



Town of Hampden

Planning Board

Tuesday, November 17, 2020, 7:00 pm

This Meeting was Postponed from November 11, 2020

Municipal Building Council Chambers

Minutes

In Attendance:

Planning Board

Kelley Wiltbank, Chairman

Jake Armstrong

Brent Wells

Ladoiya Wells

Richard Tinsman

Jennifer Austin

Gene Weldon

Staff

Sarah DelGizzo, Contract Planner

Amy Ryder, Economic Development Director

Ryan Carey, CEO

Public

none

1. Administrative

a. Minutes – October 14, 2020 regular meeting

Motion: by Chair Wiltbank to approve the minutes of the October 14, 2020 regular meeting, seconded by member Weldon; motion carried 6/0/1 by roll call vote, (member Armstrong abstained).

b. Minutes – October 20, 2020 workshop meeting

Motion: by member Tinsman to approve the minutes of the October 20, 2020 workshop meeting, seconded by member Austin; motion carried 5/0/2 by roll call vote, (member Armstrong and member Weldon abstained).

2. Old Business

Member Tinsman reviewed the Planning Board Workshop that was held on Thursday, November 12, 2020 at 6:30 p.m. Four Planning Board Members attended this meeting to review three new ordinances, the first one was the proposed Solar Ordinance. Those members present felt it was a well-developed ordinance that will serve best as a stand-alone ordinance with additional provisions around solar development. As a stand-alone ordinance it will allow for applicants, developers, and the public to have a better understanding of the requirements and standards for solar energy systems proposed in Hampden.

Member Tinsman asked Economic Development Director, Amy Ryder to go over the provisions and the purpose of the Solar Ordinance.

Amy explained that the purpose of the ordinance is to provide standards around roof-mounted and ground-mounted solar energy systems, which are becoming increasingly popular in Maine and in Hampden. Currently we have no ordinance in place for which serves this purpose. The State of Maine has provided a sample ordinance for municipalities to use as a guideline when developing their own standards. Amy worked with CEO, Ryan Carey and Town Manager, Paula Scott, to create what we feel is needed in the Town of Hampden, in putting together this ordinance. Staff referred to the Zoning Ordinance regarding classification of minor and major site plan review required based on square footage. The biggest piece of this is the abandonment article with regards to removing the structure when the lifespan is up, or the system is no longer generating energy. Staff consulted with legal counsel to ensure the wording is correct.

Questions:

Member Tinsman asked if the language would remain the same concerning the performance guarantee? Amy stated that yes it would remain the same.

Member Weldon asked if this ordinance had any legal review by our town attorney? Amy replied that the town's Contract Planner, Sarah DelGizzo has reviewed it. Amy has also reached out to the town attorney regarding the abandonment article to make sure that it is correctly worded and there were no issues.

Motion: by member Weldon moved to approve sending Solar Ordinance to Town Council for review and final approval, seconded by member Austin; motion carried 7/0/0 by roll call vote.

The next ordinance that was reviewed was the Adult Use Marijuana Ordinance. And it is, as was described to us is an addition to the town's existing ordinance where there were articles that were reserved for these sections, article seven, eight, and nine that would be submitted to the Town Council for consideration. One of the questions the Board had during the workshop was in Section 7.3 on page one, where it says no more than two adult use cultivation facilities may be in the town, there are different sizes of adult use cultivation facilities in the ordinance tier one, tier two, three, and four, based on state law. The Board discussed if rather than regulating the amount of facilities, should the total size of facilities be regulated?

Amy stated that what will be brought to Town Council is only one tier one or two in town and only one tier three or four in town. This will allow no more than two total facilities in Hampden and Town Council would confirm the tiers allowed in each zone.

Questions:

Member Weldon asked if this is an amendment to our existing ordinance or is completely new? Amy explained that this would be an amendment for the reserved articles.

Motion: by member L. Wells to approve sending the Adult Use Marijuana Ordinance to Town Council for review and final approval, seconded by member B. Wells; motion carried 7/0/0 by roll call vote.

The final standards that the Board reviewed were the Town of Hampden revisions to the building regulations titled habitability standards. Again, a well fleshed out document that brings Hampden into the 21st century in terms of buildings that have been deteriorating or are deteriorated.

CEO Ryan Carey explained to those present that at this time, this is for residential properties. At this point the Town does not have a mechanism in place to deal with deteriorated properties other than deeming them a dangerous building and raising them. There is little enforcement ability between new construction and deteriorated building. This gives us the ability to work with a property owner a little bit more, and gives them more options and opportunity to get into compliance and hopefully will not only improve the landscape, but also improve the health of our residents.

Motion: by member B. Wells to approve sending Habitability Standards, which will be an additional to Article 4 of the Zoning Ordinance, to Town Council for review and final approval, seconded by member L. Wells; motion carried 7/0/0 by roll call vote.

3. New Business

- a. Public Hearing to consider proposed amendments to various sections of the Hampden Subdivision Ordinance to clarify or correct language. Chairman Wiltbank opened the hearing at 7:18 pm after confirmation that the hearing was duly noticed.

This is a repeal and replacement of the subdivision ordinance. This would completely replace the existing Subdivision Ordinance. The goal of this update was to make the ordinance more user friendly, and to clarify the process and make the review process easier to understand. This ordinance eliminates inconsistencies that were found between the Town Ways Ordinance, which is also in the process of being updated, and it also eliminates inconsistencies with state laws. There are certain state standards required by subdivision law and this ordinance brings in those standards. It also clarifies the improvement guarantees section. The memo provided in the packets for tonight goes through a side by side comparison of the table of contents. Essentially, there was some reorganization that happened and then there's additional standards that were brought in that brings the ordinance into state compliance.

Chair Wiltbank closed the public hearing at 7:21 p.m.

Motion: by member Weldon moved to approve the Subdivision Ordinance changes and forward them on to Town Council for review and approval, seconded by member L. Wells; motion carried 7/0/0 by roll call vote.

4. Planning Board Comment

Member Weldon clarify to those watching at home that ordinances can be started in the Planning Board, they can come through the Town Council to the Planning Board. Ultimately, it is the Council's decision to adopt them. And that generally means a public hearing as well. At times, there is one at a time there is two.

5. Adjournment

Motion: by member Weldon to adjourn the meeting at 7:26 pm; second by member Tinsman; motion carried 7/0/0 by roll call vote.

*Respectfully submitted by Wanda Libbey,
Administrative Asst.*