



Town of Hampden  
Planning Board  
Wednesday, July 12, 2023, 7:00 pm  
Municipal Building Council Chambers  
Minutes

In Attendance:

Planning Board

Richard Tinsman, Chair  
Benjamin Dunham, Vice-Chair  
Ben Kaiman  
Jacob Beaulier  
Ryan Tribou  
Dennis Marble  
Monica Small (Alternate)

Staff

Clifton Iler, Town Planner  
Amy Ryder, Economic  
Development Director  
Wanda Libbey, Admin Asst.  
Paula Scott, Town Manager

Public

Kim & Deborah McGee  
Sandra Gemmel  
Jim Kiser  
Mark & Donna Chellis  
Steve & Storie Brown  
Mike Hockenbury  
Jackie Ra  
Peggy Brown  
Susan Hahn

Mark Savard  
Cathy Barrett  
Nattapong Kongsuriya  
Michael Levesque  
Phyllis Bartlett  
Mohammad & Ellen Hassan  
Patrick Michaud  
Simon Lowther

Chair Tinsman called the meeting to order at 7:00 p.m. and verified that all attendees in-person and virtual could hear and see each other. In the absence of a regular member, he appointed Alternate Member Small to serve as a full voting member for the duration of the meeting.

1. Administrative

a. Minutes – June 14, 2023, Regular Meeting

**Motion** by Member Marble to approve the minutes of June 14, 2023, Regular Meeting Minutes; second by Member Beaulier; motion carried 7/0/0 by roll call vote.

b. Minutes – June 21, 2023, Workshop Meeting

**Motion** by Member Marble to approve the minutes of June 21, 2023, Workshop Meeting Minutes; second by Member Dunham; motion carried 6/0/1 by roll call vote (Member Beaulier abstained).

2. Old Business – None

3. New Business

Board Member Dunham moved to take up item 3.b. before 3.a., seconded by Member Beaulier; motion carried 7/0/0 by roll call vote.

Board Member Beaulier moved to discuss and initiate the amendment to the Zoning Map, seconded by Member Dunham; the motion carried 7/0/0 by roll call vote.

- b. Town Center District Expansion – Public hearing for a Zoning District Map Amendment of subject parcels from the Residential A District to the Town Center District; Tax Map/Lot(s): 32-0-023, 32-0-024, 32-0-025, 32-0-026, 32-0-027, 32-0-044, 32-0-045, 32-0-046, 32-0-047, 32-0-048, 32-0-049, 32-0-050, 32-0-051, 32-0-051-A, 32-0-057, 32-0-059, 32-0-060, 32-0-061, 32-0-062, 32-0-063, 32-0-064, 33-0-001, 33-0-002, and 33-0-002-B. This map amendment was filed by the Town of Hampden.

Chair Tinsman went over the rules for public hearings and confirmed with Administrative Asst. Libbey that the required public hearing posting had been met, and then opened the public hearing at 7:14 p.m.

Economic Development Director, Ryder explained that members of the Hampden Congregational Church, located at 101 Main Rd., North, approached the Town Staff to inform them the church will be closing its doors and placing the church for sale, due to a decreasing congregation. The church is currently zoned Residential A which limits its uses. If the district were changed to the Town Center district, it would allow for more uses and facilitate economic development. Economic Development Director, Ryder discussed a possible district change with the Town Council at their May 22<sup>nd</sup> workshop for 89, 93, 95, 97, and 101 Main Rd., North. She then presented the possible district change to the Planning Board at their June 21<sup>st</sup> meeting. It was the consensus of the Planning Board to expand the parcels presented at the June 21<sup>st</sup> PBW to include both sides of Main Rd., North to the Sauadabscook Stream. Ms. Ryder is also hoping that the new owner might allow the Food Cupboard to remain there. The Comp Plan Survey responses reflect residents' desire for more walkability and more small businesses in the Town Center area as well. Economic Development Director, Ryder also explained the Historic Overlay and how that would play a part in what businesses could and couldn't do within the Town Center district expansion.

Planner Iler explained that the 2023 Comp Plan surveys and the 2010 Comp Plan indicate the community's desire for more small businesses and walkability within the Four Mile Square area. The board is to make a recommendation to the Town Council for adoption as proposed, adoption with modifications, or denial.

Chair Tinsman asked Planner Iler if the Planning Board could refer it back to the Town Council. Planner Iler stated that the Planning Board could refer it back to the Council.

Member Dunham asked how this amendment goes with the Comp Plan. Planner Iler stated that it goes against it.

Interested Parties Questions/Concerns/Opposition:

Kim McGee, who resides at 7 Elm St. East, asked if he would have to ask each time repairs are needed on his home. Planner Iler stated that if his home was in the Historic District he would, but if it is not then no, he wouldn't. It was determined that Mr. McGee is not within

the Historic District. Mr. McGee also asked what the purpose of changing Residential A district to the Town Center district was. Economic Development Director, Ryder explained that it would allow for more uses.

Mark and Donna Chellis, who reside at 16 Elm St. West asked if there would be any property tax implications on their property due to the change. Economic Development Director, Ryder explained that it would depend on the use of the property that abuts theirs. Mr. & Mrs. Chellis would like to request that their property be taken out of the listed properties recommended for district change and only change those properties that abut Main Rd. North.

Ellen and Mohammad Hos, who reside at 93 Main Rd. North, shared their concerns about street parking and safety. They would like to see crosswalks and more police presence due to the excessive speed on Main Rd. North. They have small children and are concerned as to what kind of business would be located where the Church is currently if the district is changed. Mrs. Hos expressed interest in serving on the Historic Preservation Commission. Chair Tinsman explained that the essential character of the neighborhood cannot change within the Historic District even if those properties were to change to the Town Center district. Planner Iler explained that it is very limited what can go next to family homes.

Patrick Michaud, who resides at 13 Elm St. West, asked if the church had been sold yet and he is also concerned with the value of his property and requested that his property be taken off the list to be amended. Economic Development Director, Ryder stated that there had been an organization renting the Church for a week, but they are no longer there and there is currently no buyer in place.

Simon Lowther, who resides at 28 Elm St. West, shared his concern about losing their quiet neighborhood.

Peggy Brown, who resides at 208 Kennebec Rd., explained she does not live in the proposed area in question but is also concerned with allowing businesses within the Historic District and believes that the board's decision should not be based on the Food Cupboard.

Jim Kiser spoke on behalf of the Lafayette's, who are located at 89 Main Rd. North, and could not be present for the meeting. The Lafayette's are not in favor of the district change and believe allowing businesses into the Historic District will change its character. They also wondered if the amendment should wait until there is a Historic Preservation Committee.

Mark and Erin Savard, who reside at 96 Main Rd. North, expressed their concerns with the cars lined up on Main Rd. North turn into the Food Cupboard each week. Mrs. Savard would like to see the Church utilized for community use and not sold for business use. The Savard's are also concerned with safety on Main Rd. North.

Sandra Gemmel, who resides at 34 Elm St. East and is a member of the Church Board, briefed those present on the history of the Hampden Congregational Church. Sandra noted that the church is on the National Registry of historic churches. Being on the National Registry places many more restrictions. Sandra is also concerned with the safety of Main Rd.

North. Sandra is in favor of the district change and suggested that the board “Not to make a decision based on fear”.

Sue Hahn is the current director of the Food Cupboard located in the basement of the church. Sue believes the church should be considered part of the Town Center district. No matter what the future use it will need to go through multiple steps rather it's in the Residential A or Town Center district.

Michael Hockenbury, who resides at 94 Sidney Blvd, stated that business growth could happen in another location in town he doesn't believe this is the right location.

Jim Kiser asked if there is a buyer for the Church. Church representative Sandra Gemmel stated that Mr. Kiser would need to contact the realtor for that information.

Planning Board Questions - None

Chair Tinsman closed the public hearing at 8:36 p.m.

Member Marble appreciated the many comments and valid concerns beyond the zone change from residents present. He does not believe any changes should occur until safety issues are addressed.

Chair Tinsman spoke about the original amendment request and how each resident that spoke personalized the reasons as to why they are not in favor of the addition of more parcels. He would like the board to consider amending only the original five parcels presented at the June 21<sup>st</sup> Planning Board Workshop.

Member Tribou encouraged those present to volunteer.

Member Beaulier moved to recommend the denial of the Zoning District Map Amendment presented at this meeting of subject parcels from the Residential A District to the Town Center District; Tax Map/Lot(s) 32-0-023, 32-0-024, 32-0-025, 32-0-026, 32-0-027, 32-0-044, 32-0-045, 32- 0-046, 32-0-047, 32-0-048, 32-0-049, 32-0-050, 32-0-051, 32-0-051-A, 32-0-057, 32-0- 059, 32-0-060, 32-0-061, 32-0-062, 32-0-063, 32-0-064, 33-0-001, 33-0-002, and 33-0- 002-B; seconded by Member Small; the motion failed 3/4/0 by a roll call vote.

Member Dunham moved to approve the Zoning District Map Amendment with modifications at the Planning Board Workshop on, June 21, 2023, to include the following subject parcels; Tax Map/Lot(s): 32-0-060, 32-0-061, 32-0-062, 32-0-063 and 32-0-064; seconded by Member Marble.; motion carried 4/3/0 by a roll call vote.

- a. Zoning Ordinance and Subdivision Ordinance Amendments – Public hearing for amendments to the Hampden Zoning Ordinance and Hampden Subdivision Ordinance. These amendments were referred to the Planning Board by the Town Council.

Planner Iler explained that the proposed Zoning and Subdivision amendments were requested by the Town Council for the Planning Board to consider. Planner Iler recommended that the Planning Board vote on each amendment separately.

**Interested Parties Questions/Concerns/Opposition:**

Michael Levesque, who resides at 1058 Western Ave. asked if this meeting was to eliminate the stopgap. Chair Tinsman stated only those amendments referred to the Planning Board by the Town Council at this meeting.

Chair Tinsman closed the public hearing at 9:33 p.m.

Revise the definition of "Road or Street" in §7.2 Definitions to remove the clause "provided no more than two primary structures (e.g., houses) obtain their frontage from the private road right of way..." in Subsection C.

Member Kaiman moved to revise the definition of "Road or Street" in §7.2 Definitions to remove the clause "provided no more than two primary structures (e.g., houses) obtain their frontage from the private road right-of-way..." in Subsection C; seconded by Member Dunham; motion failed by 3/3/0 by a roll call vote.

Member Beaulier asked why these revisions for roads and structures. Planner Iler explained that due to the limitations of houses you can put on a private road and future development.

Member Beaulier moved for the denial to revise the definition of "Road or Street" in §7.2 Definitions to remove the clause "provided no more than two primary structures (e.g., houses) obtain their frontage from the private road right-of-way..." in Subsection C; seconded by Member Marble; motion failed by 1/5/0 by a roll call vote.

Member Dunham moved to revise the definition of "Road or Street" in §7.2 Definitions to remove the clause "provided no more than two primary structures (e.g., houses) obtain their frontage from the private road right-of-way..." in Subsection C; seconded by Member Kaiman; motion failed by 3/3/0 by a roll call vote.

Revise §3.1.3 Use Table to allow Multi-Family Development (B-3) as a Permitted Use in the Rural District.

Member Beaulier moved to revise §3.1.3 Use Table to allow Multi-Family Development (B-3) as a Conditional Use in the Rural District; seconded by Member Dunham; the motion carried 5/0/1 by a roll call vote.

Propose necessary amendments with the purpose of replacing §4.7.1.1 Parking Maximums with the Maximum Impervious Surface coverage as shown in §3.4.1 Table of Dimensional Standards.

Member Beaulier moved to approve with modification of the proposed Zoning Ordinance Amendment to: Strike §4.7.1.1, §4.7.1.1, and §4.7.1.3. Revise §4.7.1.4 to remove "Not Withstanding these requirements"; seconded by Member Kaiman; motion carried 6/0/0 by a roll call vote.

Revise §2.3.3.2 Private Water Supply to remove Subsection 2 and Subsection 3 to meet the updated NFPA citation from the Maine State Fire Marshal Office.

Member Beaulier moved to approve with modification for the proposed Subdivision Ordinance Amendment to revise “§2.3.3.2 Private Water Supply” to read: Revise ordinance numbering to read “§2.3.3.3 Private Water Supply” and remove Subsection 2 and Subsection 3 from “§2.3.3.3. (Formerly known as §2.3.3.2 Private Water Supply) to meet the updated NFPA citation from the State of Maine Fire Marshal Office; seconded by Member Dunham; motion carried 6/0/0 by a roll call vote.

Propose a definition for a "Private Road or Street" to exclude all proposed projects from the construction requirements of §2.3.7.3 Roadway Design Standards.

Member Beaulier moved to table the proposed definition for a “Private Road or Street” to exclude all proposed projects from the construction requirements of §2.3.7.3 Roadway Design Standards so that the Planning Board can do further research; seconded by Member Kaiman; motion carried 5/1/0 by roll call vote.

c. Town Planner Report

Town Planner Iler informed Board Members that there will not be a Planning Board Workshop meeting on July 18, 2023, at 6:30 p.m.

d. Planning Board Comment – None

e. Adjournment

**Motion** by Member Marble moved to adjourn the meeting at 10:13 p.m., seconded by Member Dunham; the motion was carried by a roll call vote of 6/0/0 in favor.

Respectfully Submitted By,

Wanda Libbey, Administrative Asst.