



Town of Hampden  
Planning Board Workshop  
**Tuesday, February 15, 2022, 6:30 P.M.**  
**Municipal Building Council Chambers**  
**Minutes**

In Attendance:

Planning Board

Jennifer Auston, Vice-Chair

Kelley Wiltbank

Benjamin Dunham

Lionel El-Hajj

Staff

Clifton Iler, Town Planner

Wanda Libbey, Admin Asst.

Ryan Carey, CEO

Paula Scott, Town Manager

Amy Ryder, Economic Development Director

Public

None

Vice-Chair Austin called the meeting to order at 6:31 p.m. and verified that all attendees in-person and virtual could hear and see each other.

1. Restaurant/Food Service Use Discussion

Town Planner Iler read aloud the draft revisions being proposed to the existing Definitions §7.2 and Use Table §3.2 of the Zoning Ordinance (see Exhibit A attached).

It was the consensus of the board to change the presented revision in H-17 on the Use Table under Business District, Bus, Bus B, and Town Center to C (Conditional) and then bring it to future Planning Board meetings at a public hearing.

2. Adjournment

It was the consensus by the board member to adjourn the meeting at 7:24 p.m.

Respectfully submitted by Wanda Libbey,  
Administrative Asst.



Town of Hampden  
Land & Building Services

**Memorandum**  
**Restaurant/Food Service Uses**

To: Planning Board  
From: Clifton J. Iler, AICP, Town Planner  
CC: Amy Ryder, Economic Development Director  
Date: February 15, 2022  
RE: Restaurant/Food Service Uses

The Town of Hampden has received multiple inquires regarding food processing and food service uses in town. In review of the Zoning Ordinance, it was determined that the existing Definitions and Use Table were insufficient to support the needs of these industries and thereby changing them would foster greater and more diverse economic development in the Town of Hampden.

The following revisions to §7.2 *Definitions* are being proposed:

**[ADD] Mobile Food Vendor:** Any motorized vehicle or object towed by a motorized vehicle, including food trucks, trailers, carts, or wagons, that is equipped to prepare and/or sell food items.

**[ADD] Processing, Food:** The processing of food, seafood, aquacultural, or agricultural products for use or consumption primarily off the premises. Such activities include, but are not limited to: commercial bakeries, roasteries, breweries, bottling facilities, distilleries, and facilities for commercial food processing and/or packaging. Food processing does not include a use in which the principal activity is the rendering, storage, and/or treatment of animal or fish wastes. The processing of wastes created on the premises is allowed as an accessory use to a food processing facility and subject to receipt of a Conditional Use permit.

**[ADD] Restaurant/Food Service:** An establishment that primarily serves prepared food/meals and beverages to the general public for consumption. The establishment may consist of a drive-in or drive-through, carryout, and/or sit-down facilities and may also include the sale of alcoholic beverages upon receipt of required licensing pursuant to M.R.S.A. Title 28-A. The establishment could be an ancillary use to a Hotel/Motel or Inn.

**[UPDATE] Drive-through business:** Any establishment ~~other than a drive-through restaurant~~ which offers service via a window, automated teller machine (ATM), or other means whereby the driver of the automobile does not have to exit the vehicle.

**[REMOVE] Restaurant, drive-in or drive-through:** A high turnover restaurant that includes drive-up or drive-through facilities.

**[REMOVE]** *Restaurant, high turnover*: An eating establishment with turnover rates normally of less than one hour, with or without take-out facilities. Examples include but are not limited to coffee shops, sandwich or pizza shops, ice cream shops, bakeries, and fast-food establishments.

**[REMOVE]** *Restaurant, low turnover*: A sit-down eating establishment with turnover rates generally of more than one hour. Typically these restaurants do not serve breakfast, and many serve only dinner, and often include alcoholic beverages.

**[REMOVE]** *Snack bar*: Accessory use of a business, industry, school, or community use in which food, beverage and confection is offered or sold to guests, members, customers, or patrons and may include a refreshment stand in a school or park but such use is strictly incidental and subordinate to the primary use. On-premises cooking and preparation of food shall be limited to hot and cold beverages, confections such as cookies, donuts and ice cream, pre-packaged foods to be heated in a microwave oven, and hot dogs from a steam tray. Alcoholic beverages shall not be served or consumed on-site.

In order to accommodate the changes in §7.2 *Definitions*, the following changes to §3.2 *Specific Use Standards* are being proposed:

**[UPDATE]** 3.2.23 *Restaurant/Food Service (G-15)*: This use is subject to the following Specific Use Standards:

1. Parking areas should be located on the side or rear of the lot, unless the development utilizes shared parking with an adjacent or attached development. Primary ingress/egress locations should be located on the street-facing or side of the structure to the greatest extent possible.
2. In the Town Center district, sidewalks must be built along the public right-of-way as well as into the site, and must be designed with a minimum four-inch vertical separation from the driveway level, and where feasible, a landscaped strip should be provided between the driveway and sidewalk.
3. Any facility with a drive-in or drive-through component, even if ancillary to the primary dining component, is subject to the requirements noted in §3.2.28 *Drive-Through Business (G-22)*.
4. Outdoor dining areas are subject to the requirements of §3.2.37 *Outdoor Dining (I-3)*.

**[REMOVE]** 3.2.24 *Restaurant, high turnover (G-16)*: The sale or consumption of alcoholic beverages is prohibited. See also §3.2.37, *Outdoor dining*.

**[REMOVE]** 3.2.25 *Restaurant, drive-in or drive-through (G-17)*: Must 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 may be located within 100 feet of a residential dwelling. The sale or consumption of alcoholic beverages is prohibited. See also §3.2.37, *Outdoor dining*.

In the Town Center district, the drive-through window and vehicle queue lanes must be screened from view of adjacent residential dwellings through the use of plantings, fences, or walls. Sidewalks must be built along the public right-of-way as well as into the site, and must be

designed with a minimum four inch vertical separation from the driveway level, and where feasible, a landscaped strip should be provided between the driveway and sidewalk.

**[REMOVE]** 3.2.26 Bar, pub, tavern (G-18): Must be located a minimum of 500 feet from any residential dwelling except in the Town Center District where that distance is reduced to 100 feet from any residential dwelling within the Town Center district and 200 feet from any residential dwelling within any other district; this measurement is made from building to building. In the Town Center district, limited to a maximum gross floor area of 2,000 square feet.

**[UPDATE]** 3.2.28 Drive-Through Business (G-22): ~~In the Town Center district,~~ No part of the vehicle queue may be located within 100 feet of a residential property. The drive-through window and vehicle queue lanes must be screened from view of adjacent residential dwellings through a Class I buffer (see §4.7.2.4 Classification of Buffers) ~~the use of plantings, fences, or walls.~~ Sidewalks must be built along the public right-of-way as well as into the site, and must be designed with a minimum four inch vertical separation from the driveway level, and where feasible, a landscaped strip should be provided between the driveway and sidewalk.

Furthermore, the following updates to §3.1.3 Use Table are proposed:

**Section 3.1.3 - Use Table**

Key: P = Permitted by Right, C = Conditional Use, and N = Not Permitted

Defined see provisions in sec. 3.2	Residential Districts				Business Districts					Industrial Districts				
	Rural	Res A	Res B	Seasonal	Rural Bus	Bus	Bus B	Town Center	Comm Service	Water-front I	Inter-change	Ind Park	Ind I	Ind 2
<b>G - Commercial/Office Uses:</b>														
✓ G-15 restaurant/food service	N	N	N	N	C	P	P	P	P	P	P	N	N	N
✓ G-16 restaurant, high turnover	REPEALED													
✓ G-17 restaurant, drive-in or drive-through	REPEALED													
✓ G-18 bar, pub, tavern	REPEALED													
✓ G-22 drive-through business	N	N	N	N	C	C	C	N	C	N	C	N	N	N
<b>H - Industrial Uses:</b>														
✓ H-17 food processing	N	N	N	N	N	N	N	N	P	N	N	P	P	P
<b>I - Accessory Uses to Non-Residential Uses:</b>														
I-3 outdoor dining	C	N	N	N	C	C	C	C	C	C	C	C	C	C
<b>Footnotes:</b>														
1. Specific uses listed in the Table of Uses that could also be categorized as light industry shall be regulated under the specific use.														
2. Specific uses listed in the Table of Uses that could also be categorized as heavy industry shall be regulated under the specific use.														

The proposed revisions to the Zoning Ordinance reflect the need for condensed language and greater flexibility. The existing language was layered and cumbersome, which stymies development. By updating language to be more flexible and inclusive, new opportunities for community and economic development become possible.

Sincerely,



Clifton J. Iler, AICP  
Town Planner  
Town of Hampden

## **Appendix A: Definitions from Other Municipalities**

### **City of Bangor:**

*Bar, Tavern or Lounge:* A place where food and/or liquor is sold at tables, booths and counters; does not include establishments where alcohol service is a secondary activity, such as a bowling alley, fitness club, or pool hall.

*Delicatessen:* A store selling foods already prepared or requiring little preparation before eating. "Delicatessen" shall not include establishments where the consumption of food on the premises is allowed, encouraged or permitted.

*Drive-In Business:* An establishment whose design, method of operation or any portion of whose business includes one or more of the following characteristics:

- A. Service directly to the customer in a motor vehicle either by a carhop, a service window or by other means which eliminates the need for a customer to exit the motor vehicle.
- B. Consumption of food or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the building, is allowed, encouraged or permitted.
- C. Service directly to a motor vehicle, either by the customer or by an attendant, with one or more of the following: fuel, air, washing and cleaning.

*Restaurant:* A place regularly used for the purpose of providing food for the public, and which has adequate and sanitary kitchen equipment and capacity for preparing and serving suitable food for the public.

### **City of Brewer:**

*Bar, Tavern, or Lounge:* An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives fifty (50) percent or more of its gross revenue, on a monthly basis, from the sale of said alcoholic beverages. Typically does not include accommodations for dancing. Music and/or entertainment only allowed as an accessory use. Minors are not allowed entry unless accompanied by a parent or guardian. Does not include establishments where alcohol service is a secondary activity, such as a bowling alley, or fitness club.

*Brewpub:* An establishment engaged in the manufacture, storage and bottling of beer in conjunction with the same beer to be sold and consumed on the premises and/or for retail sale from the premises in sealed bottle or other sealed containers. A brewpub shall have a full kitchen and also conduct the sale of food and other beverages for consumption on the premises. Minors are allowed entry.

*Microbrewery:* An establishment engaged in the manufacture, storage and bottling of beer to be sold from the premises in sealed bottles or other sealed containers for consumption off the premises. Microbreweries shall not include the retail sale of food or beer for consumption on the premises with the exception of brew tours or special events as considered an accessory use by the Brewer Code Office

*Restaurant:* A business principally engaged in serving prepared foods and drinks to the public on the premises during set business hours.

**Town of Orono:**

*Drive-in restaurant or refreshment stand* means any place or premises used for sale, dispensing or serving of food, refreshments or beverages to drive-in customers in automobiles, including those establishments where customers may service themselves and may eat or drink the food, refreshments or beverages on the premises.

*Home workshop*, which is a type of home occupation that creates or manufactures an item for sale at locations other than the home or through the Internet, including, by way of example only, dressmaking, knitting, woodworking, drawing, painting, sculpting, artisanal foods preparation, or the manufacture of crafts, and that does not require customers, clients, or service or delivery vehicles to regularly visit the premises;

*Mobile food vendor* means any motorized vehicle or object towed by a motorized vehicle, including food trucks, trailers, carts, or wagons, that is equipped to prepare and/or sell food items.

*Restaurant* means a business principally engaged in serving prepared foods and drinks to the public on the premises.

*Special Amusements:*

- A. This article shall be known and may be cited as the special amusement ordinance.
- B. The purpose of this article is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the state to sell liquor as required by 28 M.R.S.A. § 702.

*Entertainment* means and includes any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

*Licensee* means and includes the holder of a license issued under the alcoholic beverages statutes of the state, or any person or other legal entity, or any agent or employee of any such licensee.

**City of Ellsworth:**

*Bar and/or Cocktail Lounge:* Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefore by law. It shall not mean a premise wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of such beverages comprises less than 25% of the gross receipts.

*Processing, Fish Wholesale:* The loading, unloading, packing, processing, and packaging of edible fish and other seafood products but not including re-processing of fish wastes or fish byproducts.

*Restaurant:* An establishment where food and drink are prepared and served to the public.

*Store, Convenience:* A retail establishment which accommodate neighborhood needs for groceries and which may sell, as accessory uses, prepared food for carry-out. The sales area of such use shall be indoors only, and the total enclosed area for such use shall not exceed 4,000 square feet.

**Town of Scarborough:**

*Drinking Establishment:* A bar, tavern, pub or other similar business establishment serving alcoholic beverages to paying customers or providing seating for the consumption of alcoholic beverages on the premises.

*Farm Stand:* A building, structure, or outdoor location with a total area devoted to retail sales of 400 square feet or less, the primary activity of which is retail sales of agricultural products grown, raised, or produced by a Commercial Agriculture or Commercial Animal Husbandry use or Accessory Agricultural Activities as well as other agricultural and related food products not produced by the Commercial Agricultural or Commercial Animal Husbandry use or Accessory Agricultural Activities and handmade crafts and similar products. Farm Stands are subject to performance standards contained in Section IX of this Ordinance.

*Food Processing Facility:* The use of land, buildings, or structures for the processing of food, seafood, or agricultural products for use or consumption primarily off the premises including such activities as commercial bakeries, breweries, bottling facilities, dairies, lobster pounds and facilities for commercial food processing and/or packaging. Food processing facility does not include a use in which the principal activity is the rendering, storage, and/or treatment of animal or fish wastes. The processing of wastes created on the premises is allowed as an accessory use to a food processing facility.

*Restaurant:* A business the principal activity of which is serving food to the public.

*Small Batch Processing Facilities:* A category of a food processing facility or light industrial use that processes, produces or assembles small lots of consumer goods. Processors in this category include, but are not limited to, clothing design and production, small batch food production, craft brewers, jewelry makers and other product lines that have an element of handcrafted design or hand-made production. Small batch processing facilities shall not include the production or processing of medical marijuana.