



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

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:

- i. Planner Cullen noted the stream cleanup scheduled for this Saturday May 6th, but may be postponed due to the weather. [Ed note: The cleanup event has been postponed to Saturday May 20th.]
- 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 9th; 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 25th percentile instead

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 25th percentile the new fee for each would be \$31.39, using the median it would be \$36.50. Consensus to use the 25th 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).

- 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 15th 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*