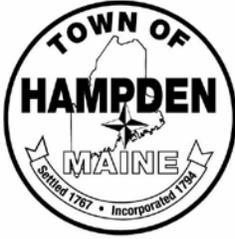




Town of Hampden  
**Planning and Development Committee**  
Wednesday May 17, 2017, 6:00 pm  
Municipal Building Council Chambers  
**Agenda**

1. Approval of May 5, 2017 Minutes
2. Committee Applications: None
3. Updates:
  - A. MRC/Fiberight
  - B. Staff Report
4. Old Business: None
5. New Business: None
6. Zoning Considerations/Discussion:
  - A. Amendment to Definitions
  - B. Creation of Dimensional Table
7. Citizens Initiatives
8. Public Comments
9. Committee Member Comments
10. Adjourn

*Note: This meeting will be followed by a Town Council budget meeting which is scheduled to begin at 7:00 pm.*



Town of Hampden  
**Planning and Development Committee**  
 Wednesday May 3, 2017, 6:00 pm  
 Municipal Building Council Chambers  
**Minutes - Draft**

Attending:

Committee/Council

Ivan McPike-Chair  
 Terry McAvoy  
 David Ryder  
 Dennis Marble  
 Mark Cormier  
 Steve Wilde  
 Greg Sirois

Staff

Angus Jennings, Town Manager  
 Karen Cullen, Town Planner  
 Myles Block, Code Enforcement  
 Kelly Karter, Assessor

Public

Anthony Ng

Chairman McPike called the meeting to order at 6:01 pm.

1. Approval of April 19, 2017 Minutes – **Motion** to approve as submitted made by Councilor Marble with second by Councilor McAvoy; carried 6/0/0.
2. Committee Applications: Anthony Ng for the Historic Preservation Commission. Mr. Ng stated he has lived in Hampden since 2006, and as with other places he's lived he is interested in learning the history of the town and area. He is concerned about growth resulting in our history being lost, and wants to help Hampden preserve its history in ways that won't have a negative impact on growth.

Motion by Councilor Marble to refer the application of Anthony Ng to the Town Council for appointment to the Historic Preservation Commission; seconded by Councilor Wilde; so voted 6/0/0. Manager Jennings noted this will go to Town Council on May 15.

3. Updates:
  - a. MRC/Fiberight: The MRC Board released funds for the next phase of infrastructure construction, and a schedule for construction was also made available. Manager Jennings noted that he had advised MRC to delay closing on the "sewer line" parcel with Maine Ground Developers (through Ammo Park) until they had completed the process for town acceptance of the sewer infrastructure. He also noted Fiberight is aiming for a June closing on the construction financing for the plant.
  - b. Staff Report:

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- i. Planner Cullen noted the stream cleanup scheduled for this Saturday May 6<sup>th</sup>, but may be postponed due to the weather. [Ed note: The cleanup event has been postponed to Saturday May 20<sup>th</sup>.]
- ii. CEO Block said he is considering taking care of the revisions to the Shoreland Zoning Ordinance, but to avoid the problems encountered last year – when there were significant deviations from the DEP guidelines discovered at the eleventh hour – he recommends a wholesale replacement of the ordinance rather than a line by line (redline) revision. The Committee agreed with this approach.
- iii. We have submitted the letter of intent for the Northern Borders grant for the sewer I/I study and report. The grant is due in June.
- iv. Reminder that the Hampden Business Association is holding a dinner meeting at Angler's on May 23 at which Manager Jennings, Planner Cullen, and IT/GIS Specialist Severance will be the speakers.
- v. Reminder that Councilors are invited to attend the Build Maine conference in Lewiston on June 9<sup>th</sup>; as an event sponsor the town receives unlimited free tickets for town staff and officials to attend.
- vi. CEO Block provided an update on the building code (MUBEC); within the next two months the state is expected to adopt the 2015 building codes (IBC, IRC, and IEBC) which includes provisions specific to accessory apartments and tiny homes, among other changes. The energy code will remain unchanged.
- vii. CEO Block informed the committee that we had received \$33,000 in vehicle registration fees from Emera today. Chairman McPike added that this is the result of the TIF agreement we have with Emera, and there will be more to come – by 2018 all their vehicles are to be registered in Hampden.

4. Old Business: None.

5. New Business:

- a. Proposed amendments to the Fees Ordinance. Planner Cullen gave a brief synopsis of some of the more significant changes to the ordinance, and Manager Jennings discussed the sewer rates. The main points discussed included:
  - i. The fees under 5.2, Solid Waste, probably need to be revised but with the modifications to the Solid Waste Flow Control Ordinance and ongoing discussions regarding the MRC/Fiberight project, it makes sense to wait until we have a better handle on the overall issues before changing these fees.
  - ii. We recommend adding a modest fee for replacement of lost transfer station stickers.
  - iii. Public hearings for liquor licenses are done when there are complaints to the Police and for new establishments. It was noted we are working towards having all liquor licenses have a common renewal date.
  - iv. Sewer fees for customers without water meters (either on their own well or on town water), in sections 2.9.1.1 and 2.9.1.2 only apply to 15 customers. Manager Jennings said the increase on these rates was based on the 25<sup>th</sup> percentile instead

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of the median, which was a judgement call and could be revised tonight. Consensus was to leave them as proposed.

- v. The minimum charge for sewer fees (2.9.3) and the “ready to serve” charge were not increased in the draft, this was an oversight. Using the 25<sup>th</sup> percentile the new fee for each would be \$31.39, using the median it would be \$36.50. Consensus to use the 25<sup>th</sup> percentile.
  - vi. There is a proposed 19% increase in the sewer service charge rate, from \$9.74 to \$11.60 per 100 cfw consumed per the customer’s water meter. Concerns about adding this much to the rates which in some cases doubled last year. Discussion regarding reducing or eliminating the \$100,000 payback from sewer to the general fund to keep the rate increases as low as possible.
  - vii. There were no concerns with the other proposed fee changes.
- b. Solid Waste Flow Control Ordinance. Manager Jennings said this ordinance was adopted in 1988 and has never been amended, and apparently has rarely if ever been enforced. It allows the town to designate where solid waste that is collected in the town by private haulers is to be taken for disposal. The ordinance currently designates the PERC facility in Orrington. With the new Fiberight facility expected to be operational in 2018, we need to amend this ordinance. Manager Jennings added that Town Attorney Ed Bearor is working on this with staff to draft the appropriate amendments to this ordinance, which will also deal with the logistics of enforcement. He said this seems to satisfy MRC regarding their needs for financial close. The Committee agreed that it would be acceptable to have the Finance & Administration Committee refer this to Council when the time comes.

Discussion regarding how private haulers deal with unacceptable trash, who is liable for illegal items in a load. Manager Jennings said the Flow Control Ordinance needs to address that question. This will continue to be an issue in the coming months as all 110 municipalities with agreements to send their solid waste to Fiberight are likely to have the same issue to contend with.

6. Zoning Considerations/Discussion:

- a. Manager Jennings said the MRC Board has recently decided to investigate the potential for establishing a transfer station at the Fiberight site, in the event the plant is not ready for operations by April 1, 2018. He told the committee he has been quite clear with the MRC staff and Board that such an action would require an entirely new permit from Hampden, starting from scratch. Under the zoning ordinance, a transfer station falls within the definition of “processing” which is an allowed use in the Industrial district where the Fiberight plant will be. Discussion regarding whether Hampden should amend this definition and make it clear that transfer station is not a permitted use in this district. Councilors all felt it was their responsibility to uphold what was said to the residents when the MRC/Fiberight proposal was being discussed and approved – that this would not be a transfer station.

**Motion** by Councilor Marble to direct staff to amend the zoning ordinance to eliminate the possibility of a transfer station being established in that (Industrial) zoning district; seconded by Councilor Sirois; unanimous vote (7/0/0).

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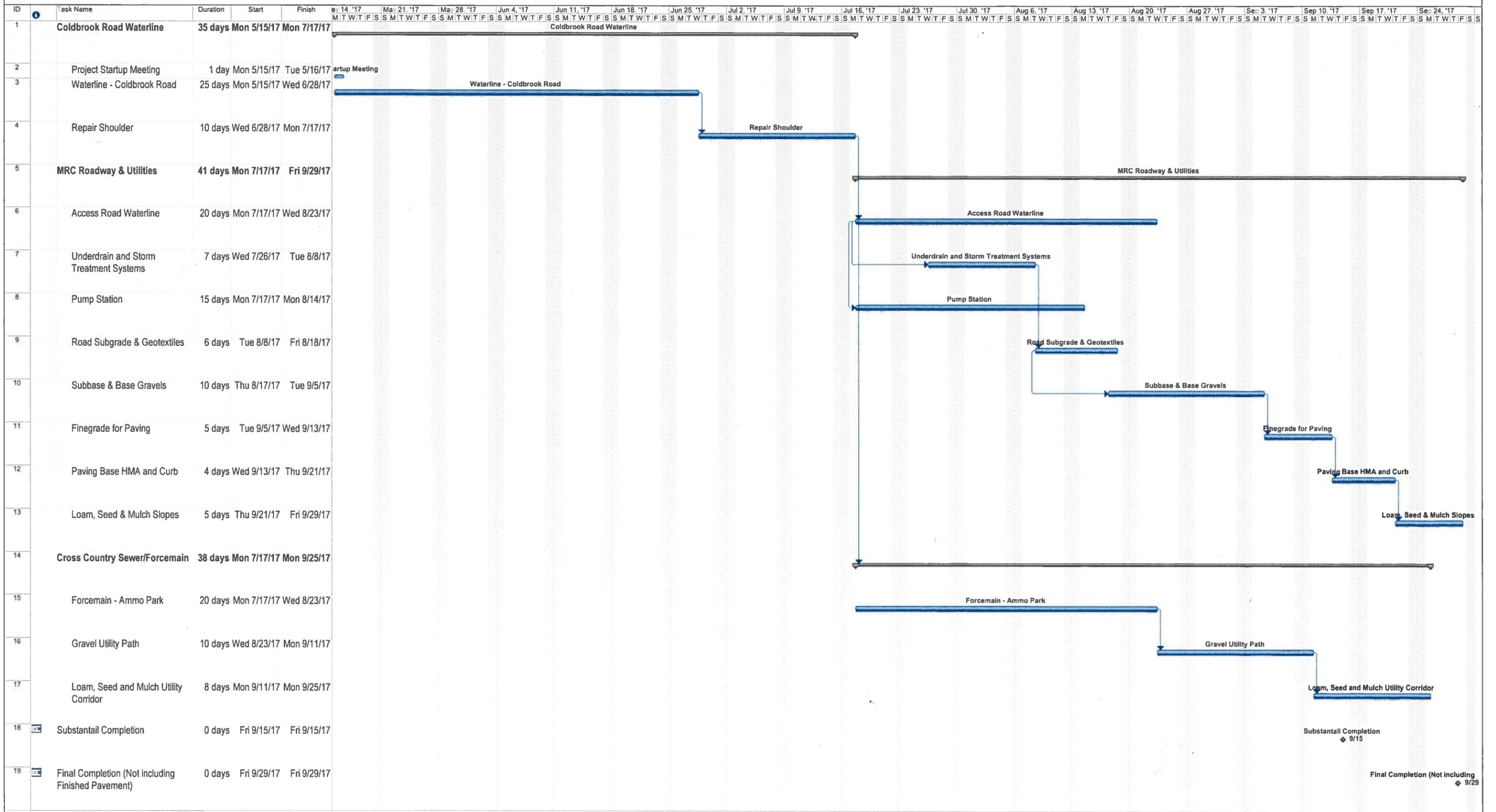
- b. Discussion on the accessory apartment amendments; Planner Cullen said this will go before the Planning Board for their comments at their meeting next Wednesday, and will be back to Council on the 15<sup>th</sup> for the continuation of the public hearing. Manager Jennings said staff felt that a modification to allow two bedrooms and eliminate the 800 square foot maximum, but retain the 40% of the living area of the single family house as a maximum size, to ensure the unit is subordinate to the main unit would be reasonable. He added the testimony given the other night related to unfair housing practices was an inaccurate portrayal of the accessory apartment provisions. The Committee thought that sounded reasonable.
7. Citizen Initiatives: None.
8. Public Comments: None.
9. Committee Member Comments: Councilor Marble commented on the school budget meeting held last night (May 2); Manager Jennings had made some very good points that were appreciated by many in the room. Manager Jennings added that the work he had done last year has proven correct in regards to past budgeting practices at the school, which presented an inaccurate picture of how money was being spent.
10. Adjournment: **Motion** to adjourn at 7:20 pm by Councilor Marble; seconded by Councilor Sirois, carried 7/0/0.

Respectfully submitted by  
Karen Cullen, Town Planner

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### MRC/FIBERIGHT ACCESS ROAD HAMPDEN, MAINE





Town of Hampden  
Land & Building Services

## Memorandum

To: Planning & Development Committee  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: May 15, 2017  
RE: Amendment to Zoning Ordinance regarding Definitions (§7.2)

It has recently come to our attention that the definition of “processing” in the zoning ordinance allows various activities related to solid waste, including transfer stations. In order to be explicitly clear that Hampden does not desire this land use, we have drafted the attached proposed amendment to the definitions section of the ordinance. This language was drafted with the intent of not impacting the uses at the Pinetree facility nor the permitted uses at the Fiberright facility.

## TOWN OF HAMPDEN

The Town of Hampden Hereby Ordains  
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions are Underlined

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**Amend §7.2 Definitions**

Municipal Solid Waste: Any solid waste emanating from household and normal commercial sources.

*Processing:* For industrial uses, including but not limited to: treating, converting, filtering, screening, coating, heating, separating, refining or otherwise altering the initial state, form, or substance of materials and the collection, sorting, or handling, ~~but not the on-site disposal,~~ of solid waste. This definition does not include transfer stations or on-site disposal of solid waste. (Amended: 6-19-95)

Transfer station: Any solid waste facility constructed or managed for the transfer of household or municipal solid waste.



Town of Hampden  
Land & Building Services

## Memorandum

To: Planning & Development Committee  
 From: Karen M. Cullen, AICP, Town Planner *KMC*  
 Date: May 15, 2017  
 RE: Amendment to Zoning Ordinance – Dimensional Table

In order to create a more user-friendly zoning ordinance, I am working on a complete reformatting of Article 3. As you know, the current ordinance has all of the provisions for each district given in paragraph form, with the dimensions given in table form, separate for each district. I have combined all of the districts into a single dimensional table, similar to what I had drafted several months ago for the use table. The attached (version 1) of the dimensional table shows the currently existing requirements for each district. In some cases, there are multiple sets of requirements for a single district – for example, the Residential A district is broken down by standard development and cluster development, and each of those is further broken down by whether the development (or house) is on public sewer or not. The Residential B district is even more complex, with five different development options for cluster development.

You will also see there are 30 footnotes to this table, these are the various requirements currently listed under “Special District Requirements.”

The intent of this is to scrutinize the existing requirements and, where appropriate, to make modifications so the end result is not so cumbersome to understand and to use. This will include terminology as well as the numerical standards themselves. For example, there is both maximum lot coverage (which is defined as the area covered by buildings) and maximum ground coverage, which is not defined. There’s also a maximum impervious surface standard. Obviously these need to be rectified.

Dimensional Table

Existing Requirements

	Residential Districts													Seasonal
	Residential A						Residential B							
	Rural	Standard		Cluster		Public Sewer <sup>9</sup>	On-site Waste Disposal <sup>16</sup>	Cluster						
		Public Sewer <sup>9,10</sup>	On-site Waste Disposal	Single Family	Congregate Care			Single Family	Multi-family, Option A	Multi-family, Option B	Elderly Housing	Congregate Care		
Min Lot Area	2 ac	18,000 sf	30,000 sf	9,000 sf	40,000 sf	16,500 sf	25,000 sf <sup>16</sup>	9,000 sf	9,000 sf	12,000 sf	25,000 sf	40,000 sf	20,000 sf	
Min Road Frontage	200' <sup>20</sup>	125'	150'	75'	100'	100'	125'	75'	80' <sup>12</sup>	80' <sup>12</sup>	80' <sup>14</sup>	100' <sup>14</sup>	100'	
Min Setback, Street Yard	30'	25'	30'	15'	50'	25' <sup>17</sup>	30' <sup>17</sup>	15'	15'	30'	15'	30'	25'	
Min Setback, Other Yards	30' <sup>18</sup>	20' <sup>8</sup>	30'	15'	75'	20' <sup>8,11,13,17</sup>	30' <sup>17</sup>	15'	20' <sup>13</sup>	20' <sup>13</sup>	20' <sup>15</sup>	30' <sup>15</sup>	25' <sup>21</sup>	
Max Lot Coverage (Buildings)								30%	30%	30%	30%	30%		
Max Ground Coverage	10%					25%	25%						20%	
Max Impervious Surface														
Max Building Height	35'					35'	35'						35'	
Detached Accessory Resid Structure <sup>5</sup>														
Max Ground Floor Area	250 sf	650 sf <sup>19</sup>	250 sf			250 sf	250 sf							
Min Setback, Other Yard	5'	15'	5'			5'	5'							
Max Height	16'	24'	16'			16'	16'							
Max floor area per level														
Min Open Space Ratio				0.35	0.5			0.35	0.42	0.5	0.3	0.5		
Max Gross Density				3.146 du/ac	10 du/ac			3.146 du/ac	8 du/ac	6 du/ac	10 du/ac	10 du/ac		
Max Number of Units									6 du/bldg	10 du/bldg	30 units/bldg			

	Business Districts								Industrial Districts			
	Rural Bus	Bus	Bus B	Village Com	Village Com II	Comm Service	Waterfront 1	Interchange	Ind Park	Ind Park, Bus Park	Ind	Ind 2
Min Lot Area	2 ac	12,500 sf <sup>4,6</sup>	1 ac <sup>4</sup>	10,000 sf <sup>28,29</sup>	12,500 sf <sup>28,29</sup>	20,000 sf <sup>4</sup>	20,000 sf	1 ac <sup>4</sup>	1 ac	20,000 sf	2 ac	None
Min Road Frontage	200'	75'	100'	75'	100'	100'	None	200'	200'	50'	150'	50' <sup>22</sup>
Min Setback, Street Yard	30'	35'	30'	None	None	40'	10'	30'	50'	20'	50'	10' <sup>24</sup>
Min Setback, Other Yards	30'	20'	15' <sup>25,27</sup>	14'	14' <sup>30</sup>	30'	10'	20' <sup>7</sup>	50'	20'	35'	10' <sup>24</sup>
Max Lot Coverage (Buildings)			20%	25%	25%				25%	30%		
Max Ground Coverage	25%	20%				25%	50%	25%			25%	
Max Impervious Surface									60%	70%		
Max Building Height	35'	35'	35' <sup>26</sup>	35'	35'	35' <sup>2,3</sup>	35' <sup>2,3</sup>	50' <sup>1</sup>			35' <sup>1</sup>	35' <sup>23</sup>
Detached Accessory Resid Structure <sup>5</sup>												
Max Ground Floor Area						150 sf						
Min Setback, Other Yard						5'						
Max Height						16'						
Max floor area per level	4,000 sf											
Min Open Space Ratio												
Max Gross Density												
Max Number of Units												

[See footnotes on next page.]

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Footnotes:

1. Buildings in excess of 35' in height (conditional use), setbacks are increased by formula: proposed height of building - 35 + base setback = required setback.
2. Buildings can be a maximum of 50' in height but any over 35' must provide increased setbacks by formula: proposed height of building - 35 + base setback = required setback.
3. Buildings used for functionally water dependent uses along the Penobscot River are not subject to the maximum building height standards in the table or footnote 2, provided the lot area is a minimum of 5 acres.
4. Fast food restaurants must be on a lot with a minimum size of 1.5 acres, a minimum frontage of 200', and the vehicle queue must be a minimum of 100' from any residential structure.
5. Once located in accordance with these standards, the accessory structure shall not be attached to a principal building unless it meets the standard setback for other yards.
6. Buildings with 2 or more dwelling units must have a minimum lot size of 7,500 sf per unit.
7. Bars and dance halls must be a minimum of 500' from any residence.
8. Churches, schools, community buildings, nursing homes, and congregational care facilities which abut an existing residential use or district must provide an additional 50% lot area and yards (setbacks) along the affected lot boundary.
9. Nursing Homes shall not exceed 25 beds per acre.
10. Congregational Care Facilities shall not exceed 5 units per acre.
11. Existing lots of record as of July 1, 1991 with less than 100' of frontage may be developed for a single family dwelling and accessory structures with minimum side yard setbacks of 10'. Lots with between 100' and 120' frontage must have side setbacks of 10'+ 0.5' for each foot of frontage over 100'.
12. For buildings with more than 4 units, add 5' per unit over 4.
13. For buildings with more than 4 units, add 2' per unit over 4.
14. For buildings with more than 10 units, add 2' per unit over 10.
15. For buildings with more than 10 units, add 1' per unit over 10.
16. A single multi-family building with no more than 6 units may be located on a lot with public water but no public sewer provided the lot contains an additional 10,000 sf of lot area per unit above the base requirement (25,000 sf).
17. Buildings for institutional uses may be a maximum of 60' in height provided all setbacks are increased by formula: proposed height of building - 35 + base setback = required setback.
18. Buildings used for commercial raising or commercial or personal keeping of animals, or kennels for commercial boarding, raising, or training of 6 or more dogs must have a minimum 50' setback.
19. Detached accessory structures may be larger than the house, up to a maximum of 5,000 sf, provided it is on a lot of a minimum of 3 acres. Such structures do not require site plan approval.
20. Lots located entirely or primarily on a cul-de-sac may have a minimum of 100' frontage provided the street setback is a minimum of 60'.
21. Minimum setback from the high water mark is 75'; this requirement supercedes the standard setback requirement.
22. In lieu of frontage on a public street, an unobstructed access easement or private right-of-way which is a minimum of 50' in width the entire length may be used for access to a public street.
23. The Planning Board may grant conditional use approval for buildings in excess of 35' in height.
24. No structure may be constructed within 300' of the Route 202 right-of-way.
25. Existing lots of record as of July 1, 2014 with less than 100' of frontage with existing structures served by public sewer may have minimum setback of 10'.
26. Buildings can be a maximum of 60' in height but any over 35' must provide increased setbacks by formula: proposed height of building - 35 + base setback = required setback.
27. For lots abutting a Residential A or Residential B district, the setback requirement from that boundary is a minimum of 30'.
28. Multi-unit residential buildings must have minimum lot size of the base requirement + 5,000 sf per unit over one.
29. Fast food restaurants must be on a lot with a minimum size of 1.5 acres, a minimum frontage of 200', and the vehicle queue must be a minimum of 75' from any single family dwelling.
30. Buildings greater than 10,000 sf, or automobile service uses, must provide a minimum of 30' setback where it abuts a residential use or district.

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**PLANNING & DEVELOPMENT COMMITTEE**

**Present**

**Future (FY18) and on**

<p><b>A</b> Vital</p>	<p>MRC/Fiberight – track status</p> <p>Town Center planning, and zoning reforms to facilitate private property investment</p> <p>Take advantage of infrastructure investments to improve market position of Business Park</p>	<p>Marijuana (recreational) - establish policies regarding land use/zoning and local licensing and inspections requirements</p> <p>Track status of new flood maps (State and Federal agencies); once revised, update local zoning accordingly</p>
<p><b>B</b> Important</p>	<p>Zoning amendments for improved flexibility in parking, signage standards</p> <p>Marina sign on 1A (location, location permissions, design, public/private funding)</p> <p>Add online forms/applications to website</p> <p>Complete/maintain business database to expand business outreach and communications</p> <p>Budgeting TIF funds</p>	<p>Zoning – Use Table</p> <p>Zoning – Dimensional Table</p> <p>Zoning – Districts</p> <p>Zoning – Housekeeping</p> <p>Revise Business Park design covenants</p> <p>Establish coordinated public/private vision for Route 1A and riverfront north from Marina Park; amend zoning</p> <p>Create Applicants’ Guide Book (for Site Plan, Subdivision etc.)</p> <p>Zoning – Earth Removal</p> <p>Ammo Park property line confirmation (survey and legal work)</p> <p>E-911 addressing on private roads, Ammo Park</p>
<p><b>C</b> Optional</p>	<p>Update Fees Ordinance for planning, zoning and building permits</p>	<p>Loan guarantee program (TIF funded) for property improvements (building renovations only, or also new construction?) within designated priority location(s)</p> <p>Market study part 2 focused on specific industry sectors and/or locations (post FY18)</p> <p>Research and draft impact fees ordinance (and accompanying capital program)</p> <p>Assign unique map-lot IDs for Town land</p>
<p><b>D</b> Worthless</p>		<p>Recodification</p>