



Town of Hampden
Planning Board Meeting
Wednesday August 14, 2019

Minutes

In Attendance:

Planning Board

Gene Weldon, Chairman
Tom Dorrity
Kelley Wiltbank
Jennifer Austin
Jake Armstrong
Brent Wells
Dick Tinsman

Staff

Karen Cullen, AICP, Town Planner

Public

Kristopher Brooker
Farrah Perry

The meeting was called to order at 7:03 pm.

1. Administrative:

- a. **Motion** by Member Austin to approve the minutes of the July 10, 2019 regular meeting with one adjustment on the 2nd page it should read Wiltbank instead of Weatherbee, and July 16, 2019 workshop meetings; second by Member Armstrong; motion carried 7/0/0.

2. Old Business - None

3. New Business

- a. Kristopher Brooker – Public Hearing for a Conditional Use for an accessory apartment and for encroachment into setback no more than the existing nonconforming structure. The proposal is to build an addition to the existing residence and create an accessory apartment in a portion of the proposed addition, at 95 Old County Road, Parcel 26-0-015, in the Residential A district.

Chairman Weldon opened the public hearing at 7:04 pm

Applicant Kristopher Brooker of 95 Old County Road addressed the Board:

- Build addition to existing residence and create an accessory apartment.
- Encroachment to match front profile of the house.
- Increase square footage of the house.
- Needed in order to move in mother in law and sister in law.

There were no questions, concerns or opposition. Chair Weldon closed the public hearing at 7:08 pm.

Planner Cullen's report/Discussion:

- Existing structure does encroach the front setback and the proposed structure would encroach the front set back the same amount so it will not be an increase in the non-conformity measured in that dimension. The zoning ordinance allows the Planning Board to grant a conditional use approval for this type of non-conformity.
- The Code Enforcement Officer, Myles Block made the determination that the existing structure encroachment goes to the edge of the front deck as opposed to the exterior of the house itself since the front deck is attached to the house.
- Based on the square footage of the entire house with the addition, the accessory apartment calculations would be 20% of the total living area, in compliance with the requirements of section 4.25 for accessory apartments.
- The application is in compliance with the provisions of the zoning ordinance for both the setback encroachment and the accessory apartment.
- Noted the setback encroachment is only on the front; the north side of the existing house (20' setback) is 19' and no addition is proposed in that area.
- The addition will be built where the existing driveway is located; it includes a 2 car garage. Additional parking will be to the south side of the addition. No trees will be removed.

Motion: Member Wiltbank moved to grant the conditional use to allow Kristopher Brooker to construct an addition to the existing house at 95 Old County Road that will encroach the front setback no more than the existing house, and to use a portion of the addition for an accessory apartment as presented, with the correction to the Board Order regarding the percentage of the accessory apartment area. Seconded by Member Wells; motion carried 7/0/0.

- b. Public Hearing to consider proposed amendments to various sections of the Hampden Zoning Ordinance to clarify or correct language, add a new use category for "agricultural diversity uses", modify the cluster housing provisions, and add a new use category "private event venues" along with provisions to govern them.
- c. Public Hearing to consider a proposal to repeal and replace the Hampden Shoreland Zoning Ordinance to eliminate inconsistencies with the Maine Department of Environmental Protection's Guidelines for Shoreland Zoning Ordinances.

Because these two public hearings were not posted in the Bangor Daily News prior to this meeting, it was agreed to move them to the meeting on September 11, 2019.

The Board agreed to have an informal discussion with resident Farrah Perry of 125 Shaw Hill Road, who has been working with Planner Cullen for about a year on the private event venue ordinance. Farrah addressed the Board:

- Looking specifically at the Rural section for 5-20 acres; she has 15 acres.
- The hours for the event end time of 9pm is a problem, and suggests that all outside activity be required to move inside by 10pm and everyone will be off the property by 11pm. Mainly for wedding receptions to make it appealing to the audience that they are trying to attract.

- The number of events per year (10) is low; in order to attract business meetings during the day, suggests that gatherings held between 8 am and 5 pm not be counted against the maximum in the table.
- License renewal requirement of annually is a problem; suggests making it a 3 or 5 year renewal unless complaints have been received by abutting property owners.

Discussion:

- The Board felt the proposed change in hours would be okay, noting there will only be 10 events per year.
- Planner Cullen and the Board thought the suggestion to only count events that are outside normal business times would be okay; possibly with a cap on attendance at 50 or 75 people.
- Planner Cullen mentioned that the Planning Board has no authority on the license; it would be up to Town Council whether to use something other than an annual renewal schedule. Having an annual license would be the best option.
- Member Dorrity asked if the License from the state is required annually? Resident Farrah Perry said not that she is aware of.
- It was noted the town doesn't have a noise ordinance.

The Planning Board agreed to discuss the suggestions made by Resident Farrah Perry at the workshop next week, and possibly make changes to the proposed amendments before the Public Hearing on September 11, 2019.

4. Staff report; upcoming meetings:

September:

- Continuation of Stearns Farm - Waiting on revised plan
- Application for Wicklow for a Minor Subdivision and 4-unit multi-family.

October:

- Public hearing on the Subdivision ordinance.
- Possibly an application for a home occupation
- Possibly a site plan for a 4-unit multi-family in another location in town.

November:

- Planner Cullen mentioned that she will be on vacation during the scheduled meeting in November; the Planning Board agreed to look into possibly rescheduling this meeting when it gets closer.

Planner Cullen also mentioned that she hasn't heard anything further on the Honey Hill final plan.

5. Planning Board comment:

Chair Weldon welcomed new members Dick Tinsman and Brent Wells to the Board.

6. Adjournment: Upon **motion** by Member Wiltbank and second by Member Austin, the meeting was adjourned at 7:38pm.