



Town of Hampden
Special Planning Board Workshop
Wednesday, November 15, 2023, 6:30 PM
Municipal Building Council Chambers
Minutes

In Attendance:

Planning Board

Richard Tinsman, Chair
Benjamin Dunham, Vice-Chair
Jacob Beaulier
Ryan Tribou
Dennis Marble
Monica Small (Alternate)

Staff

Clifton J. Iler, Town Planner
Amy Ryder, Economic Development Director
Wanda Libbey, Admin Asst.

Public

NONE

Vice-Chair Dunham called the meeting to order at 6:36 p.m. and verified that all attendees in-person and virtual could hear and see each other.

1. Zoning and Subdivision Ordinance Amendments

Planner Iler explained that the Town Council at their October 23, 2023, workshop meeting referred the first update to the Planning Board for review. The remainder of the updates the Planning Board charged Town staff to research potential amendments to the Zoning and Subdivision Ordinances to address private road design standards and homeowner association regulations.

1. **Update** §3.2.11 Municipal Solid Waste Facility (E-4) and §3.1.3 Use Table to read:

“Any facility that is licensed, permitted, or otherwise approved for the management, transportation, transfer and disposal of solid waste, recyclables, organic waste including composting, and wasted to energy processes. This does not include incineration or landfilling operations. *A maximum of three Solid Waste Facilities are allowed in the Town of Hampden – only one is allowed in the Rural District.*”

The Board concurred with the update to §3.2.11 and §3.1.3 Use Table with the correction to the Planner Memo to read “**Update** §3.2.11 Solid Waste Facility (E-4) and §3.1.3 Use Table”.

2. **Update** the definition of *Road or Street* in §7.2 Definitions (ZO) and §7.0 Definitions (SO):

9. Is a private road, owned, established, and maintained by an individual, corporation, or any group such as but not limited to a **property homeowners’** association and shown on a plan which has been surveyed and recorded at the Penobscot County Registry of Deeds, provided

the road is designed in accordance with the requirements of §2.3.7 of the Hampden Subdivision Ordinance, and structures follows the correct zoning dimensional requirements found in Table 3.4.1, and that legal access to the lot(s) exists elsewhere (e.g. in a deeded access easement).

The Board concurred with the update to the definition of Road or Street in § Definitions (ZO) and §7.0 Definitions (SO).

2. **Add** the definition of *Homeowners' Association* in §7.2 Definitions (ZO) and §7.0 Definitions (SO):

Real estate, portions of which are designed for separate ownership by a nonprofit corporation formed under the provisions of 13B M.R.S.A., the members of which are the owners of real estate held in separate ownership, which real estate is subject to covenants and restrictions as to use and maintenance.

4. **Add** subsection to §2.3.7.3.5 Private Roads to §2.3.7.3 Roadway Design Standards (SO):

5. Private Roads

- a. Private roads shall be designed in accordance with the specifications of this section.
- b. In the Rural District, the Roadway Design Standards established in this section may be waived by the Planning Board provided the following:
 1. The applicant/developer shall provide a Road Maintenance Agreement specifying each lot owner's rights and responsibilities with respect to ownership, maintenance, repair, and plowing of said road and associated sidewalks or pathways. This agreement shall be included in the Final Plan submittal to the Planning Board. Upon approval of the subdivision by the Planning Board, this agreement shall be recorded with the Penobscot County Registry of Deeds prior to receipt of a building permit.
 - a. The Road Maintenance Agreement shall require that the private road shall be maintained for emergency vehicle access at all times, including a width of at least 20 feet of unobstructed passage and vertical clearance of at least 13.5 feet.
 2. The Final Subdivision Plan shall bear a note that states: "The Town of Hampden will not be responsible for the maintenance, repair, plowing, or similar services for the private road(s) or associated sidewalks and pathways shown on this plan."
 3. The applicant/developer shall enter into a legal agreement with the Town of Hampden preventing such road from becoming the responsibility of the Town without a two-thirds majority vote of the Town Council. Such agreement shall be established upon approval of the subdivision yet prior to receipt of a building

permit. Approval of the subdivision by the Planning Board shall not be deemed to constitute evidence of acceptance by the Town or of any road or easement.

The board directed staff to explore adding an additional item regarding private collector roads and rather they are or are not allowed to be waived by the Planning Board.

2. Adjournment

It was the consensus of the board members to adjourn the meeting at 7:57 p.m.

Respectfully submitted By,
Wanda Libbey, Administrative Asst.