



Town of Hampden
Planning Board Meeting
Wednesday July 8, 2020

Minutes

This meeting was held via remote means (Google Meet) due to the Covid-19 Pandemic, in accordance with SP0789 / LD2167, An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency.

In Attendance:

Planning Board

Kelley Wiltbank, Chairman
Ladoiya Wells
Richard Tinsman
Brent Wells
Jennifer Austin
Jake Armstrong

Staff

Karen Cullen, Town Planner
Jessica Rickman, Recording Clerk

The meeting was called to order at 7:00 pm. Chairman Wiltbank explained that this meeting is being held remotely, with himself and Jake Armstrong in the Council Chambers and everyone else via Google Meet, in accordance with the guidelines for the pandemic. He took attendance by roll call; all members listed above participating with both audio and video. It was established that all board members were able to hear and speak to all the other members. All staff could likewise hear and speak to all other participants. Nobody from the public attended, either in person or remotely.

1. Administrative

- a. Minutes – June 10, 2020 regular meeting
June 16, 2020 workshop meeting

Motion: by member Richard Tinsman to approve the minutes of the June 10, 2020 regular meeting and June 16, 2020 workshop meeting, seconded by Brent Wells; motion carried 5/0/1 by roll call vote.

2. New Business

- a. Public Hearing – Proposed Amendments to various sections of the Hampden Zoning Ordinance to clarify or correct language, allow “alternate frontage lots” in all zoning districts, modify the multi-family housing provisions, modify the provisions for filling and grading of land, delete the medical marijuana provisions because they are being moved to the Marijuana Ordinance, and modify or add definitions of terms used in the ordinance.

Kelley Wiltbank opened the public hearing at 7:03 pm. He mentioned that there was no one to speak for or against the proposed amendments via Google Meet or in the Council Chambers. Planner Cullen gave a presentation summarizing the proposed amendments. The Board did not have any questions or comments on the proposed amendments. Kelley Wiltbank closed the public hearing at 7:09 pm.

The following is a summary of the proposed amendments to the Hampden Zoning Ordinance along with the Planning Board's action on each one:

1) §3.2.1 **Multi-family** - Require half of the open space to be recreational space; and require fire suppression infrastructure

Motion: by Richard Tinsman to approve the proposed amendment to Section 3.2.1 of the Zoning Ordinance as presented in the "Proposed Zoning Amendments – Summer 2020" and forward to the Town Council with a recommendation to adopt the amendment; second by Jennifer Austin; motion carried 6/0/0 by roll call vote.

2) §3.4.2.2 **Lot size, Business & TC districts** - Eliminate a conflict in the ordinance

Motion: by Richard Tinsman to approve the proposed amendment to Section 3.4.2.2 of the Zoning Ordinance, as presented in the "Proposed Zoning Amendments – Summer 2020" and forward to the Town Council with a recommendation to adopt the amendment; second by Jennifer Austin; motion carried 6/0/0 by roll call vote.

3) §4.3 **Rural Alternate Frontage Lots** - Make section applicable to lots in any district, not just Rural. Note, these are limited to single family homes.

Motion: by Richard Tinsman to approve the proposed amendment to Section 4.3 of the Zoning Ordinance, as presented in the "Proposed Zoning Amendments – Summer 2020" and forward to the Town Council with a recommendation to adopt the amendment; second by Jennifer Austin; motion carried 5/0/1 by roll call vote, Chairman Wiltbank abstained.

4) §4.7.2 **Buffers, multi-family** - Add a requirement that any multi-family development in the Rural district must provide a class 3 buffer along each property line. (Class 3 is the most stringent.)

Motion: by Richard Tinsman to approve the proposed amendment to Section 4.7.2 of the Zoning Ordinance, as presented in the "Proposed Zoning Amendments – Summer 2020" and forward to the Town Council with a recommendation to adopt the amendment; second by Jennifer Austin; motion carried 6/0/0 by roll call vote.

5) §4.7.5.7 **Signs, commercial districts** - Add a provision addressing situations where there is a residence used for business purposes in the commercial districts.

Motion: by Richard Tinsman to approve the proposed amendment to Section 4.7.5.7 of the Zoning Ordinance, as presented in the "Proposed Zoning Amendments – Summer

2020” and forward to the Town Council with a recommendation to adopt the amendment; second by Jennifer Austin; motion carried 6/0/0 by roll call vote.

6) §4.9.2 **Earth moving** - Revise the provisions for exemptions to ensure an exemption granted for construction associated with a building permit or a subsurface wastewater disposal permit. Also reorganize the existing provisions so erosion and sedimentation control provisions apply to ALL earth moving activities (including exempted).

Motion: by Jake Armstrong to approve the proposed amendment to Section 4.9.2 of the Zoning Ordinance, as presented in the “Proposed Zoning Amendments – Summer 2020” and forward to the Town Council with a recommendation to adopt the amendment; second by Ladoiya Wells; motion carried 6/0/0 by roll call vote.

7) §4.24 **Medical marijuana, methadone** - We are moving the medical marijuana dispensary and cultivation facility provisions to the Marijuana Ordinance, so delete them from here. Methadone clinics remain in the zoning ordinance.

Motion: by Jake Armstrong to approve the proposed amendment to Section 4.24 of the Zoning Ordinance, as presented in the “Proposed Zoning Amendments – Summer 2020” and forward to the Town Council with a recommendation to adopt the amendment; second by Ladoiya Wells; motion carried 6/0/0 by roll call vote.

8) §6.2.1 **Appeals to the BOA** - Modify the section per the advice to the town’s attorney, to clarify what can be appealed to the BOA.

Motion: by Jake Armstrong to approve the proposed amendment to Section 6.2.1 of the Zoning Ordinance, as presented in the “Proposed Zoning Amendments – Summer 2020” and forward to the Town Council with a recommendation to adopt the amendment; second by Brent Wells; motion carried 6/0/0 by roll call vote.

9) §7.2 **Definitions** - Modifications to various definitions, addition of new ones as well. Note, the addition of those related to marijuana is due to the fact that the use table (§3.1.3) still has the various marijuana uses listed, since that is where we can regulate where they are allowed in town.

Motion: by Jake Armstrong to approve the proposed amendments to Section 7.2 of the Zoning Ordinance, as presented in the “Proposed Zoning Amendments – Summer 2020” and further modified as presented by Town Planner Cullen for the definition of Road or Street so sub-paragraph b reads: “Is shown on and has been constructed in accordance with a plan of a subdivision which has been duly approved by the Hampden Planning Board and recorded in the Penobscot County Registry of Deeds and has not been vacated as a result of 23 MRSA §3032, 23 MRSA §3031, 23 MRSA §3027, or 23 MRSA §3027-A.” and forward to the Town Council with a recommendation to adopt the amendment; second by Brent Wells; motion carried 6/0/0 by roll call vote.

3. Old Business – None

4. Town Planner Report

Karen Cullen, Town Planner mentioned that she included a project report providing the status of approved projects in the Planning Board packet and wanted to know how often the board wants to receive this. The board agreed to receive the project report quarterly.

Karen Cullen, Town Planner also mentioned that the Governor extended the Civil Emergency for another 30 days so the Planning Board can hold meetings remotely until the September meeting. She also reminded the Planning Board that they have a Workshop Meeting scheduled for July 21st at 6:30 pm.

5. Planning Board Comment

No comments

6. Adjournment

Motion: Dick Tinsman moved to adjourn the meeting at 7:35 pm, seconded by Ladoiya Wells; motion carried by roll call vote 6/0/0.

*Respectfully submitted by Jessica Rickman,
CED Administrative Asst.*