

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: APPEALS

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? I HAVE SERVED ON THE APPEALS BOARD FOR 2 TERMS

Are there any issues you feel this board or committee should address, or should continue to address? _____

- | | |
|---|---|
| <p><u>3 YEAR</u></p> <p>CONSERVATION COMMITTEE
BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
ECONOMIC DEVELOPMENT COMMITTEE
FRIENDS OF DOROTHEA DIX PARK</p> | <p>DYER LIBRARY
RECREATION COMMITTEE
ZONING BOARD OF APPEALS
HISTORIC PRESERVATION COMMITTEE
TREE BOARD</p> |
|---|---|

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY	Date Application Received: <u>JAN 05 2010</u>
COUNCIL COMMITTEE ACTION: _____	DATE: _____
COUNCIL ACTION: _____	DATE: _____
<input type="checkbox"/> NEW APPT <input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

C-3-a

**BEAR Program
Proposal
For the Town of Hampden, Maine**

**Submitted by
Renaissance Planning Associates
October 1, 2009**

Bill Najpauer
18 Deer Meadow Drive
Albion, ME,
437-2066
wnajpauer@uniners.net

Sarah Flaks
8 Lincoln St.
Hallowell, ME 04037
622-6356
sflaks@gwi.net

BEAR Program Proposal For the Town of Hampden, Maine

Renaissance Planning Associates

Qualifications

Renaissance Planning Associates is a partnership between Bill Najpauer and Sarah Flaks. We offer a variety of services in Community Planning, Land Use Planning and Community Organizing. Most of our expertise is in municipal comprehensive planning, zoning and land use ordinances and community consensus building.

Our experience includes the following:

- Completed 15 Comprehensive Plans, which included developing economic development policies and strategies;
- Developed a variety of municipal ordinances including: Zoning, Land Use, Site Review, Subdivision, Campground, Sludge Spreading, Phosphorus Control, Solid Waste, and Historic Preservation;
- Developed and presented municipal training sessions including board training, subdivisions, recreation planning, transportation, traffic access, and environmental issues;
- Municipal Committee training and start-up including conservation commissions;
- Grant writing including CDBG programs, hazard mitigation, fire service grants, planning grants, and solid waste grants;
- Developed and facilitated visioning sessions;
- Assisted municipalities with subdivision and commercial ordinance reviews;
- Developed plans for improving recycling and solid waste collection systems.

The following are some of the projects we completed recently:

- Zoning ordinance revision for the City of Gardiner;
- Neighborhood impact study for the City of Waterville;
- Recycling plan for the nine communities using the Hatch Hill Landfill in Augusta;
- Solid waste efficiency study for communities in the Kennebec Lakes Region;
- Traffic forum for the City of Waterville;
- Comprehensive plan policy and land use section revisions for the Town of Dixmont;
- Comprehensive plan updates for the Towns of Benton and Palmyra;
- Housing assessment for the Town of Litchfield;
- Sound End neighborhood strategic plan for the City of Waterville.

Capacity

Bill Najpauer and Sarah Flaks will both be available to work with the Town. The advantage of this approach is that it employs the experience of two planners and allows the work to be completed in a timely and efficient manner. The other advantage is that if for any reason one of us is unable to attend a meeting the other partner will be available.

We have just completed a zoning ordinance revision for the City of Gardiner and are currently involved in energy conservation grants for municipalities and developing public forums for the City of Waterville's comprehensive plan update. We have also recently initiated an ordinance update project for the Town of Eddington, which will be completed in May 2010. All of our projects are proceeding according to our contract work schedules. We are able to complete projects according to contract workplans and link our compensation to certain benchmarks in the work plan.

Both partners have extensive computer experience, including GIS mapping skills. Both Bill and Sarah have email and internet connections to facilitate communications.

Project Personnel

We bring a combined total of 35 years of planning experience, 25 of which were earned in Maine. This includes knowledge of Maine land use laws, growth management law, and State and private grant and funding resources. Our planning experience includes:

- Sarah's graduate planning concentration is in economic and community development;
- Sarah also worked as a County Planner and Community Planner for 7 years in Montgomery County, Pennsylvania. She was involved in a variety of municipal and county planning projects including site review, environmental review, and recreation planning;
- Sarah has extensive experience in demographics and survey design, developed during her time in Pennsylvania;
- Sarah served as an environmental planner at KVCOG between 1993 and 2006;
- Bill Najpauer served as Code Enforcement Officer and Planner for the City of Gardiner between 1987 and 1993;
- Bill Najpauer served as a Senior Planner at KVCOG between 1993 and 2006;
- Bill and Sarah created Renaissance Planning Associates in 2006;
- We are both certified energy auditors and are using this expertise to help municipalities save energy, promote conservation and energy efficiency.

Bill and Sarah bring to each project a wealth of practical planning experience developed after years of working with communities of all different sizes and types throughout Maine. We complement our technical planning knowledge and skills with a unique approach to working with communities. This approach involves consensus building, active listening, empowering participants, and encouraging creative participation. Our combination of planning skills and our approach to the planning process has enabled us to help communities successfully tackle projects including comprehensive plans, ordinance development, and neighborhood organizing.

General Approach

Our approach emphasizes both process and product. We firmly believe in creating a process that is both enjoyable for town's people and committee members to participate in, yet structured to achieve steady progress that will result in a finished product. We work throughout the process to foster enthusiasm for the topic, and encourage committee members to creatively explore all available options, both short and long term.

We have effective communication and facilitation skills and enjoy using these abilities working with individuals and groups. Our approach is to get our hands dirty and work in the trenches, which usually yield beneficial and effective results.

Our approach to the Hampden BEAR project reflects our emphasis upon being hands-on and making the optimal use of our communication skills. We propose to conduct personal survey interviews to help generate excitement in the process and to better listen and engage participants. This one-on-one approach will greatly enhance the survey outcomes and will generate candid ideas and suggestions.

BEAR Project Work Proposal

Purposes

- To obtain opinions from existing businesses concerning the local business climate and their future business plans;
- To assemble a body of data from local businesses about their concerns and ideas for the future business health of the town;
- To recognize the value the town places on local businesses;
- To provide a venue/forum for local businesses to participate in plans to address economic and business concerns in the community;
- To foster an ongoing voice/presence of local businesses in the future economic health of the town;
- To ensure that local businesses have a seat at the table in making policy decisions that affect their businesses;
- To develop an Action Plan to guide local economic development efforts in the community, incorporating the ideas and concerns presented by local businesses;
- To provide the policy framework/infrastructure/commitment to implement the Economic Development Action plan;
- To develop a process to re-assess the Action plan periodically and revise as necessary.

Contract Tasks

- Work with the Economic Development Advisory Committee to develop a BEAR Survey.
- Develop the final survey and present to the town for approval.
- Obtain a list of local businesses and coordinate an advertisement effort with the town to inform local businesses.
- Arrange personal or phone interviews as appropriate. Target at least 100 businesses for an interview. We will visit businesses to introduce ourselves and schedule an interview. Individual survey interviews will be conducted by Renaissance Planning. A personal interview is an effective tool to engage participants in conversation and solicit candid ideas and suggestions.
- Conduct interviews and begin to compile results. Identify trends, common concerns, opportunities, unmet needs, barriers to business expansion or retention, and new ideas and suggestions.
- Compile the survey results and provide an analysis of the data.
- Post the survey results on the Town Web site.

- Draft policies and strategies with the Economic Development Advisory Committee. (Coordinate proposed policies and strategies with the Comprehensive Plan.)
- Hold two public forums to present the policies and strategies. Coordinate business invitations with the committee.
- Compile a final draft of the policies and strategies based upon the public forums and present to the committee. Make any other changes as necessary.
- Submit a final report to the City Council consisting of the survey results and the final policies and strategies.

Business Expansion and Retention Ideas and Questions

The following ideas and questions are presented as a starting point to develop survey questions and help to define the overall BEAR program.

- Programs to encourage the expansion and retention of existing businesses are often more cost-effective than attracting new business into the community.
- Existing businesses have already invested in and are committed to the community.
- Often existing businesses get lost in the hubbub of economic development activities and plans.
- The type of existing businesses in the community can provide a guide/template for which types of new businesses the community should attract into the town.
- How do the existing businesses relate to the region and the greater labor market area?
- How do existing businesses relate to the Bangor cluster of businesses?
- What was your initial motivation/reason for opening your business here?
- What are your continuing reasons for remaining in business here? Are they different from your original reasons?
- Are there any business skills or training you lack and wish to learn?
- Are you planning to expand your business in the future?
- Are you able to expand your business in the town?
- Have you explored moving your business to another location in town or to another community? Why?
- Can you obtain financing or are you confident financing would be available to expand your business?
- What other type of new business in town would benefit your operation?
- Are you able to obtain within the town or region all the services and goods you need to conduct business?
- Are you able to find properly skilled employees for your business?
- What is the largest threat to the health of your business?
- What is your most costly business expense?
- Is your business ready to handle changes in the economy?
- What does your business need to do to remain competitive in today's economy?
- What does your business need to do to be competitive in the future economy?
- Will your business benefit from the so-called "green economic trend"?
- How do energy costs affect your business?

Town Responsibilities

- Provide a copy of the current/proposed comprehensive plan.
- Provide access to municipal officials as necessary.
- Provide meeting space for committee meetings and forums.
- Schedule and notify members of all committee meetings.
- Notify the business community about the interview/survey.
- Post the survey results and copies of the draft and final action plan on the Town Web site.
- Print copies of the survey results, and the draft and final copies of the proposed policies for public distribution.

Timeline and Budget

Timeline

A final project timeline will be developed in cooperation with the town. We anticipate that the project could be completed within a 7-month time period. The survey / business interview component should be completed within a 60-day period to maintain interest and excitement in the process. Local businesses and citizens should be able to view the survey results and participate in the formation of both short and long term objectives based upon the survey.

Proposed Schedule

(The following schedule assumes the project will begin in November 2009)

November 2009:

Work with the Economic Development Advisory Committee to develop survey questions.

December 2009 – January 2010

Conduct individual interviews with local businesses. Write an analysis of the survey for public distribution.

February 2010 – March 2010

Develop short and long term strategies to address the concerns identified in the survey in cooperation with the Economic Development Advisory Committee.

April 2010- May 2010

Present the economic strategies to the business community and public for review and comment. Hold at least two public forums to solicit public comment. Revise the strategies based upon public comment and present to the City Council for consideration.

Budget

The proposed cost of the BEAR Project is \$18,500 and includes all of the work outlined in this proposal.

Billing Schedule:

The following schedule is proposed:

- After completing the interviews and compiling the survey results. (\$ 9,000)
- After completing the draft policies and strategies. (\$6,500)
- After submitting the final plan (\$3,000)

References

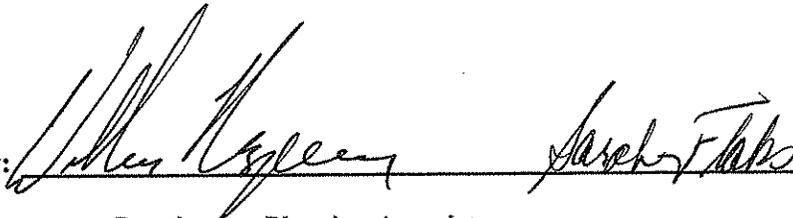
Ann Beverage, City Planner
City of Waterville
680-4230

Jason Simcock, Planning & Development Director
City of Gardiner
582-6892

Dan L'Heureux, Town Manager
Town of China
445-5020

Dean Bennett, Director of Community & Economic Development
Town of Hampden
862-3034

Submitted By:



Handwritten signatures of William Najpauer and Sarah Flaks, written over a horizontal line.

Renaissance Planning Associates
William Najpauer & Sarah Flaks
18 Deer Meadow Drive
Albion, Maine 04910
437-2066
[wnajpauer@renaissance.net](mailto:w najpauer@renaissance.net)

C-4-b

February 8, 2010

Town Manager
Hampden Town Office
108 Western Avenue
Hampden, Maine 04444

RE: Hampden Senior Citizens

Dear Susan Lessard:

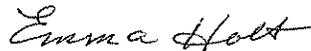
On behalf of the Hampden Senior Citizens, I am writing you before you have the budget meetings. We would like to have what is decided or voted to be given us, given directly to us, so we can handle the money ourselves.

The money that is allowed the Hammond Senior Citizens is given to them, so they can handle it.

We have a very capable and efficient treasure.

Would you please bring this up at the proper time, so that it will be taken care of for us, this would eliminate a lot of stress, on or part as well as yours.

Thanking you in advance,



Emma Holt
President
Phone (207)862-3126.



STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION
 16 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0016

C-4-c
RECEIVED
 JAN 27 2010

JOHN ELIAS BALDACCI
 GOVERNOR

BY:-----

DAVID A. COLE
 COMMISSIONER

1/22/2010

Susan Lessard, Town Manager
 Town of Hampden
 106 Western Ave
 Hampden, ME 04444-1428

Subject: Warm Mix Asphalt Overlay,
 Pavement Milling, Guardrail &
 Drainage Improvements
 Project No.: IM-1682(100)E
 I-95 Northbound
 Towns of Carmel, Newburgh, Hermon
 and Hampden

Dear Ms. Lessard:

The Maine Department of Transportation will soon advertise the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "*the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers*". In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,

Scott Bickford
 Contracts & Specifications Engineer
 Bureau of Project Development



PRINTED ON RECYCLED PAPER

Return this AGREEMENT, when completed, to:

Maine Department of Transportation
ATTN.: Mr. Scott Bickford, Contracts & Specifications Engineer
#16 State House Station, Child Street
Augusta, Maine 04333-0016

Project No.: IM-1682(100)E
Location: Carmel, Newburgh, Hermon and
Hampden

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **Town of Hampden** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to use overweight equipment and loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overweight loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

TOWN OF HAMPDEN
By the Municipal Officials

Project No. IM-1682(100)E

SPECIAL PROVISION 105
CONSTRUCTION AREA

A Construction Area located in the Towns of Carmel, Newburgh, Hermon and Hampden has been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

- (a) In Penobscot County, Project No. IM-1682(100)E is located on Interstate 95 northbound, beginning 2.7 mi. northerly of the Carmel town line and extending northerly 5.91 miles. Includes all ramps.

Per 29-A § 2382 (7) MRSA, the MDOT may “*issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:*

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.”

The Municipal Officers for the Towns of Carmel, Newburgh, Hermon and Hampden agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the “Construction Area”.

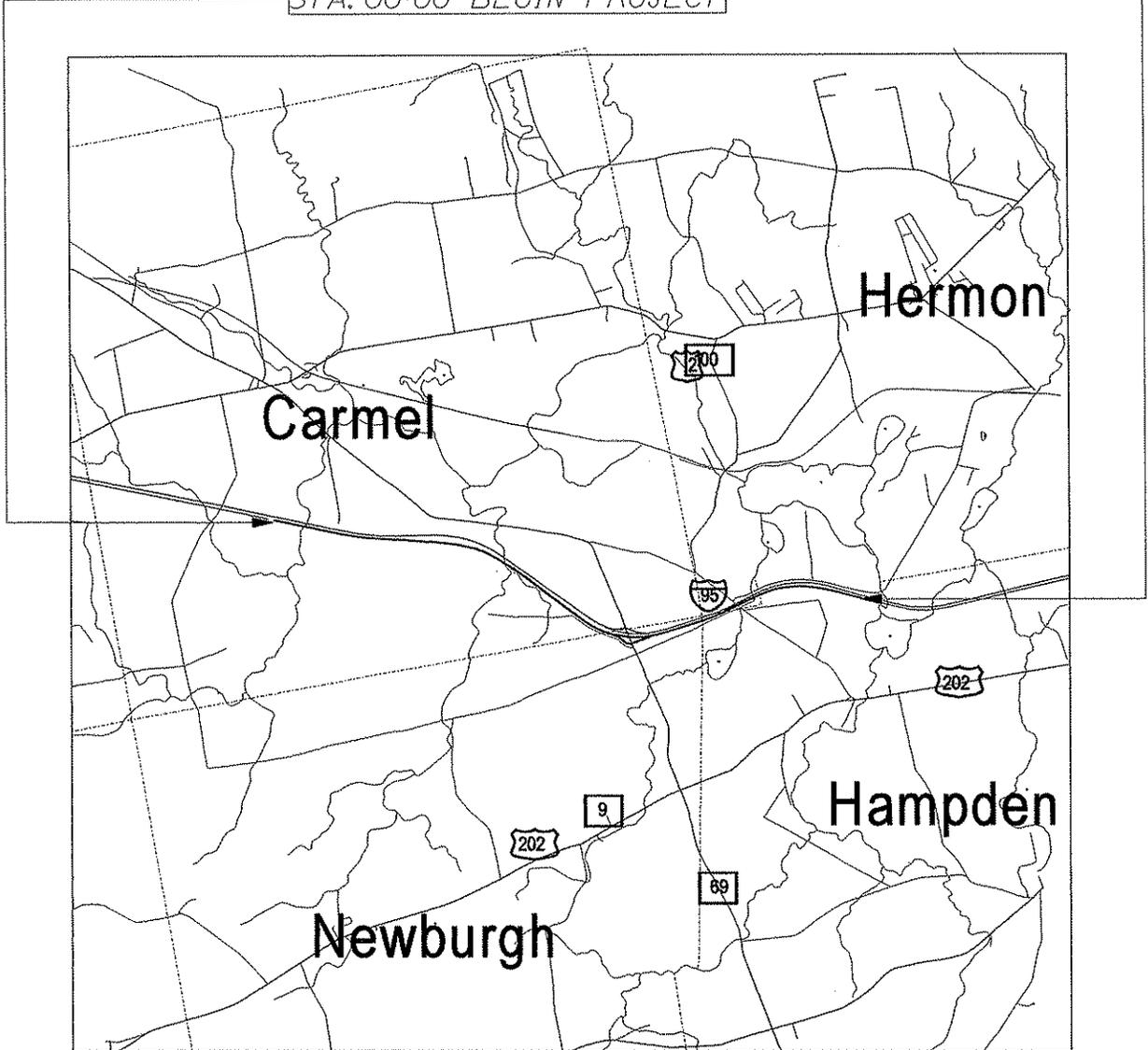
As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

IM - 1682(100)E

STA. 312+25 END PROJECT

STA. 00+00 BEGIN PROJECT



LOCATION MAP



Scale in Miles

GENERAL GUIDANCE

CONSTRUCTION OVERLIMIT PERMIT AND BONDING

The Maine Bureau of Motor Vehicles (BMV) establishes requirements and standards for the permitting of non-divisible over dimensional and overweight vehicles and loads (collectively overlimit loads) on state roads. These state motor vehicle permits are available on-line. 29-A MRSA and Secretary of State Administrative Rules Chapters 155-157 apply. Additionally, municipalities and county commissioners may issue overweight permits for travel on municipal and county ways maintained by that municipality or county. These permits are typically single trip permits requiring vehicle registration data, intended route etc.

However, in this case we're dealing with *Construction Permits* involving overlimit loads in support of construction projects. According to 29-A MRSA § 2382 (7), a Construction Permit is a permit "for a stated period of time that may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation". According to 29-A § 2382 MRSA, the construction overlimit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

By signing the attached agreement, the municipality agrees to issue construction overlimit permits to the MDOT construction contractor.

Frequently Asked Questions:

A. Why sign the document in advance of the actual construction contract?

Response: There are three primary reasons: First, to comply with 29-A § 2382. Second, to ensure that there are no surprises regarding the use of municipal roads by the Maine DOT contractor (to reasonably reduce risk and thus keep the cost of construction down) and third, to ensure the town is aware of its rights to control its own roads, and its rights to require a separate contractor's bond. (This is in addition to the Payment Bond and the Performance Bond the Maine DOT requires of the contractor).

B. Different roads may require different levels of scrutiny. How is a posted road handled?

Response: Despite the general construction overweight permit, the contractor cannot exceed the load limit on a posted municipal road without specific municipal permission. 29-A § 2395 MRSA notes that any ways requiring special protection (such as posted roads) will continue to be protected and overweight permits are superseded by such postings. In such a case the contractor would have to use an alternate route.

C. Is there any reason why the contractor cannot be held to indemnify and hold harmless the Municipality beyond the simple posting of a bond?

Response: The objective of our standard letter is to deal with overweight equipment and trucks on municipal ways during construction of a Maine DOT construction project. The bond merely provides a measure of protection against damage to municipal ways as a direct result of construction activity. Other areas of risk and indemnification are beyond the scope of our letter.

D. Are we required to obtain a bond?

Response: No. In fact, few municipalities have required a construction bond. It is a matter of risk management.

E. If used, what amount should be required on the bond?

Response: Previous MDOT letters used to speak about a maximum bond amount of \$14,000 / mile (\$9,000 / kilometer) of traveled length, however 29-A § 2382 sets no maximum. The amount of the bond (if any bond is required at all) is based on the individual situation. The MDOT will assist in providing a bond amount estimate if so requested.

F. Why the blanket approval?

Response: The blanket approval we seek is the reasonable accommodation by the municipality to allow the Maine DOT contractor to use town ways (if required) to haul overweight construction equipment and trucks. This theoretically gives the municipality and the MDOT time to discuss exceptions to a blanket approval. In general, this avoids unnecessary risks and saves money for all concerned in the long run.

G. Who determines the suitability of repairs?

Response: For municipal ways, the suitability of repairs may be determined by municipal officers. The MDOT will assist.

H. What is a non-divisible load?

Response: Per Chapter 157 (The Administration of Over-Dimension and Overweight Permits) under the Secretary of State administrative rules (See Rule Chapters for the Department of the Secretary of State on line), a non-divisible load is defined as: A load which, if separated into smaller loads or vehicles, would:

- 1) make it unable to perform the function for which it was intended;
- 2) destroy its value or;
- 3) require more than eight work hours to dismantle using appropriate equipment. Sealed oceangoing containers, spent nuclear materials in casks, and government-controlled military vehicles and their loads will be considered non-divisible

I. What is the standard for Overweight trucks and equipment?

Response: Overweight means a weight that exceeds the legal limits established in 29-A MRSA Chapter 21.

J. This is an unorganized township with no county or municipal roads. Why should I respond?

Response: Because of limited staff, we send out a standard letter to cover contingencies and minimize risk to the construction process. From time to time the letter may not have a practical application. In most cases of unorganized territories, the agreement is signed and returned as a matter of routine. This ensures that surprises will not be encountered after the start of construction regarding travel over municipal and county ways.

Additional tips:

False Information - Permit are invalidated by false information. A permit is invalidated by the violation of any condition specified by the terms of the permit or by false information given on the application. On evidence of such violation of falsification, the permittee may be denied additional permits.

Proper Registration - Overload permits do not relieve the registrants of vehicles from their obligations to properly register their vehicles in accordance with Motor Vehicle Laws.

Agent's Power of Attorney - If you do require a contractor's bond, make sure you have a copy of the Surety Agent's power of attorney authorizing the surety agent to sign for the surety. Keep the power of attorney with your duplicate original bond at the municipality. The contractor will also have a duplicate original.

Other bonds - The Maine DOT requires a payment bond and a performance bond of the contractor which is held against unsatisfactory performance on the part of the contractor for all construction projects over \$100,000. (The Miller Act (40 U.S.C. 270a-270f) normally requires performance and payment bonds for any federal aid construction contract exceeding \$100,000. 14 MRSA § 871 provides a similar requirement for state funded construction projects.) These bonds cover the proper performance of the contract and the payment of all employees, suppliers and subcontractors.

SPECIAL PROVISION 105
OVERLIMIT PERMITS

Title 29-A § 2382 MRSA Overlimit Movement Permits.

1. Overlimit movement permits issued by State. The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation

2. Permit fee. The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than \$6, nor more than \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

3. County and municipal permits. A county commissioner or municipal officer may grant a permit, for a reasonable fee, for travel over a way or bridge maintained by that county or municipality

4. Permits for weight. A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.

5. Special mobile equipment. The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.

6. Scope of permit. A permit is limited to the particular vehicle or object to be moved, the trailer or semitrailer hauling the overlimit object and particular ways and bridges.

7. Construction permits. A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.

8. Gross vehicle weight permits. The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

9. Pilot vehicles. The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

9-A. Police escort. A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

10. Taxes paid. A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to another location in the same municipality for purposes not related to the sale of the mobile home.

11. Violation. A person who moves an object over the public way in violation of this section commits a traffic infraction.

Section History:

PL 1993, Ch. 683, §A2 (NEW).

PL 1993, Ch. 683, §B5 (AFF).

PL 1997, Ch. 144, §1,2 (AMD).

PL 1999, Ch. 117, §2 (AMD).

PL 1999, Ch. 125, §1 (AMD).

PL 1999, Ch. 580, §13 (AMD).

PL 2001, Ch. 671, §30 (AMD).

PL 2003, Ch. 166, §13 (AMD).

PL 2003, Ch. 452, §Q73,74 (AMD).

PL 2003, Ch. 452, §X2 (AFF).

MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION

MUNICIPALITY: _____

Phone: 207-_____ ; fax: 207- _____

APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF _____ for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

BOND # _____

Date:

MUNICIPAL CONSTRUCTION BOND

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) _____
 _____ and the Municipality of _____, as
 principal, and _____
 _____, a corporation duly organized under the laws of the State of _____ and having a
 usual place of business _____,
 as Surety, are held and firmly bound unto the Treasurer of the Municipality of
 _____ in the sum of
 _____ and 00/100 Dollars (\$ _____)
 to be paid said Treasurer of the Municipality of _____ or
 her/his successors in office, for which payment well and truly to be made, Principal and
 Surety bind themselves, their heirs, executors and administrators, successors and assigns,
 jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in
 the Contract to construct Project Number _____ in the Municipality of
 _____ promptly and faithfully performs the Contract,
 without damage to the municipal ways, other than normal wear and tear; then this
 obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way
 beyond normal wear and tear, in the construction of the above project through the use of
 legal weight, legal dimension trucks or equipment; or overweight or over-dimension
 equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond
 may be used to guarantee that the contractor either repairs or pays for the damage caused
 by the use of its equipment or trucks. The degree of damage beyond normal wear and
 tear will be determined by municipal officials with the assistance of the Maine
 Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this day of, 20.....

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly

Print Name Legibly

.....

.....

WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly

Print Name Legibly

NAME OF LOCAL AGENCY:

ADDRESS

TELEPHONE

NAME OF SURETY

SURETY ADDRESS:.....

BOND # _____

ARBOR DAY PROCLAMATION

WHEREAS, In 1872, Sterling Morton proposed that a special day be set aside for the planting of trees, and

WHEREAS, the holiday called Arbor Day, was first observed with the planting of more than a million trees in a single state, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in Hampden increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

THEREFORE, I MATTHEW ARNETT, MAYOR OF THE TOWN OF HAMPDEN, TOGETHER WITH THE HAMPDEN TOWN COUNCIL, DO HEREBY PROCLAIM MAY 20, 2010 AS

ARBOR DAY

IN THE TOWN OF HAMPDEN, AND WE URGE ALL CITIZENS TO SUPPORT THE EFFORTS TO PROTECT OUR TREES AND WOODLANDS, and

FURTHER, We urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

DATED this 1st day of March in the year 2010.

Mayor _____