



Town of Hampden

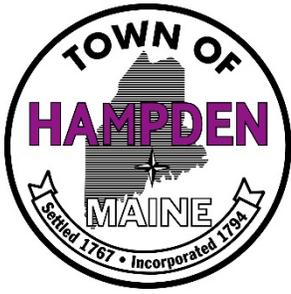
Planning Board

Wednesday, October 10, 2018, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Administrative.
 - a. Minutes – September 12, 2018
2. New Business
 - a. Julianne Shaw – Minor Subdivision. Splitting a second lot from an existing lot within a five year period, triggering the requirement for subdivision approval. The property is located off Pond Road, parcel 11-0-008.
3. Old Business
 - a. Planning Board Bylaws
4. Staff Report
5. Planning Board Comment
6. Adjournment



Town of Hampden

Planning Board Meeting

Wednesday September 12, 2018, 7:00 pm

Council Chambers

Minutes

In Attendance:

Planning Board

Gene Weldon, Chairman
 Kelley Wiltbank
 Jennifer Austin
 Jake Armstrong
 Peter Weatherbee
 Jim Davitt

Staff

Karen Cullen, AICP, Town Planner
 Myles Block, CEO

Public

Sean Thies
 Darrell Ginn
 Darryl Couillard

The meeting was called to order at 7:00 pm.

1. Administrative: Minutes of July 11 and August 8, 2018. **Motion** by Member Weatherbee to approve the minutes of July 11 as submitted; second by Member Wiltbank; carried 6/0/0. **Motion** by Member Wiltbank to approve the minutes of August 8 as submitted; second by Member Armstrong; carried 6/0/0.
2. Old Business: Planning Board Bylaws. This item was moved to later in the agenda by consensus.
3. New Business:
 - a. **Minor Subdivision – Daryl Couillard** to split off a second lot within a five year period from property located on Back Winterport Road (parcel 06-0-010). This property is in the Rural district. Chairman Weldon noted this minor subdivision application does not require a public hearing.

Darrell Ginn, surveyor and representative for the owner, presented the application:

- They are proposing to split the 28.8 acre parcel into two lots.
- Lot 1, which has no frontage on Back Winterport Road but does have access through a 100 foot wide right-of-way, is to be purchased by the property owner on the other side of the railroad.
- The current use is agriculture and both the current owner and the buyer plan to continue using each parcel for agriculture.
- No houses are planned at this time.
- Lot 2 (the front lot) is oddly shaped to retain over five acres so the land can remain in the farmland taxation program.
- Soil tests for these two lots were recently completed and indicate on a preliminary basis that the soils are suitable for septic systems.
- The 100 foot row strip was located where it is to avoid interfering with the existing hay fields.

Planner Cullen summarized her report:

- The Board will need to decide whether the oddly configured Lot 2 meets the intent of Section 521 of the Subdivision Ordinance.

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- The Board will need to decide whether the proposed transfer of the 100 foot right-of-way to the owner of Lot 1, which is to occur when Lot 1 is removed from the farmland taxation program, meets the intent of Section 521 of the Subdivision Ordinance. She noted technically the area north of the row strip will continue to be a portion of the area south of the strip, but it appears the intent is to create a buildable lot there – the land area and frontage of that northern area meet the (current) zoning requirements to be a separate lot.
- If the Board finds those issues to be acceptable, two conditions are recommended to be placed on the plan:
 - Lot 1 is nonconforming to the current Zoning Ordinance dimensional requirements and therefore is a non-buildable lot until such time as the 100 foot strip is conveyed from Lot 2 to Lot 1, which would allow the owner of Lot 1 to obtain a building permit under the provisions of Section 4.3, Rural Alternate Frontage Lots, of the Zoning Ordinance.
 - Lot 2 is approved as a single building lot until such time that it is divided in compliance with state and local subdivision laws; the conveyance of the 100 foot strip to Lot 1 will not automatically make the area north of that strip a separate lot.

Key points from Planning Board discussion were:

- When the 100 foot strip is conveyed, there will be some sort of recording at the Registry of Deeds, serving as notification to the Town that the parcel configuration has changed.
- As currently written, the Subdivision Ordinance requires that any future changes to the parcels in this subdivision will require Planning Board approval (as opposed to a lot split accomplished without Board approval).

Motion by Member Armstrong to categorize this as a minor subdivision; second by Member Wiltbank; carried 6/0/0 by roll call vote.

Motion by Member Weatherbee that no public hearing is required for this minor subdivision and that the Board can handle this application tonight; second by Member Davitt; carried 6/0/0 by roll call vote.

Motion by Chairman Weldon to approve the subdivision as submitted with no conditions. Motion failed for lack of a second.

Discussion on the merits of including the two recommended conditions on the plan. CEO Block noted it would be good for future staff to have these conditions so they understand the history of this subdivision and what is permitted at what point in time (in regards to the transfer of the 100 foot strip). Member Wiltbank said the Board occasionally faces situations where the history of an action has been lost which leaves a board unsure of how to proceed with an application, and he believes it is beneficial to future boards to include the conditions to provide that history. Planner Cullen asked Mr. Ginn what the downsides were to including the conditions; Mr. Ginn said he didn't think they were necessary since any building permit application for Lot 1 will have to show proof of compliance with Section 4.3 of the Zoning Ordinance, and the transfer of the 100 foot row will require recording at the registry of deeds. Chairman Weldon commented it would be easier to simply add the conditions.

Motion by Member Wiltbank to approve the subdivision as submitted, with the two conditions as recommended by Planner Cullen to be added to the plan; second by Member Weatherbee; carried 6/0/0 by roll call vote.

- b. **Insubstantial Change to Approved Site Plan for MRC/Fiberight.** CES, representing the applicants, has submitted a revised site plan for consideration by the Planning Board as an insubstantial change as permitted under condition #2 of the Planning Board Order approved on July 19, 2016. The site is on Parcel 09-0-036 and is in the Industrial zoning district with access from Coldbrook Road.

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Sean Thies of CES presented the application on behalf of the applicants.

- The biggest change is to the parking lots; due to modifications inside the building they needed to add another overhead access door in the location of the smaller of the two originally approved parking lots, so that one was deleted and the larger lot was enlarged to accommodate some of the lost parking spaces.
- The other changes involve slight changes in the location of the administration building, some utilities, and the fueling area.
- None of the proposed changes alter in any way the operation of the facility nor have any impact on noise, odors, traffic, etc.

Chairman Weldon noted that under the provisions of condition #2 of the Board Order, he had deemed the proposed modifications to be insubstantial, and therefore no public hearing is required. He noted that although the parking is being reduced, it still complies with the requirement.

Planner Cullen summarized her report:

- The requested changes include:
 - Move the administration building about 21 feet southeast.
 - Delete parking lot #2 and expand parking lot #1; this amounts to a reduction in parking from 54 spaces to 40 spaces.
 - Construct an access drive to the building where parking lot #1 was located.
 - Revise location of fueling area from the easterly end of the “truck yard” to the north side of the building by the “chemical transfer containment” area.
 - Revise location of above ground propane tank.
 - Revise location of air handling units (AHU); moved one of the two on south side of building to the north side.
 - Revise alignment of the pervious travel surface along the south side of the building to avoid the AHU.
 - Modified pervious travel surface south of the administration building.
 - Extended sidewalk along the west side of the building to the entry door.
 - Added a lighting plan (C104) to show proposed lighting along the edges of the pavement on the north and east sides of the building, plus three lights in the parking lot area; this is providing more detail than the July 2016 approved site plan and includes modified locations of some of the fixtures.
 - Added a new Site Detail sheet (C505) with details for the process waste water flow meter pit, the bio-gas condensate sump, the gas trench, and the process waste water sump.
- Staff had a few technical comments regarding separation between water and sewer lines and a missing line on the plan.
- The reduction in parking from 54 to 40 spaces is acceptable given the .75 space per employee discussed in the 2016 hearing. However, to avoid any potential safety issues staff recommends including a condition in the approval that there be no parking on the access road regardless of whether the road is public or private.
- Rather than create yet another document related to the Board Order, it is recommended that the original 2016 Board Order be revised as indicated in the redlined version included in the packet for this meeting, so there is one Order that governs the site.
- Recommending changing the language of Condition #2 in the Board Order to reflect the original intent and the practice regarding insubstantial changes.

Key points from Planning Board discussion were:

- Sean Thies addressed the staff comments, noting there is vertical separation between the water and sewer lines, and he has no objection to the proposed condition regarding no parking on the road.

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- The Board agreed with the idea of having only one Board Order.
- It was noted there will be an as-built plan prepared and submitted to the Town as part of the Certificate of Compliance.

Motion by Member Davitt to approve the modifications to the site plan as submitted and to approve the modifications to the Board Order as drafted; second by Member Wiltbank; carried 6/0/0 by roll call vote.

2. Old Business: Planning Board Bylaws.

Motion by Member Wiltbank to remove this item from the table; second by Member Weatherbee; carried 6/0/0.

Planner Cullen noted the changes to the draft bylaws since the previous discussion; key points from the discussion:

- Article 4 – re: training; the Board agrees with deleting the language
- Article 5 – re: participating in meetings remotely
 - can be useful for applications that are continued repeatedly to allow members to keep up with discussions
 - Board would like to add a provision to allow it; Planner Cullen will research what other towns have done and draft language for the Board to consider
 - Motion by Member Wiltbank to add provision to include the following; second by Member Austin; carried 6/0/0:
 - the remote member can effectively hear all attendees at the meeting
 - all attendees at the meeting can effectively hear the remote member
 - the remote member will not count toward quorum
 - the remote member is not eligible to vote on the application

Motion by Member Wiltbank to table the Board Bylaws until the new language for Article 5 is drafted; second by Member Davitt; carried 6/0/0.

4. Staff Report:

- a. CEO Block noted that Tradewinds is expected to open on Friday.
- b. Planner Cullen noted the town center planning project will be having the second workshop on Tuesday Sept 25 at 6:00 at the Kiwanis building. She added the results of the first meeting are being combined with the results of an online survey that asked similar questions, and that information will be presented at the second workshop. The primary goal of the second meeting will be to identify implementation strategies (physical improvements or regulatory changes) to help the town achieve the goal of having a more cohesive town center.

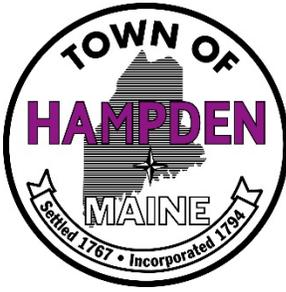
5. Planning Board comments: None.

Motion by Member Wiltbank to adjourn the meeting at 8:39; seconded by Chairman Weldon; carried 6/0/0.

Respectfully submitted by Karen Cullen, Town Planner

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Town of Hampden
Land & Building Services



Report on Application
Minor Subdivision
Shaw, Pond Road

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: September 26, 2018
RE: Report on Minor Subdivision Application

Project Information

Applicant: Ralph & Juliane Shaw
Site Location: 92 Pond Road
Zoning Districts: Rural, Seasonal, Shoreland – Limited Residential, and Shoreland – Resource Protection
Proposal: Create one new lot with frontage on Pond Road.

I have reviewed this proposed subdivision and find it to be deficient in the following:

Subdivision Ordinance Section 343, Submission requirements for minor subdivisions:

1. Subsection 343.2, item 3: the current zoning districts are not shown on the plan and are incorrect on the application form. The property has both Rural and Seasonal zoning districts, and both Limited Residential and Resource Protection shoreland zoning districts on it.
2. Subsection 343.2, item 4: the acreage of the parcel to be subdivided is not provided on either the plan or the application form.
3. Subsection 343.2, item 5: the abutter information on the plan is incomplete – the abutters across Pond Road are not given and the abutters across Fowler’s Landing Road do not appear to match the town’s tax map data. In addition, the note “(to be retained)” on Map 13 Lot 25C should be removed since it presumably refers to the previous land transfer from Sawyer to Shaw.
4. Subsection 343.2, item 6: no covenants or deed restrictions are mentioned on the plan or in the application form, but there are segments of a snowmobile/ATV trail shown on the plan – is there any sort of easement or deed restriction covering that or is it entirely informal?

5. Subsection 343.2, item 7 and Subsection 343.3, item 4: Not all corners of the proposed new Lot C are shown with “pin to be set” or any other indication that pins will be set at each corner.
6. Subsection 343.2, item 8: the location of wetlands and floodplains are not shown on the plan.
7. Subsection 343.3, item 2: the acreage of Lot A + “Other Land of Shaw” is not given on the plan or in the application form.
8. Subsection 343.3, item 5: there are a couple of areas where the lot line data (bearings and distances) are not provided on the plan, and a couple of areas where the property lines are not shown in bold to match the other property lines. (Lot A Pond Road frontage, and “Other Land of Shaw” along Fowler’s Landing Road.) In addition, the lot lines for Lot B that are not directly abutting Lot A or Lot C should not be shown in that same line type since that creates confusion as to what the subdivision plan is showing as being approved for this application. Lot B was split off earlier without need for approval.
9. Subsection 343.3, item 7: a soils report has not been submitted, nor has anything proving soil suitability for a septic system, including test pits, been submitted.

Article 500, General Requirements and Design Standards:

1. Section 522, Side Lines. This section basically encourages relatively simple geometries for parcels. It says in part that the Planning Board may approve variations to the requirement that side lines shall be at right angles to street lines when one or more of several objectives are met: “simplification of lot layouts by elimination of unnecessary property corners, ... accommodation of pre-existing features such as perimeter property lines or natural physical features such as wetlands and drainage ways.” The oddly shaped strip, which is less than 12 feet wide, does not seem to meet either of those objectives.
2. Section 524, Lot frontage. While the proposed Lot B has 200 feet of frontage on Pond Road, which extends into the lot the required 30 foot setback distance, the lot does not extend any further, instead shrinking to the skinny strip which then connects to the main part of the lot, which abuts Fowler’s Landing Road.

In reviewing this plan, it occurred to me that it would make more sense for the proposed new lot to have both its access and its frontage on Fowler’s Landing Road. The problem with that idea is that Fowler’s Landing Road is a private road which has been in existence since at least 1960 and likely since well before then; this road is basically a dirt track which does not meet the standards for private roads as set forth in the Subdivision Ordinance. Section 524 of the subdivision ordinance states: “Lot frontage shall be deemed acceptable only if it is on a road or street as defined in the Hampden Zoning Ordinance, or on a Private Street approved and constructed pursuant to the standards in this Ordinance.” The definition of Road or Street in the zoning ordinance is three part: maintained by the town, county or state; shown on a subdivision plan approved by the Planning Board; or a private road having been inspected and deemed consistent with the private road standards in the subdivision ordinance by the Public Works Director. Fowler’s Landing Road does not meet any of these, and therefore cannot be counted as frontage for any new lots. However, Article 600 of the subdivision regulations allows the Planning Board to grant a waiver to any of the regulations in the ordinance, provided the Board finds

there are special circumstances of a plan and granting the waiver will not have the effect of nullifying the purpose of the regulations.

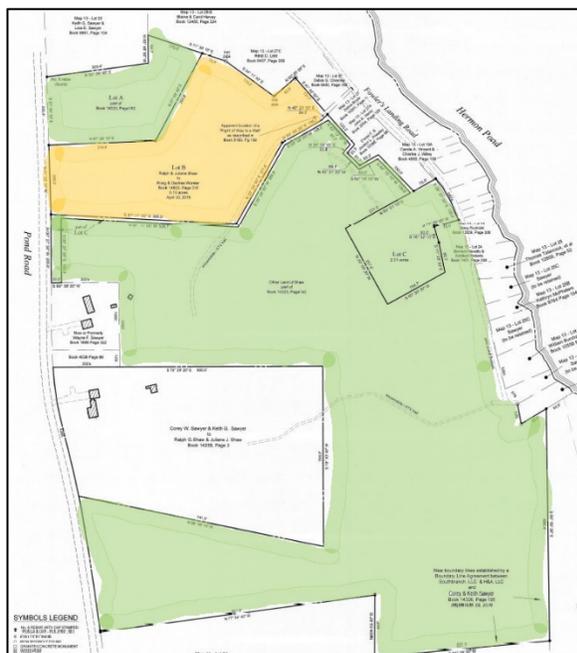
If the Board were to grant a waiver to Section 524 and allow the area abutting Fowler’s Landing Road to be counted as frontage, then – since that area is within the Seasonal zoning district – the lot could be reconfigured to eliminate the skinny strip winding over to Pond Road. In addition, the lot would only be required to have 40,000 square feet to meet the requirements of the Shoreland Zoning Limited Residential district for lots with septic systems. The entire lot is outside of the 100 foot setback from the Pond.

Based on the above, I offer the following recommendations:

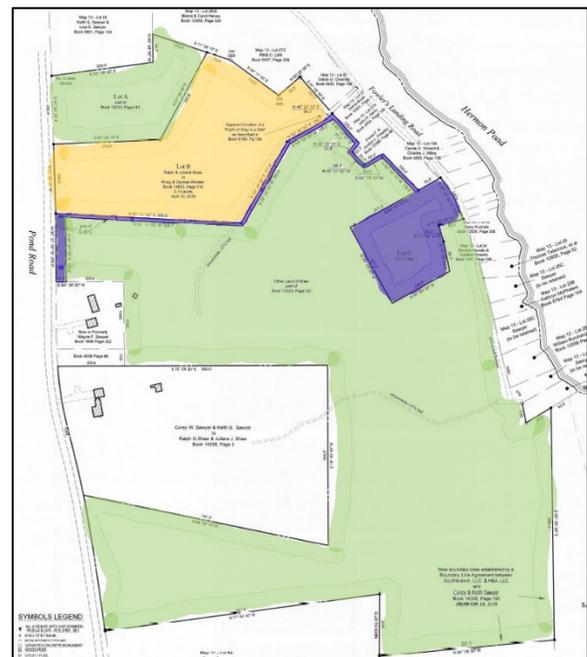
1. that the Planning Board waive the requirement in Section 524 and deem the frontage on Fowler’s Landing Road to be acceptable;
2. that the plan be revised to eliminate the skinny strip connecting the main part of Lot C to Pond Road, and configure the lot to have a minimum of 40,000 square feet if the house is to be located within the Seasonal district, or 2 acres if located in the Rural district;
3. that a note be added to the plan stating that Planning Board approval of this subdivision does not constitute any sort of approval, acceptance, or responsibility for maintenance or plowing by the Town of Fowler’s Landing Road, which is a private way that does not meet the standards of the Subdivision Ordinance for construction of private roads;
4. that the plan be revised to address the deficiencies noted above.

At this point the plan is not ready for approval by the Planning Board and I recommend that the Board table the item until a revised plan is submitted. The Board should consider and vote on the recommendations listed above in order to provide the necessary feedback to the applicant as to how to proceed.

In order to assist the Board with understanding what is proposed, I have prepared the images on the following pages – I apologize for the roughness of the coloring, this was done using a freehand drawing tool.



Existing parcel configuration (green & orange)

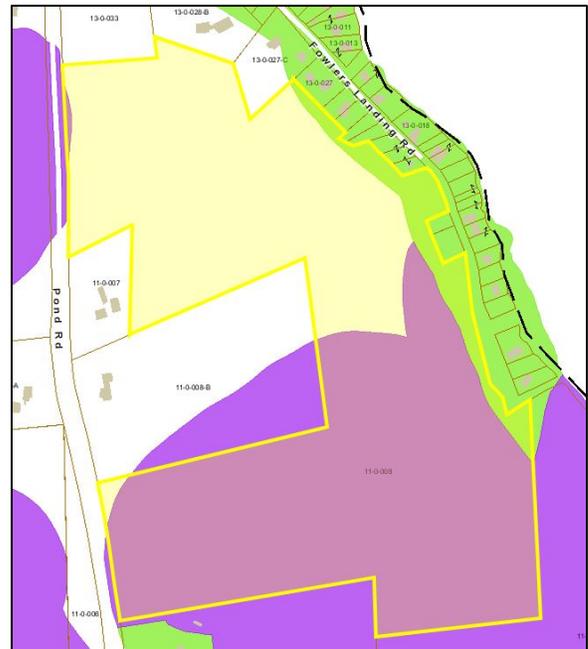


Proposed parcel configuration (green, orange, & purple)



Zoning: white = Rural and green = Seasonal

The parcel as exists currently in Hampden's GIS data is shown in yellow; this configuration does not include the split done in April 2018 that created "Lot B" on the subdivision plan.



Shoreland Zoning: purple = Resource Protection and green = Limited Residential

This map shows a rough approximation of the main area of the proposed Lot C (blue lines).



Seasonal zoning district, also Limited Residential shoreland zoning district

wetland (extends into the 500 year floodplain)

500 year floodplain

100 year floodplain



Shaw - Wetlands & Floodplains

Hampden, ME



September 25, 2018

1 inch = 300 Feet

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Large Scale	Property_Hooks	Freshwater Forested/Shrub Wetland
CAI Town Line	100 yr - Zone AE	Freshwater Pond
Street Names	500-year	Lake
Parcel Lines - Ortho	Freshwater Emergent Wetland	

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Town of Hampden
Land & Building Services

Memorandum

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KME*
Date: September 27, 2018
RE: Amendments to Planning Board Bylaws

At the September Planning Board meeting, the Board made the decision to add provisions for remote participation in meetings, upon the suggestion by an attorney at Rudman & Winchell. In doing research on this after the meeting, I discovered that the state of Maine does not permit remote participation in meetings for local boards, commissions, councils, committees, etc. In fact there are only a few state boards that have been granted the authority to have remote participation. Therefore, the proposed bylaws have not been changed since the August 20th draft.

At this point I believe the Board has expressed satisfaction with the proposed amendments and there are no outstanding issues; the bylaws should be ready for a vote.

HAMPDEN PLANNING BOARD

BY-LAWS

ARTICLE 1 – NAME

This organization shall be known as the Hampden Planning Board.

ARTICLE 2 – PURPOSE

These By-Laws are established by the Hampden Planning Board to aid in the fulfillment of its responsibility under the Maine Constitution, the Statutes of Maine, the Charter of the Town of Hampden and the Municipal Ordinances, all of which have precedence. These By-Laws are intended to insure fair and equitable treatment in all proceedings of the Hampden Planning Board. A copy of these Bylaws is available at the Town office and on the Town of Hampden web site.

ARTICLE 3 – MEMBERSHIP

- A. The Planning Board consists of seven regular members and two alternates appointed by the Town Council for terms of five years each.
- B. All Planning Board members, regular and alternate, shall be expected to attend all meetings.
- C. An alternate member may participate in the Board's proceedings but may vote only when s/he has been designated by the Chairperson to sit in for a regular member. The Chairperson shall so designate when any regular member is absent or when a regular member is unable to act because of conflict of interest or any other satisfactory reason.
- ~~D. Any person serving on any town board or committee shall forfeit their seat if they (1) lack any time during their term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime or offense which is, during their term, reasonably related to their inability to serve, or (4) fails to attend three consecutive regular meetings or no more than a maximum of six meetings per year of the board without being excused by said board. (Amended: 8/11/82)~~
- D. The Planning Board may create standing or special committees at any time by majority vote of its members, for the purpose of handling specific tasks as may be necessary for the conduct of business, with the exception that no such committee may be created for the purpose of reviewing or otherwise dealing with an application before the Board under the Subdivision or Zoning Ordinances.

ARTICLE 4 - OFFICERS AND DUTIES

- A. The Board shall elect a Chair and Vice Chair person from its members annually at its regularly scheduled meeting in January for a one year term. The Chairperson-Chair and Vice Chair are eligible for reelection.
 - 1. The Chairperson shall call all meetings of the Planning Board and shall preside at all meetings of the Board.
 - 2. The Chairperson shall call at least eight regular meetings of the Board each year.
 - 3. The Chairperson shall represent the Planning Board and be its official spokesperson in all matters.
 - ~~4. The Chairperson shall be responsible for ensuring that new members receive an orientation.~~
 - 5.4. The Chairperson may appoint committee Chairpersons subject to Board approval.

- ~~6.5.~~ In the event that the Chairperson is unable to attend a called meeting of the Planning Board, ~~s/he shall designate another member of the~~ the Vice Chair of the Board ~~will~~ act in his/her stead at that meeting.
- B. ~~The staff (planner, administrative assistant) is responsible for maintaining~~ Board shall elect a secretary from among its members annually at its regularly scheduled meeting in January for a one year term. The secretary is eligible for re-election.
- ~~1. The secretary shall be responsible for supervising the maintenance of~~ accurate records of the Planning Board meetings, including all official actions, as well as.
 - ~~2. Records and~~ correspondence of the Planning Board. All records shall be maintained in accordance with the Maine State Archives Local Government Record Retention Schedules in the Town Office and may be inspected during municipal business hours.
 - ~~3. Minutes of all meetings of the Planning Board shall be distributed to the members of the Board, Town Council, the Chairman of the Zoning Board of Appeals, the Town Manager, Code Enforcement Officer, and to such other persons as the Chairperson deems advisable and posted on the Town's website after approval.~~
 - ~~4. Minutes of the Planning Board meetings shall be officially approved at the next regular meeting of the Board, subject to corrections. Such approved minutes shall constitute the official record of the meetings of the Board.~~

ARTICLE 5 – MEETINGS

- A. ~~A~~ Regular meetings, if called, of the Planning Board shall be held on the second Wednesday of the month, and workshop meetings, if needed, shall be held on the third Tuesday of the month. (Amended: 9/10/81)
- B. Special meetings may be called by the Chairperson ~~and shall be called when requested by a majority of the Planning Board, provided that twenty four (24)48 hour notice is given to each Planning Board member. Unless proper public notice is able to be given, it will be a non-voting meeting.~~
- C. A quorum of the Board necessary to conduct official business shall consist of four members. A concurring vote of a majority of those present and eligible to vote is required in order for the Planning Board to act officially. ~~However, no official action may be taken unless the majority includes at least three.~~
- ~~D.~~ D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is challenged.
- ~~D.~~
- E. The agenda and materials for regular meetings shall be e-mailed/distributed to all members at least six days prior to the meeting.
- ~~F. The Planning Board agenda and minutes of meetings shall be mailed to the current chairpersons of the Town's standing and special committees. (Amended: 7/10/85)~~

ARTICLE 6 - RULES OF PROCEDURE

- A. Submission Deadlines.
- a. Applications for projects that do not require a public hearing per Article 7 or other requests are due to the Planning Department 15 days prior to the meeting date.
 - b. Applications for projects that require a public hearing but do not require third party peer review are due to the Planning Department 30 days prior to the meeting date.
 - c. Applications for projects that require a public hearing and require third party peer review are due to the Planning Department 44 days prior to the meeting date.

- d. Whenever the due date falls on a day the Town Office is closed, the due date is automatically shifted to the next date the Town Office is open.
- ~~A. An individual wishing to assure Planning Board consideration of any matter other than subdivision review, site plan review, conditional use review or conditional lot dimension review shall notify the Code Enforcement Officer/Town Planner at least 15 days in advance of a regular or special meeting.~~
- B. Meetings shall be conducted in accordance with Maine Statutes, including Maine's Freedom of Access – Public Right to Know Law, as outlined in Title 1, M.R.S.A., Sections 401-410, as amended, Town Ordinances, these By-Laws and pertinent parts of the latest revisions of Roberts Rules of Order ~~;~~ However, the Board may also establish special rules for the conduct of any business provided such establishment of rules does not violate state or municipal law or ordinance.
- C. Information regarding applications before the Board shall be presented to the Planning Board ~~in one or more of the following manners. No information shall be submitted except in one of these manners. (Amended: 11/12/86)~~
1. ~~As as~~ part of a formal application to the Planning Board submitted in accordance with the zoning and/or subdivision ordinances; or
 2. ~~As as~~ verbal or written testimony during for a public hearing; ~~or~~
 3. ~~At the request of the majority of the Board present and eligible to vote.~~

ARTICLE 7 - PUBLIC HEARINGS

All public hearings held by the Planning Board as required by law or ordinances of the Town of Hampden, in addition to meeting special requirements of such law or ordinances, shall comply with the following procedures unless waived by the Planning Board.

- A. Public hearing notice.
- a. Public hearings must be advertised in a local newspaper at least 10 calendar days prior to the date of the hearing.
 - b. Notice of public hearings must be mailed to all property owners within 300 feet of the property subject to the application as shown in the Assessor's records.
 - c. Town staff is responsible for preparing and distributing such notices, but the applicant is responsible for paying the costs of the newspaper ad and abutter notification. No hearing notice will be published in the newspaper until payment is received.
- ~~A.B.~~ All Under state disposition requirements, only paper, microfilm, or microfiche copies of records are official. However, public hearings shall may be tape-recorded and the recording of the hearings kept in the permanent record of the Planning Board shall may be posted on the Town of Hampden web site.
- C. The applicant, or the applicant's representative, shall present opening statements regarding the project, including any plans, reports, testimony or other evidence.
- D. The Town Planner, followed by other Town staff or other officials may introduce any correspondence, present reports, commentary and recommendations.
- E. All interested parties and members of the public shall be given an opportunity to be heard offer statements relevant to the project under consideration; however, the Chairperson may limit discussion to new information and pertinent information. By majority vote of its members, the Board may limit testimony to a set time period for each member of the public present and may extend or modify this time period based upon a majority vote of those Board members present and voting.
- F. Any interested party may submit written testimony at or prior to the public hearing.
- ~~B.~~ The order of presentation shall be as follows unless the Chairperson rules otherwise:
1. ~~Major proponents~~ 30 minute limitation
 2. ~~Other proponents~~ 5 minute limitation

- ~~3. Major opponents – 30 minute limitation~~
- ~~4. Other opponents – 5 minute limitation~~
- ~~5. Appropriate town officials~~
- ~~6. Rebuttal – 5 minute limitation~~
- ~~C. Major proponents and opponents shall be encouraged to present written information for distribution in advance and at such public hearing.~~
- ~~D. Decisions required as a result of public hearings shall be made in accordance with appropriate laws and/or ordinances.~~
- ~~E.G.~~ All information, recordings and materials made part of the public hearing shall be maintained as part of the permanent record of the ~~hearing~~meeting. Costs of transcriptions of the hearings shall be borne by the party requesting the transcript.
- ~~F. A public announcement of the hearing shall be made by posting a notice of intent in the Bangor Daily News in accordance with State and municipal laws and ordinances.~~

ARTICLE 8 - ADOPTION AND AMENDMENTS

These By-Laws may be adopted and/or amended by a concurring vote of at least 5 members at any regular meeting of the Planning Board, provided the proposed By-Laws or the proposed amendment has been discussed at the previous regular meeting of the Board.