

Town of Hampden

PLANNING & DEVELOPMENT COMMITTEE MEETING

Thursday, December 5, 2019

6:00 P.M.

HAMPDEN TOWN OFFICE

AGENDA

1. Approval of Minutes
 - a. November 6, 2019 Meeting
2. Committee Applications
3. Citizen's Initiatives
4. New Business
5. Unfinished Business
 - a. Town Center; Citizen's Task Force update – Councilor Jarvi
6. Zoning/Regulatory Considerations
 - a. Marijuana Ordinance Amendments
7. Staff Report
8. Public Comments
9. Committee Member Comments
10. Adjourn

Note: The January 2020 meeting will be held on Thursday January 2nd



Town of Hampden
Planning and Development Committee
 Wednesday October 2, 2019, 6:00 pm
 Municipal Building Council Chambers
Minutes

Attending:

Committee/Council

Eric Jarvi, Chair
 Dennis Marble
 Terry McAvoy

Staff

Karen Cullen, Town Planner
 Ryan Carey, CEO

Public

Regan Nickels, RSU 22
 Alex Holmes and Maddy Humphrey, Hampden Academy
 Eric Ellingwood

Chairman Jarvi called the meeting to order at 6:00 pm.

1. Minutes for the October 2, 2019 meeting – **Motion** to approve as submitted made by Councilor Marble; second by Chairman Jarvi; carried **2/1/0**.
2. Committee Applications: None.
3. Citizen's Initiatives: None.
4. New Business: None
5. Unfinished Business
 - a. Town Center, formation of a Citizen's Task Force. Regan Nickels and two Hampden Academy students were in attendance to discuss the potential for students to participate in the task force the town is forming – main points of discussion:
 - We're looking for assistance in invigorating the town center, using the information in the market study (2017) and the town center report (2019).
 - Students are interested in participating in this project.
 - This is a long term (multi-year) project, discussion regarding how to facilitate that with students who will presumably participate for a year or less.
 - P&D wants to hear as many opinions as possible from a wide audience.
 - This will be an advisory body and thus may have looser requirements for formal voting and other administrative matters.
 - The task force is to be run by citizens, not the town, although the economic development person should participate (not direct the group). Staff support will be limited.
 - Meetings should be held at a venue other than the Town Office building.
 - Chairman Jarvi drafted a flyer (in packet) which will be sent out to the town center project mailing list as well as other organizations to solicit volunteers, and will also be posted online.
 - Goal is to get the task force formed in time for it to start working in the fall of 2020; identify participants early in 2020 and hold an organizational meeting in the Spring.

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- b. Pine Tree Landfill – the Environmental Trust reported that they do not have the authority to deal with the issue, which is that five wells may not be remediated by the end of the 30 year period and at what point does DEP require something be done. The P&D Committee decided by consensus to request that the Town Manager initiate conversation with DEP regarding the concerns with those five wells; this could also be a request from the Town Manager to Drumlin Environmental to contact DEP on the town's behalf.
6. Zoning Considerations/Discussions: None
7. Updates:
 - a. Planner Cullen reported on the proposed marijuana ordinance and discussed the process for moving this forward. After discussion it was decided to aim for holding a public forum to be run by staff, with Councilors as audience members, in mid to late January. The purpose of the forum is to solicit public comments on the broader issues involved with the various types of marijuana businesses so the regulations can be tailored to what the citizens want. Since the amendments will include zoning amendments (to §4.24), the Planning Board will also hold a public hearing, the goal is for that to be held in the spring (March or April). The emergency ordinance on registered caregivers will be proposed for extension as needed until amendments are adopted by Council.
8. Public Comments: Eric Ellingwood commented that he hoped the Honey Hill and Stearns Farm projects will have trails in the open space areas.
9. Committee Member Comments: None
10. Adjournment: Chairman Jarvi adjourned the meeting at 7:41 pm.

*Respectfully submitted by
Karen Cullen, Town Planner*

Items from this meeting for December 4, 2019 P&D meeting:

- Agenda Items: None
- Staff Report:
 - Town Center, formation of Citizen Task Force
 - Pine Tree landfill

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Town of Hampden

Town Planner

Memorandum

To: Planning & Development Committee
 From: Karen M. Cullen, AICP, Town Planner *KMC*
 Date: November 26, 2019
 RE: Medical Marijuana Registered Caregivers – Potential Locational Restrictions for Operations with Multiple Registered Caregivers on a Property

With the changes in the Maine Medical Marijuana Act, it appears that Registered Caregivers will be providing a significant portion of the supply of marijuana for medical purposes, as opposed to large commercial operations at a dispensary or similar venture. While many operations will be small, with only one or two Registered Caregivers, some are likely to be larger, renting space to multiple Registered Caregivers. Based on the potential for incompatibility with adjacent residential uses, it is prudent for towns to restrict the number of Registered Caregivers operating on a property. As with other types of land use issues, it also makes sense to have different standards for different zoning districts (e.g. more restrictive in residential districts).

Below is a “first shot” at what the locational restrictions might be in Hampden. It is meant to stimulate discussion so the restrictions proposed in amendments to the Hampden Marijuana Ordinance are sensible for the town. Discussion at the December Planning & Development Committee meeting is limited to this section; once I have a better understanding of this I can finish drafting the proposed amendments. Specific questions to be discussed include:

- Is the maximum number acceptable – is it too low or too high?
- Are the distances realistic and acceptable?

3.2 Maximum number on a single property. In order to protect the public health, safety, and welfare, the maximum number of Registered Caregivers permitted to operate on a single property, which includes cultivation, processing, packaging, and any other activity involving medical marijuana is as follows:

3.2.1 In the Residential A, Residential B, and Town Center zoning districts – 1 Registered Caregiver.

3.2.2 In the Rural zoning district:

- 3.2.2.1 On parcels where all marijuana activity will be conducted at least 500 feet from any property line – 20 Registered Caregivers.
 - 3.2.2.2 On parcels where marijuana activity will be conducted at least 250 feet but less than 500 feet from any property line – 10 Registered Caregivers.
 - 3.2.2.3 On parcels where marijuana activity will be conducted at least 100 feet but less than 250 feet from any property line – 5 Registered Caregivers.
 - 3.2.2.4 On parcels where marijuana activity will be conducted less than 100 feet from any property line – 1 Registered Caregiver.
- 3.2.3 In the Industrial or Industrial 2 zoning districts:
- 3.2.3.1 On parcels where all marijuana activity will be conducted at least 500 feet from the Residential A, Residential B, or Town Center districts and at least 100 feet from any property line – 20 Registered Caregivers.
 - 3.2.3.2 On parcels where all marijuana activity will be conducted at least 250 feet from the Residential A, Residential B, or Town Center districts and at least 50 feet from any property line – 10 Registered Caregivers.
 - 3.2.3.3 On parcels where all marijuana activity will be conducted at least 100 feet from the Residential A, Residential B, or Town Center districts and at least 50 feet from any property line – 5 Registered Caregivers.
 - 3.2.3.4 On all other parcels – 1 Registered Caregiver.
- 3.2.4 In all other zoning districts:
- 3.2.4.1 On parcels where marijuana activity will be conducted at least 100 feet from any property line of a property in residential use – 3 Registered Caregivers.
 - 3.2.4.2 On parcels where marijuana activity will be conducted at least 100 feet from the boundary of the Residential A, Residential B, or Town Center zoning districts – 3 Registered Caregivers.
 - 3.2.4.3 On all other parcels – 1 Registered Caregiver.
- 3.2.5 In all zoning districts, the following additional locational restrictions apply. The distances stipulated are measured in a straight line from the property boundary of the parcel proposed for use by one or more Registered Caregivers and the nearest property boundary of the listed use.
- 3.2.5.1 No property located between 500 feet and 1,000 feet of any parcel used for a preexisting school may have more than one Registered Caregiver.
 - 3.2.5.2 No property located within 500 feet of any parcel used for a preexisting school may have any Registered Caregiver.

- 3.2.5.3 No property located within 750 feet of any parcel used primarily for a place of worship, a daycare, daycare facility, or child care center as those terms are defined in the Hampden Zoning Ordinance, or a recreational area designed for use by children up to 18 years of age may have more than one Registered Caregiver.
- 3.2.5.4 No property located within 1,000 feet of any parcel used for multiple Registered Caregivers or any type of adult use marijuana business or medical marijuana business (as may be permitted by the Town) may have more than one Registered Caregiver.

Project List - Planning

Project Name	Location	What it is	Size¹	PB Action/Date	Type
Stearns Farm Subdivision	Main Rd North	single family cluster subdivision	39 lots	12/11/2019	Prelim Subdiv
Carmichael Transport	178 Ammo Park Rd	addition of a garage bay	1,800 sq ft	Approved	Minor Site Plan
Historical Society	83 Main Rd South	addition to building	1,020 sq ft	Approved	Minor Site Plan
T&A Realty	50 Main Road North	convert retail space to apartment	1 unit	Approved	Conditional Use
Zucco's Dog House	Hampden Busn Park lot 25	change grass to turf in outdoor dog area	16,000 sq ft	Approved	Minor Site Plan
Andrew Connolly	256 Main Rd N	convert existing space to accessory apartment	1 unit	Approved	Conditional Use
Dysart's	370 Coldbrook Rd	expand store, relocate pumps & replace USTs	4,275 sq ft	Approved	Major Site Plan & Shoreland
Amy Young	1240 Carmel Rd N	daycare facility (in home)	12 children	Approved	Conditional Use
Larry Emery	75 Chickadee Lane	amateur radio operator tower	50 ft tall	Approved	Conditional Use
Fiberight/CRM	348 Coldbrook Road	insubstantial modifications to site plan	NA	Approved	Site Plan Modification
Honey Hill Estates	238 Main Rd S	single family cluster subdivision	23 lots	Approved	Prelim Subdiv
Hampden Municipal Complex	106 & 146 Western Ave	parking lot expansion, stormwater mgt system	add 105 spaces	Approved	Major Site Plan
Nate Wicklow	Monroe Rd	new multi-family building	4 units	Approved	Major Site Plan & Subdiv.
Kris Brooker	Old County Road	addition to home with accessory apartment		Approved	Conditional Use
Honey Hill Estates	238 Main Rd S	single family cluster subdivision	23 lots	pending submission	Final Major Subdivision
ReVision Energy - HO Bouchard	Coldbrook Road	solar array by the trucking facility	NA	Approved	Major Site Plan
Kongsuriya multi-family	Old County Road	new multi-family building	4 units	Approved	Major Site Plan & Subdiv.
Paul Phillips	544 Main Rd S	addition to home encroaching setback	2,200 sq ft	12/11/2019	Conditional Use
Lupine Meadows	Western Ave	multi-family project (2 buildings)	8 units	12/11/2019	Sketch Plan

1. Size refers to square footage of building (new or addition), number of new building lots, number of new units, or acreage.