

Town of Hampden

PLANNING & DEVELOPMENT COMMITTEE MEETING

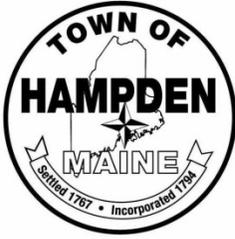
Wednesday, August 7, 2019

6:00 P.M.

HAMPDEN TOWN OFFICE

AGENDA

1. Approval of Minutes
 - a. July 17, 2019 Meeting
2. Committee Applications
3. Citizen's Initiatives
4. New Business
 - a. Discussion on how to regulate marijuana activities – multiple inquiries regarding medical marijuana cultivation
 - b. Discussion on potential noise ordinance
5. Unfinished Business
 - a. Discussion on potential Property Maintenance Ordinance – No report or update at this time
 - b. Pine Tree Landfill – No report at this time; the final report from Drumlin Environmental is expected late August
6. Zoning Considerations/Discussion
 - a. Policy discussion regarding cluster developments with private roads
7. Staff Report
 - a. Update on Chevron oil spill settlement funds
8. Public Comments
9. Committee Member Comments
10. Adjourn



Town of Hampden
Planning and Development Committee

Wednesday July 17, 2019, 6:00 pm

Municipal Building Council Chambers

Minutes

Attending:

Committee/Council

Eric Jarvi - Chair
 Dennis Marble
 Terry McAvoy
 Mayor McPike

Staff

Karen Cullen, Town Planner
 Myles Block, CEO
 Jared LeBarnes, Building Official

Public

Richard Tinsman
 Sharon Kobritz
 Numerous citizens for the Carbon Fee Proclamation or the
 Property Maintenance Ordinance discussion
 (see sign-in sheet attached)

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

1. Minutes for the June 5, 2019 meeting – **Motion** to approve as submitted made by Councilor Marble; second by Mayor McPike. Discussion regarding content of minutes to only include actions by the committee; correction to resident's name (Connie Potrin should be Connie Potvin). Motion carried 4/0/0.
2. Committee Applications:
 - a. i. Richard Tinsman for a seat as an alternate member on the Planning Board to serve a five year term. Mr. Tinsman stated he has experience in community planning and has served on planning boards in the past. **Motion** made by Mayor McPike to refer this appointment to Town Council with a recommendation that Richard Tinsman be appointed to the Planning Board as an alternate member for a five year term; second by Councilor Marble; carried 4/0/0.
 - b. ii. Sharon Kobritz for a seat as a full member on the Historic Preservation Commission to serve out the remainder of an unexpired term, to December 31, 2020. Ms. Kobritz said she has experience in historic preservation and has recently moved to Hampden and would like to help. **Motion** made by Councilor Marble to refer this appointment to Town Council with a recommendation that Sharon Kobritz be appointed to the Historic Preservation Commission as a full member to December 31, 2020; second by Councilor McAvoy; carried 4/0/0.
3. Citizen's Initiatives: None

The Committee decided to take the agenda items out of order due to the attendance of the audience here for item 5a on the carbon fee proclamation.

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5. Unfinished Business:

- a. Refer to Council endorsement of the Proclamation on Carbon Fee and Dividend Proposal before the U.S. Congress. Motion by Mayor McPike to remove this item from the table; second by Councilor Marble; carried 3/1/0.

It was noted the language of the bill (HR 763) was distributed to the committee in the packet for this meeting. After discussion regarding council's jurisdiction to act on this request, Chairman Jarvi said there is a motion on the table to refer to Town Council endorsement of HR763, a proclamation on Carbon Fee and Dividend Proposal before the U.S. Congress; motion carried 3/1/0.

4. New Business:

- a. Discussion on potential Property Maintenance Ordinance. Councilor Marble noted several of his constituents have approached him about the conditions on abutting properties and it may be time to address the issue. He noted other towns have property maintenance ordinances that try to balance property rights with the rights of others to protect their property value and to enjoy their own property. Several residents spoke about the specific issues they have with abutters. The code enforcement team gave a brief presentation showing a number of properties exhibiting a variety of issues for which they have received complaints. It was noted that any regulations Hampden may come up with need to deal with health, welfare, safety, and structural issues.

Consensus of the committee was to ask staff to provide samples of ordinances that the committee can look at, and then discussion on whether to draft an ordinance and what it should cover can begin. This item will remain on the agenda for future meetings under Unfinished Business.

5. Unfinished Business:

- a. (see above)
- b. Pine Tree Landfill Environmental Monitoring Report. It was noted that the final report from Drumlin Environmental, LLC, has not been received yet. The committee members agreed they will need a presentation on the results in layman's terms; whether at a P&D meeting or a Town Council meeting to be determined based on the report. This item was continued to the next P&D meeting.

6. Zoning Considerations/Discussions: None

7. Updates:

- a. MRC/Fiberight: It was noted that full operation at the plant will not occur for several months.
- b. Staff Report: Planner Cullen noted the Planning Board had granted conditional approval of the preliminary subdivision plan for the Honey Hill cluster subdivision on Main Road South last night.

8. Public Comments: None

9. Committee Member Comments: Question on status of Shoreland Zoning Ordinance; Planner Cullen said the Planning Board will be holding the public hearing on it August 14th.

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10. Adjournment: Chairman Jarvi adjourned the meeting at 7:10 pm.

*Respectfully submitted by
Karen Cullen, Town Planner*

Items from this meeting for August 7, 2019 P&D meeting:

- Agenda Items:
 - Property Maintenance Ordinance samples
 - Pine Tree Landfill Environmental Monitoring Report
- Staff Report:
 - no specific items

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P&D Committee Meeting – July 17, 2019

Sign-in Sheet

Name	Topic on agenda you are here for
JOSHUA LAWRENCE	Climate Change
Faye Conderson	HR763
Evan Allen	HR763
Rochelle Lawrence	HR763
Chloe Lawrence	HR763
Sharry Woodside	HR763
Christie Woodside	HR763
Josephine Lawrence	HR763



Town of Hampden
Town Planner

Memorandum

To: Planning & Development Committee
 From: Karen M. Cullen, AICP, Town Planner *KMC*
 Date: July 30, 2019
 RE: Marijuana

Staff has received several inquiries recently regarding marijuana cultivation and other business opportunities, including one for commercial scale medical marijuana cultivation on farmland in the Residential B district. Although this memo and the expected discussion at the P&D August meeting pre-date the next MMA marijuana update (which I will be attending on August 21), given the recent inquiries we need to get the discussion started now.

As you may recall, a year ago (Aug 2018) Town Council adopted a new ordinance called the "Marijuana Ordinance" which currently only includes provisions for home cultivation for personal adult use marijuana. The intent at the time was to have this ordinance be where all local marijuana regulations would reside. The zoning ordinance provisions for medical marijuana (section 4.24) are meant to eventually be moved out of zoning and into the marijuana ordinance. Likewise, any provisions for adult use marijuana are meant to be in the marijuana ordinance. The idea is that Hampden will have all regulations pertaining to marijuana in one place.

Once we dig into it deeper and start drafting regulations, it might make sense to retain some things in the zoning ordinance, specifically if we determine that it continues to make sense to regulate the various uses based on zoning districts.

There are a couple of alternatives to using the relatively simple zoning district delineation, one is so-called performance based regulations and the other is contract zoning which while based in the zoning ordinance, is a literal contract between the town and the property owner setting forth allowed (marijuana) activities and specific conditions upon which they can occur.

The direction I was going a year ago with the creation of the marijuana ordinance was a performance based scenario. This form of regulation would basically set specific standards and if the property met those standards, then the use would be allowed. I believe the marijuana ordinance could specify the Planning Board as the review authority, although the Town Council could also play that role. The ordinance could allow the review authority to set additional conditions on any approval, for example to increase the distance between the proposed use and any abutting residences beyond the standard set in the ordinance. Although I am not positive, I believe the marijuana ordinance could include as a standard that no property within a certain district (e.g. Residential A) could be used for any commercial scale marijuana activity. The

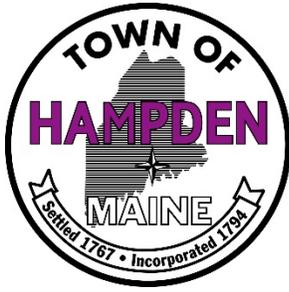
advantage to this approach is that it makes it easy to have all the marijuana regulations in one place. The disadvantage is that we would need to carefully consider many possible scenarios to ensure there are no unintended consequences that the town doesn't want to live with – i.e. the ordinance would have to be written assuming the worst case scenario, thus could be quite strict.

Contract zoning is, as mentioned above, based on a contract between the town and the property owner where the property is rezoned to allow a use – in this case marijuana activity – subject to specific conditions as agreed upon by both parties. The rezoning and the contract are approved by the Town Council, after public hearing by the Planning Board following at minimum the standard zoning amendment process. A potential advantage to this process is the ability to be very site-specific and very detailed in the conditions imposed, allowing the town and owner to think through potential ramifications and unintended consequences prior to adopting the amendment to allow the proposed use. A disadvantage is a longer process and less predictable outcome.

Although I do not have the benefit of the most up to date information as I await the August 21 training session, I would like to begin discussion on the issues related to marijuana. To that end, it would be useful if the committee would give consideration to the following:

1. In 2011 the performance standards for medical marijuana uses and methadone clinics was added to the ordinance, my advice is that this entire section be revisited in light of changes to statute and state rules – do you agree?
2. Is there a desire to regulate medical marijuana caregiver operations to the extent it would help protect existing residential uses, since recent law changes allow municipal regulation?
3. In 2017 the P&D had indicated a desire to allow adult use marijuana cultivation, product manufacture, and testing – is this still the case?
4. Do you have a sense of whether you want to keep marijuana regulations in zoning or expand the marijuana ordinance to include new provisions?
5. Do you have a sense of which direction you would like to go regarding regulating marijuana uses – performance based or contract based?
6. Do you have a desire to consider regulations on the law enforcement side of the equation; is there a need to do so?
7. Do you have a desire to require local licensing of marijuana businesses?

Clearly, there is a substantial amount of discussion needed before regulations of any type can be drafted. In the meantime, there is a possibility of an application being filed for a zoning district change for one area from Residential B to Industrial Park, for the express purpose of allowing medical marijuana cultivation. The most significant hesitation I have regarding such a proposal is that in the event such cultivation for some reason was stopped, the land would still be in the Industrial Park district and any use permitted in that district would be allowed with the proper approvals from the Planning Board. Some of those uses would probably not be compatible with nearby uses, and traffic would have to use Old County Road, which is essentially a residential road. The proponents of this property have been invited to attend the August P&D meeting and should be able to discuss their proposal with the committee.



Town of Hampden

Town Planner

Memorandum

To: Planning & Development Committee
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: July 31, 2019
RE: Sample Noise Ordinances

A discussion took place at the Infrastructure Committee meeting on July 29 regarding noise; at the end of that discussion it was suggested that the Planning & Development Committee look into the possibility of enacting a noise ordinance. To facilitate discussion on this issue, staff has researched Maine communities and have found several ordinances that may be of use. Many that were reviewed only dealt with noise created from playing radios or similar sound equipment, or from vehicles. The three included in this packet seemed to be the most useful.

Bar Harbor

Chapter 139

NOISE

GENERAL REFERENCES

General penalty — See Ch. 1, Art. II.

Food and merchandise sales — See Ch. 94.

Amusements — See Ch. 14.

Land use — See Ch. 125.

Animals — See Ch. 18.

Parks and public places — See Ch. 147.

Disorderly houses — See Ch. 64.

§ 139-1. Findings and purpose.

A. It is found and declared that:

- (1) The making and creation of loud, unnecessary or unusual noises within the limits of the Town of Bar Harbor are conditions which have existed for some time, and the extent and volume of such noises are increasing; and
- (2) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affects and is a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of Bar Harbor.

B. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Town of Bar Harbor and its inhabitants.

§ 139-2. Certain noises prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Town.

§ 139-3. Loud, disturbing and unnecessary noises enumerated.

The following noises and noise-producing acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

A. Horns, signaling devices, etc.:

- (1) The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle anywhere within the limits of the Town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any device for an unnecessary and unreasonable period of time.
 - (2) The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- B. Radios, phonographs, musical instruments, etc.
- (1) The use of, operation of or allowing the use or operation of any radio, receiving set, musical instrument, amplifier, juke box, phonograph, or other machine or device for producing, reproducing or amplifying sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants.
 - (2) It shall be prima facie evidence of a violation of this section if such sound is produced within a building, structure or vehicle between the hours of 9:00 p.m. and 7:00 a.m. in such a manner that, at a distance of 25 feet from the building, structure or vehicle in which it is located, the volume, frequency, intensity, quality or duration of the sound unreasonably annoys or disturbs a reasonable person's normal sensibilities, endangers or injures the safety or health of humans, or endangers or injures personal or real property.
- C. Sound-producing devices used for advertising: the use of, operation of or allowing the use or operation of any radio, receiving set, musical instrument, amplifier, juke box, phonograph, bell, horn or other machine or device for producing, reproducing or amplifying sound in such a manner as to cast upon the public street for the purpose of commercial advertising or attracting the public to any building or structure.
- D. Yelling, shouting, etc.: yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 9:00 p.m. and 7:00 a.m. or any time or place so as to annoy or disturb the quiet, comfort, or repose of any person in any office, or in any dwelling, hotel, motel, rooming house or other type of residence, or of any person in the vicinity.
- E. Animals, birds, etc.: the keeping of any animal or bird which by causing frequent or long-continued noise without provocation shall disturb the comfort or repose of any person in the vicinity.
- F. Blowers, fans and engines: the operation of any noise-creating blower, compressor, power fan, engine, motor boat, motor vehicle or other machine, unless such equipment is equipped with a muffler device

sufficient to reduce such noise so that it does not unreasonably annoy or disturb a reasonable person's normal sensibilities.

- G. Loading or unloading; opening boxes: the creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- H. Construction or repair of structures: the starting, idling, backing or other operation of construction equipment and the excavation for or erection, demolition, alteration or repair of any structure which causes loud and unreasonable noise between the hours of 9:00 p.m. and 7:00 a.m., except with a quiet-hours construction permit as provided below.
- I. Schools, courts, churches and hospitals: the creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use or adjacent to any hospital which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such street indicating that the same is a school, hospital or court street.

§ 139-4. Quiet-hours construction permits.

- A. The Code Enforcement Officer may issue or renew a quiet-hours construction permit only upon finding that:
 - (1) The public health and safety will not be impaired by said construction between the hours of 9:00 p.m. and 7:00 a.m.
 - (2) An urgent necessity exists. Completion of work below the high tide mark shall be considered an urgent necessity.
- B. All quiet-hours construction permits shall meet the following provisions:
 - (1) The permit shall expire when the urgent necessity ceases to exist, regardless of the term of the permit.
 - (2) The length of any one permit may not exceed three days.
 - (3) Permits may be renewed in additional three-day increments.
- C. The Town Council may set permit fees from time to time. No permit shall be issued except upon payment of the applicable fee, if any.

§ 139-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

QUIET HOURS — The hours between and including 9:00 p.m. to 7:00 a.m. local time.

STRUCTURE — Shall be defined as provided by Town Code § 125-109.

§ 139-6. Certain noises permitted.

It being necessary to secure and promote the public health, comfort, convenience, safety, welfare, and prosperity of the Town of Bar Harbor and its inhabitants, maintenance construction and public safety activities of the Town of Bar Harbor are exempt from the provisions of this chapter.

§ 139-7. Violations and penalties.

Any violation of this chapter or any provision thereof shall be deemed a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction, in addition to the general penalty set forth in § 1-18 of this Code.

Freeport

**CHAPTER 39
LOITERING, CURFEW AND NOISE**

ARTICLE I LOITERING, CURFEW AND NOISE ORDINANCE

SECTION 39-101 LOITERING

No person shall loiter in, on, or adjacent to any of the streets, ways or public places, in the Town of Freeport, and no person shall loiter unnecessarily in or about any private dwelling or peep into windows of any private dwelling to the discomfort or alarm of the residents of such dwelling, the neighbors, or any person going to and from the same.

SECTION 39-102 CURFEW

No parent, legal guardian or other person having the care and control of a child under the age of fifteen years shall permit such child to be or remain in or on any of the streets, ways, or public places of the Town of Freeport after nine o'clock in the evening unless such child shall be engaged in the performance of some lawfully authorized employment or shall be in the course of active travel over said streets, ways, or public places between a specific point of origin and a specific destination or shall be accompanied by said parent, legal guardian or other adult person.

SECTION 39-103 NOISE

- A. No person shall make, continue, or cause to be made or continue any loud, profane, boisterous, unnecessary, or unusual noises which shall either annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others. The sounding of any horn or signaling device, except as a danger warning; the playing of any radio, musical instrument, phonograph, or any other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants and passersby; the use of any loud speaker or amplifier for the purpose of commercial advertising or attention of the public to a specific building, location or business; yelling, shouting, hooting, whistling, or singing shall be considered to be loud, disturbing, and unnecessary noises and a violation of this Ordinance but such enumeration shall not be deemed exclusive except as authorized by the Town Council.
- B. This ordinance shall not apply to noise emitted by or related to:
 - 1. Any bell or chime from any building clock, school, or church.
 - 2. Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however,

that burglar alarms or car alarms not terminating within 30 minutes after being activated shall be unlawful.

3. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.
4. Farm operations as defined by 7 M.R.S 152.
5. Noise from domestic power equipment, such as but not limited to power saws, sanders, grinders, lawn and garden tools, or similar devices operated during daytime hours.
6. Timber harvesting (felling trees and removing logs from the woods) during daytime hours.
7. Noise generated by any construction or demolition equipment which is operated during daytime hours. Emergency construction or repair work by public utilities shall also be exempted. Construction during non-daytime hours may be exempted from the provisions of this ordinance by order of the Chief of Police, if it is demonstrated that extenuating circumstances disallow construction during daytime hours.
8. Noise created by refuse and solid waste collection during daytime hours.
9. Municipal, public works, or utility projects.

- C. For the purposes of section 39-103(B), “daytime hours” means the hours between 6:00 a.m. and 9:00 p.m. Monday through Thursday; between 6:00 a.m. and 10 p.m. Friday through Saturday; and between 9:00 a.m. and 9:00 p.m. on Sunday

SECTION 39-104 ENFORCEMENT

- A. This Ordinance may be enforced by any sworn law enforcement officer of the Freeport Police Department as a civil violation.
- B. Violations of sections 39-101 shall be punishable by a civil penalty or not more than \$100, which shall be assessed against the person creating the violation.
- C. Violations of Section 39-102 shall be punishable by a civil penalty of not more than \$100, which shall be assessed against the parent, legal guardian, or other adult person responsible for the care and control of the child in question.
- D. Violations of section 39-103 shall be punishable by a civil penalty assessed against either the person creating the violation, or the owner of record of the property upon which the violation occurs or continues to occur, if that person should be a separate and distinct entity from the person causing the violation. Each day that a violation occurs or continues to occur shall be considered a separate violation and may be punished separately. Violations shall be punishable by a civil penalty according to the following schedule:

- i. The first violation in a one year period shall be punishable by a civil penalty of at least \$250, but not more than \$500.
- ii. The second violation in a one year period shall be punishable by a civil penalty of at least \$500, but not more than \$1,000.
- iii. The third and any subsequent violations in a one year period shall be punishable by a civil penalty of at least \$1,000, but not more than \$2,000.
- iv. In addition to civil penalties listed above, any subsequent violations beyond three within a one year period shall constitute a nuisance subject to injunctive relief.

Revision history

The provisions of this chapter were originally adopted as an Ordinance at the annual Town Meeting on March 12, 1962.

Revised 04/03/2018 – Added sec. 39-103(B)&(C), substantially revised sec. 39-104.

Revised 05/21/2019-Removed sentence in Section 39-103 Noise.

York

Noise Ordinance



Town of York, Maine

Most Recently Amended: May 16, 2015

Prior Dates of Amendment: May 19, 2012

November 2, 2004

Date of Original Enactment: November 6, 2001

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to amend this Ordinance: May 16, 2015.

Certified by the Town Clerk:

May Anne Symons
(signature)

on *June 19, 2015*.
(date)

TOWN OF YORK
NOISE ORDINANCE

SECTION 1: PURPOSE

The Town of York has a compelling interest in ensuring for its residents and visitors an environment free from excessive noise that may jeopardize their health or welfare, or degrade their quality of life. This Ordinance is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of York through the reduction, control and prevention of loud and unreasonable noise.

SECTION 2: STANDARDS

Standards. Noise shall be controlled by relative and absolute standards, in accordance with the following:

- 2.1 Relative Limits. In order to prevent a single sound source from radically changing the noise levels in a neighborhood, the amount of additional sound that may be generated shall be limited.
 - A. In the Route One-3, Route One-4, and BUS-3 zoning districts, the following relative increases shall be permitted:
 - 1) between 7:00 a.m. and 10:00 p.m.: an increase not to exceed 10 decibels; and
 - 2) at all other times: an increase not to exceed 5 decibels.
 - B. In all other zones, relative increases shall not exceed 5 decibels.
 - C. In any zone, a short-duration activity that occurs for not more than 15 minutes per day, between the hours of 8:00 a.m. and 5:00 p.m., shall be permitted to increase the relative sound level by an additional 10 decibels above that otherwise permitted in this Section.

- 2.2 Absolute Limits. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound shall be limited as follows:
 - A. Between 7:00 a.m. and 10:00 p.m.:
 - 1) 70 decibels in the Route One-3, Route One-4, and BUS-3 zoning districts; and
 - 2) 60 decibels in all other zones.
 - B. At all other hours: 50 decibels.

SECTION 3: EXCEPTIONS

Activities listed in this Section are declared to be exempt from the limitations of this Ordinance, as follows:

- 3.1 Natural phenomena.
- 3.2 Church bells rung as part of any official church ceremony or service, and tower clock bells ringing the hour during daytime hours.
- 3.3 Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in any emergency situation, provided, however, that burglar alarms not terminated within thirty (30) minutes after being activated shall be unlawful.
- 3.4 Safety signals or warning devices required by OSHA or other State or Federal regulations.

- 3.5 Lawful emergency maintenance or construction such as, but not limited to, repair of a broken water main or replacement of overhead power lines.
- 3.6 Special events approved by the Board of Selectmen, including but not limited to parades, special sporting events, public concerts and fire works displays.
- 3.7 Noises created by on-site construction and maintenance activities between 7 a.m. and 8 p.m.
- 3.8 Traffic noise.
- 3.9 Municipal Activities. Any legitimate activity of the Town, or a water or sewer district, may be exempt from the provisions of this Ordinance at the discretion of the Superintendent of Public Works.
- 3.10 Emergencies or Extraordinary Situations. In an emergency or an extraordinary situation, the Police Chief may vary these standards if, in the Chief's sole judgment, it is in the best interests of the Town.

SECTION 4: SPECIFIC PROHIBITIONS

Activities defined in this Section are declared to be loud, disturbing and/or unnecessary noises regardless of the specific decibels generated.

- 4.1 All domestic animal noise issues shall be controlled exclusively through the Animal Control Ordinance.
- 4.2 Using, operating or playing any type of audio device in a loud and unreasonable manner that casts sound upon the public streets for the purpose of commercial advertising or attracting the attention of the public shall be prohibited.
- 4.3 The loud and unreasonable shouting and crying of peddlers, hawkers, and vendors that disturbs the peace and quiet of the neighborhood shall be prohibited.
- 4.4 Any vending machine located outdoors and within 200' of a residence shall not be filled with products nor emptied of money during the time from 10:00 PM to 6:00 AM.

SECTION 5: MEASUREMENT

- 5.1 Sound Pressure Level. This Ordinance regulates sound pressure levels. It shall be measured in terms of overall readings that provide a single decibel value taking into account all frequencies or pitches.
- 5.2 Equipment. A sound level meter used in the administration of this Ordinance shall be a Type 2 (or better) meter that complies with the ANSI standard S1.4, 1983, or the latest version thereof.
- 5.2 Location. Measurements shall be taken in accordance with the following:
 - A. In all cases, noise measurements shall be taken with the meter at least four feet above the ground.
 - B. To measure relative limits, noise shall be measured at the point of concern, not on the property on which the noise is generated. In the case of a compliant, measurement shall be taken at the property of the person complaining.
 - C. To measure maximum limits, noise shall be measured at points around the perimeter of the lot on which the sound is being generated.

SECTION 6: ADMINISTRATION AND ENFORCEMENT

- 6.1 This Ordinance shall be administered and enforced by the York Police Department.
- 6.2 No person shall interfere with, oppose or resist an authorized person charged with the enforcement of this Ordinance while such person is engaged in the performance of his duty.
- 6.3 For the purpose of determining compliance with the provisions of this Ordinance, the Police Officers are authorized to make inspections of all noise sources, and to take measurements and make tests whenever necessary to determine the quantity and character of noise. They may enter any property with the consent of the owner or owner's agent. If consent is not granted, the Officer may seek an administrative warrant from District Court.
- 6.4 Violations of this Ordinance shall be prosecuted in the same manner as other civil violations, provided, however, that in the event of an initial violation of the provisions of this Ordinance, a written notice shall be given the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken in the event the cause of the violation has been removed, the condition abated or fully corrected within the same period specified in the written notice. The notice shall state that unless corrections are made within the allotted time, the violator is subject to prosecution pursuant to provisions of this Ordinance.
- 6.5 In the event the alleged violator cannot be located in order to serve the notice of the intent to prosecute, the notice as required herein shall be deemed to be given upon mailing of notice by registered or certified mail, return receipt requested, to the alleged violator at this last known address or at the place where the violation occurred, in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice. Subsequent violations of the same offense shall result in the immediate filing of a criminal complaint.

SECTION 7: PENALTIES

Any person who violates this ordinance shall be subject to a civil penalty of \$100.00 for the first offense, \$150.00 for the second offense, and \$250.00 for the third and subsequent offenses.

SECTION 8: WAIVER/PAYMENT OF FINES

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

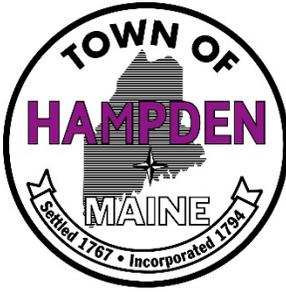
If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

SECTION 9: GENERAL PROVISIONS

- 9.1 Saving Clause. If any portion of this Ordinance is found to be invalid by the courts, it shall not affect the validity of any other portion of this Ordinance.

- 9.2 Conflict with Other Codes. Where provisions of this Ordinance are in conflict with or different than provisions of other codes, the more restrictive shall apply.
- 9.3 Internal Conflicts. Where provisions of this Ordinance are in conflict with one another, the more restrictive shall apply.
- 9.4 References to Zoning Districts. References to districts in the Zoning Ordinance shall refer to the geography delineated as of November 1, 2001.
- 9.5 Effective Date. This Ordinance shall become effective upon adoption by Town Meeting.
- 9.6 Amendment. This Ordinance may be amended by majority vote of any Town Meeting.

Ordinance Amended: May 16, 2015
May 19, 2012
November 2, 2004
Ordinance Adopted: November 6, 2001



Town of Hampden
Town Planner

Memorandum

To: Planning & Development Committee
 From: Karen M. Cullen, AICP, Town Planner *KMC*
 Date: July 30, 2019
 RE: Amendments to Zoning – Cluster Housing provisions

The Planning Board and I have been working with the revised cluster housing provisions since the adoption of the zoning amendments last year. When we were drafting these provisions, we listened to comments from a local engineer who prepares many of the applications submitted to the Board. Based on those comments, the provisions were drafted with what turned out to be insufficient protection for abutting property owners, as we discovered during the review process for several cluster housing applications this year. As a result, the cluster housing provisions in section 4.6 are proposed to be amended again now. I have attached the memo and regulations as posted online for the Planning Board's public hearing on August 14th.

The Planning Board recently requested that I discuss one of the new provisions with the P&D Committee as they feel it is a policy direction and therefore they want your input prior to the hearing. The section in question is 4.6.6. In a nutshell, this section allows a developer to have greater flexibility in the design of the project than otherwise allowed, provided:

- the roads and infrastructure within the project remain private forever;
- the project includes a minimum number of units (the two single family projects currently under review both have far fewer than the maximum permitted, with lots much larger than the minimum permitted);
- a minimum of 5% of the tract must be open space; and
- the subdivision plan and all deeds to lots within the subdivision must state the roads and infrastructure are to remain private in perpetuity.

The Planning Board has noted that there is potential for a future Town Council to amend the ordinances to allow the Town to accept these roads or infrastructure, but the intention is that the Town never accept them. Should the P&D Committee believe that this section is not in the best interest of the Town or future residents of such private developments, then the section can be deleted from the proposed amendments. At this time the Planning Board believes there is merit to including the option for developers, as it should result in the creation of greater housing options for people.



Town of Hampden

Town Planner

Memorandum

From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: July 18, 2019
RE: Miscellaneous Amendments to the Zoning Ordinance

After working with the revised zoning ordinance for about a year, town staff and the Planning Board have drafted a variety of amendments to deal with a number of issues that have been identified. While many of them are self-explanatory, a few warrant additional information.

Proposed amendment to the use table, §3.1.3 to add a new use called “agricultural diversity uses.” These are activities on active farms that will help to diversify the income generated on the property. Examples include farm-stay vacations, public educational events, horse shows, etc. These are proposed to be allowed as conditional uses in the Rural and Residential B districts, where Hampden’s active farms exist. They are proposed to be conditional uses to allow the Planning Board to set specific conditions which would be determined on a case by case basis and would address issues such as parking, hours of an event, and other things that could have a negative impact on abutters, which is dependent on the proximity of any abutters to the site of the proposed activity.

The proposed amendments to §4.5.1 are to clarify how nonconformities created by a taking by eminent domain are to be handled. The current language only deals with lot size, while the proposed amendment makes it clear that nonconformities created this way are considered to be legal nonconformities and thus enjoy broader protections than just for lot size.

The proposed amendments to the cluster housing provisions (§4.6) are to provide better protection for abutting properties, and are the result of working with the current language in the review of several development proposals since last fall. The intent of the cluster provisions is to provide flexibility to developers so Hampden will have a greater diversity of housing options. The most significant change being proposed is how open space in cluster developments will be handled. Currently there is a requirement that there be a “buffer/setback” around the perimeter of the tract being developed, which varies in depth based on the zoning district. Additionally, 30% of the tract must be protected in permanent open space, some of which is allowed to be within the perimeter buffer. The proposed amendments would split the buffer and setback requirements, set standards for the buffer, and change the way open space is calculated and handled.

Rather than calculate the open space requirement as a simple percentage of the acreage of the tract, the proposed amendments base the minimum amount of open space required on the number

of housing units in the development – basically correlating open space to the population of the development. In addition, there is a new requirement that the open space contain at least one recreational amenity for the residents of the development. This could be anything from a walking trail through the open space to a community recreation center (swimming pool, tennis courts, etc.). Benches, picnic tables, ball courts, community gardens, and many other amenities are possible. The idea is to ensure that the residents of the development have opportunities for enjoying the open space and meeting their neighbors, given that they will be living in houses on smaller lots.

In order to come up with a reasonable amount of open space per unit, an analysis was performed that considered each type of cluster development (single family on individual lots, single family without individual lots [condominium form of land ownership], and multi-family) in each of the four zoning districts where cluster housing is permitted (Rural, Residential A, Residential B, and Town Center). The goal of the analysis was to ensure there would be sufficient land available for development to meet the minimum standards for individual lots or for construction of houses or multi-family buildings. The results are in the table in §4.6.4.2 of the proposed amendments.

Other changes to the cluster provisions include:

- An increase in the minimum tract size to amounts that are more realistic for developments of these densities.
- New standards for the perimeter buffer that require existing vegetation within the buffer to be retained and where insufficient, that buffering vegetation must be planted per the standards in §4.7.2.4.2 of the zoning ordinance (buffer planting standards).
- New provisions to allow utilities in a portion of the buffer, to protect the buffer from development and from removal of vegetation, and for the Planning Board to allow a portion of the buffer to be reduced in depth in certain situations.
- New provisions to allow even greater flexibility for the design of a cluster project where the road and other infrastructure will remain private – i.e. not be accepted as a public road or into the public system (e.g. sewer or water).

The signage section (§4.7.5.3.9) is proposed to be amended to be consistent with state law, which has recently changed in regards to political signs.

These proposed amendments will be the subject of a public hearing at the August 14, 2019 Planning Board meeting. Interested parties are encouraged to attend.

TOWN OF HAMPDEN

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

Deletions are ~~Strikethrough~~ Additions are Underlined

Amend §2.5, Parcels in More Than One District.

To correct an error in wording, switch the words “use” and “parcel” in the second sentence:

“...any portion of such a ~~use~~ parcel of land shall be...in which said ~~parcel~~ use is located...”

Amend §3.1.3, Use Table

Add a new category under A - Agricultural/Recreational Uses, with the following designations for the districts:

A-14: agricultural diversity uses

- C (conditional use) in the Rural and Residential B districts
- N (not permitted) in the Residential A, Seasonal, Rural Business, Business, Business B, Town Center, Commercial Service, Waterfront, Interchange, Industrial Park, Industrial, and Industrial 2 districts

Amend §3.2.1.5, in Multi-family development

To allow flexibility in design, add language to the end of the sentence:

- 3.2.1.5 All parking areas for multi-family dwellings must be located to the side or rear of the building unless the Planning Board makes a finding that a different location would be beneficial to the abutters.

Amend §3.4.1, Table of Dimensional Requirements

Add a footnote to the table for “Max Gross Density” to read:

For single family and two-family structures, which are to be treated as a single unit; for multi-family development refer to §3.4.2.2.

Amend §3.4.2.2, Multi-family developments, item 3 to read:

3. In the Residential B district, the other yard setback requirement is increased by 2 feet per unit over 4 units, counted and measured by each building.

Amend §4.1.5.2, Minor Site Plans

Correct a reference in the first sentence to read:

4.1.5.2 Minor site plans shall include all of the information required by §4.1.4.1 with the following exceptions, and waivers may be granted as provided in ~~§4.1.4.3~~ §4.1.5.4.

Amend §4.5.1, Nonconformities, General

Add a new item 4 to read:

4.5.1.4 When a nonconformity is created by action of a public body for a taking by eminent domain or a conveyance in lieu thereof, the nonconformity is considered to be legal and is allowed to continue subject to the provisions of this §4.5.

and amend §4.5.5.4 to read:

4.5.5.4 Reduction in lot size. Except as expressly provided in this ordinance ~~or for a taking by eminent domain or a conveyance in lieu thereof~~, no lot shall be reduced in size...

Amend §4.6, Cluster Housing

To provide for better design of cluster housing developments that will minimize impacts on abutting property owners, the following revisions to this section are proposed.

4.6. Cluster Housing - In order to promote the health and general welfare of the community and to preserve and make available open space for recreation, agriculture, and conservation, the Planning Board may grant a developer permission to vary ~~lot size~~ the dimensional requirements of §3.4 in districts in which cluster development is allowed, thus leaving a substantial area free of building ~~lots~~ sites to become permanent open space. To promote creative designs that will enhance the natural features of the site, individual building lots are not permitted except for single family developments, when such lots are optional.

4.6.1. Uses Allowed

- 4.6.1.1 Residential uses as allowed in the Table of Uses for the district in which it is being proposed and subject to §3.2.1 for cluster projects that include multi-family;
- 4.6.1.2 Uses accessory to residential uses as allowed in the Table of Uses;
- 4.6.1.3 Ancillary recreational uses and recreational facilities;
- 4.6.1.4 Agriculture, conservation, and wildlife uses;
- 4.6.1.5 Infrastructure elements such as stormwater or wastewater management facilities that require location within the open space area due to site and engineering considerations; and
- 4.6.1.6 Ancillary maintenance facilities for the overall development (e.g. garage for groundskeeping equipment).

Amend §4.6.2, Dimensional Requirements by increasing the tract size, splitting setback and buffer requirements, and adding a footnote for setbacks of accessory structures, and another regarding frontage under individual lot requirements. In addition, the open space requirement has moved and changed. See table on next page.

4.6.2 Dimensional Requirements				
	<i>Rural</i>	<i>Res A</i>	<i>Res B</i>	<i>Town Center</i>
Tract requirements:				
min size (acre)	10 <u>20</u>	2 <u>5</u>	2 <u>5</u>	0 <u>2</u>
min frontage (feet)	100	50	50	50
min buffers/setbacks (feet):				
front	100	50	50	100
all others	75	50	40	40
minimum setbacks & buffers (feet):				
setback (front/all others)¹:	100/75	50/50	50/40	100/40
buffer (front/all others)	85/60	40/40	40/30	80/30
min open space (% of tract)	30	30	30	30
max density (dwelling units/acre):				
single or two family	1.5	3	4	4
multi-family	2	NA	8	8
Individual lot requirements ² :				
lot size (sq ft)	8,000	8,000	7,000	5,000
Frontage ³ (feet)	50	50	40	35
front setback (feet)	20	20	15	15
other setbacks (feet)	10	10	8	5
Footnotes:				
<p>1. <u>Accessory structures must be setback from the tract boundary a minimum of 30 feet in all cases.</u></p> <p>2. Only applicable in developments where there are individual lots proposed for each residential structure, restricted to single family developments.</p> <p>3. <u>The frontage for lots on a cul-de-sac where the roads are proposed to be publicly owned must be a minimum of 75' unless there are designated areas reserved for snow storage within the cul-de-sac area.</u></p>				

4.6.3. Maximum Number of Dwelling Units Allowed - The maximum number of dwelling units permitted within a cluster development shall be determined as follows:

4.6.3.1 Base units: Using the maximum density from §4.6.2 and the acreage of the tract, calculate the base number of dwelling units. For proposals with both single/two family and multi-family unit types, first calculate the percentage of the acreage used for each type of development of the total developed acreage, then apply those percentages to the total tract acreage, then apply the densities from §4.6.2 to those acreage figures, then add the resulting number of units together to arrive at the base number of units for the entire development.

4.6.3.2 Bonus Units:

1. For dedication of more than 30% of the tract in permanent open space: 5% or
2. For dedication of more than 50% of the tract in permanent open space: 10%; and
3. For provision of public access to trails in the open space that connect to existing trails on abutting properties: 5%; and
4. For provision of at least 10% of the dwelling units reserved for households with 80% or less of the median household income for the most recent period for the town of Hampden as reported by the US Census Bureau: 5%. When this bonus is used, the developer is required to create a homeowner’s association or similar permanent organization that is charged with the responsibility of enforcing the income limits on these units, which can be done “in-house” or contracted out. For developments where the units will be sold to the occupants (as opposed to leasing or renting), the income limits apply at the time of purchase of the unit and not to future income of the property owner. The homeowner’s association is required to submit a report showing proof of compliance with the income limits for affected units on an annual basis.

4.6.4 Common Open Space

- 4.6.4.1 Every cluster development must provide open space for the explicit purpose of providing recreational amenities and undeveloped land for permanent protection and the use and enjoyment of the residents now and in the future. This open space is exclusive of the tract buffer.
- 4.6.4.2 The amount of open space required is based on the number of dwelling units in the project and the zoning district in which it is located, as provided below.

	Open Space Acreage Required Per Unit		
	<u>SF Individual lots</u>	<u>SF without lots</u>	<u>Multi-family</u>
<u>Rural</u>	<u>0.2</u>	<u>0.3</u>	<u>0.25</u>
<u>Residential A</u>	<u>0.08</u>	<u>0.1</u>	<u>NA</u>
<u>Residential B</u>	<u>0.045</u>	<u>0.07</u>	<u>0.05</u>
<u>Town Center</u>	<u>0.08</u>	<u>0.09</u>	<u>0.05</u>

- 4.6.4.3 ~~Area: A maximum of 50% of the required open space may be wetland that counts toward the common open space requirement; applicants are encouraged to include additional wetland area in the open space for long term protection of the resource.~~ wetlands. Additional wetlands may be included in the protected open space area to ensure permanent protection of these important resource areas, but they will not be counted toward the open space requirement for the development. A maximum of 30% of the common open space acreage may be within the perimeter buffer, unless the Planning Board finds that due to the unique physical characteristics of the tract a higher percentage would provide a more desirable design.
- 4.6.4.4 ~~Utilities: stormwater drainage, water supply, or on-site sewage disposal systems, whether shared or not, are permitted within the common open space area. A maximum of 30% of the required open space area may be occupied by water supply, sewage disposal, or stormwater management facilities.~~

If needed, easements must be established to ensure maintenance of the utility. ~~Roads may be located within the tract buffer provided no portion is closer than 25 feet to the tract boundary and the amount of roadway within the buffer is minimized. The intent is to allow flexibility to account for tract configuration and the location of natural features on the site.~~

- 4.6.4.5 Amenities: Every cluster development must include at least one recreational amenity within the open space area, such as but not limited to a walking trail, playground, picnic area, ballfield, court, or gazebo. Amenities may be open to the general public and should serve the needs of the residents of the development (e.g. it is more sensible for a cluster development marketed toward older residents to have walking trails as opposed to ball fields).
- 4.6.4.6 Ownership and restriction of future development: common open space areas may be owned by the homeowners association for the development, the Town of Hampden, a land trust, or another similar organization that will provide permanent protection. In all cases, either a permanent deed restriction which includes language to require Planning Board approval for alteration or removal of the deed restriction or a conservation easement must be recorded and referenced on the plans and applicable deeds to prohibit future subdivision of the common open space and to prohibit any development other than accessory structures for permitted recreational uses, infrastructure elements, or maintenance facilities.
- 4.6.4.7 Location: in so far as possible, the common open space areas should be contiguous within the development and should connect to open space on adjacent parcels. Small areas of fragmented open space will not be counted toward the open space requirement.
- 4.6.4.8 Maintenance: the developer is responsible for the maintenance of the common open space and any amenities or utilities within the open space until such time as a homeowners association or other entity is established and the maintenance responsibility is transferred to them.
- 4.6.4.9 Rules Governing Home-Owners Associations or Open Space Trusts - If a homeowners association or open space trust specifically and only for the development is formed, it shall be governed according to the following regulations:
1. The organization shall be formed by the developer and be operating, with financial subsidization by the developer if necessary, before the sale of any lots within the development.
 2. Membership in the organization is mandatory for all purchasers of homes therein and their successors.
 3. The organization shall be responsible for maintenance, insurance, and taxes for common open space and any improvements within the open space.
 4. The members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with procedures established by them.
 5. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.

4.6.5, Tract Buffers

- 4.6.5.1 All cluster housing developments are required to provide a buffer along all tract boundaries per the table in §4.6.2.
- 4.6.5.2 Any existing vegetation which provides a dense buffer must be retained.
- 4.6.5.3 Any area of the required buffer area which has no existing buffering vegetation must be planted with trees or shrubs to provide a dense buffer, per the standards in §4.7.2.4.2.
- 4.6.5.4 Notwithstanding the above, roads and associated utilities (water or sewer lines, electric or

communications cables, or other linear utilities) may be located within the tract buffer provided no portion of the physical improvement, easement, or right-of-way is located within 25 feet of the tract boundary and the encroachment area is minimized. The remaining buffer in these locations must have permanent dense vegetation, whether existing or planted or both. However, an entrance road may be located in any portion of the tract buffer when either the Hampden DPW or Maine DOT requires such a location for the intersection with the existing public road, from the intersection into the site to the shortest distance necessary to move the road out of the buffer. The intent of this provision is to allow flexibility to account for tract configuration and the location of natural features on the site.

4.6.5.5 The required buffer area must be protected from development and from removal of vegetation by deed restrictions covering the entire buffer area. For cluster developments with individual lots for single family homes, the deed for each lot that has buffer located on the lot must include such a restriction to prevent the property owner from removing buffer vegetation. In such cases, the required minimum lot size for individual lots per §4.6.2 must be outside of the buffer area. The Homeowner's Association or equivalent is responsible for enforcement of these deed restrictions. The Town's Code Enforcement Officer has the authority to enforce this requirement.

4.6.5.6 Notwithstanding the above requirements, the Planning Board has the option, upon the written request of the applicant, to reduce the depth of the buffer up to a maximum of 50 percent of the requirement for a distance along the boundary up to a maximum of 20 percent of the total length of the perimeter buffer (i.e. the entire perimeter of the tract, not just the boundary line in question). The Board must make a finding that such a reduction would result in a design that would provide some public benefit, such as but not limited to additional housing units targeted for moderate income households, or more land included in the common open space and specifically designated for trails within the buffer that will be built by the developer prior to issuance of the Certificate of Compliance, or an increase in the buffer depth in other locations of the proposed development adjacent to existing developed areas.

4.6.6 Private Road Cluster Housing Development. When an applicant proposes a single family cluster housing development with individual lots that will have all roads and infrastructure privately owned and maintained, the following provisions apply.

4.6.6.1 The development must comply with the minimum Tract Requirements in §4.6.2 and no reductions to the buffer requirements per §4.6.5.6 are allowed.

4.6.6.2 The development must provide a minimum number of housing units of no less than 1 dwelling unit per acre in the Rural district, 2 dwelling units per acre in the Residential A district, and 3 dwelling units per acre in the Residential B and Town Center districts.

4.6.6.3 The following open space provisions are not applicable: §4.6.4.2, 4.6.4.3, and 4.6.4.4.

4.6.6.4 All roads, stormwater management facilities, sewer infrastructure, water supply infrastructure for both potable and fire suppression purposes, recreational amenities, and any other similar infrastructure must be owned and maintained in perpetuity by the developer, property owner, homeowners association, or their successors.

4.6.6.5 The development may be designed with individual lots that are less than required in §4.6.2 under Individual Lot Requirements, and with any amount of open space provided a minimum of 10% of the tract is designated as open space exclusive of the tract buffer.

4.6.6.6 Language stating the roads and other infrastructure within the cluster subdivision are to remain private in perpetuity must appear on the final subdivision plan to be recorded at the Registry of Deeds, in the deeds to parcels containing the infrastructure, and in the homeowners association documents.

Amend §4.7.1.1, table of parking requirements

Add to the comments box for Residential use:

Multi-family development may add a maximum of 0.25 parking space per unit for guest parking.

Amend §4.7.5.3.9, political signs, to read:

9. Political Signs – Signs bearing political messages relating to an election, primary or referendum may be placed per 23 MRSA §1913-A and Maine DOT Department Regulations, ~~as follows:~~
 1. ~~May be erected on private property outside the Right of Way limits of public ways at any time prior to an election, primary or referendum, limited in size to a maximum surface area of 50 square feet:~~
 2. ~~May be erected within the Right of Way limits of public ways no sooner than six weeks prior to an election, primary or referendum and must be removed no later than one week following that date of the election, primary or referendum. Provided, however, that political signs may not be located within the right of way limits of any Controlled Access Highway (Route 202 from I 395 to Western Avenue) or within any right of way of the Interstate Highway System.~~
-

Amend §4.25, Accessory Apartments

- 4.25 Accessory Apartments. Notwithstanding the minimum lot size requirements of this Zoning Ordinance, construction of an accessory apartment is allowed upon the granting of a Conditional Use Permit either within or attached to a new or existing detached single-family dwelling or within or attached to a new or existing detached accessory structure subject to the requirements below. It should be noted that properties within any zoning district that allows two-family dwellings by right have the option of considering a second unit that is within the single family house to be a two-family dwelling as opposed to an accessory apartment.
-

Amend §7.2, Definitions

Agricultural Diversity Uses: activities on active farms that will diversify the income generated on the property, such as farm-stay vacations, public events for education and enjoyment that directly relate to agricultural products, services, or experiences (e.g. horse show or competition, sheep shearing event).

Buffer: An area of land along with buffering vegetation (existing or planted), berms, walls, or fences, that is located along the boundaries a property to mitigate visual and sound impacts of a land use on the uses on abutting properties.

Buffer strip: An undisturbed area or belt of land that is covered with trees or other vegetation.

Buffering vegetation: Shrubs or trees which provide a screen that is opaque or nearly opaque year-round from the ground to a height of at least ten feet at maturity. Where existing vegetation is present which is not opaque year-round, but where the depth of the vegetated area is large enough to provide a similar effect, such vegetation will be considered consistent with this definition.

Multi-family development: A development that consists of three or more dwelling units in one or more buildings on a single parcel of land. This includes developments with two or more two-family buildings on a single parcel, except for those that can meet the provisions of §3.4.2.12.



Town of Hampden

Town Planner

Memorandum

To: Planning & Development Committee
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: July 30, 2019
RE: Chevron settlement to fund habitat restoration

Today I received notification that the state and federal Natural Resources Trustees responsible for distribution of the settlement funds stemming from the oil releases at the Chevron site on the Penobscot River in Hampden have released for public comment the *Draft Restoration Plan And NEPA Evaluation for the Chevron Marine Oil Terminal Facility, Natural Resource Damage Settlement*. This report, available online at <https://www.maine.gov/dep/comment/comment.html?id=1369545> (link to report is at the bottom of that page), proposes that four projects be funded, one of which is in Hampden. That project was proposed by Lane Construction (now Eurovia) with the US Fish & Wildlife Service and is to replace an undersized culvert under the main driveway into their site on Main Road North. This culvert replacement will complement the work we will be able to do on the brook using the Sucker Brook Compensation Fee Utilization Fund.

Project List - Planning

Project Name	Location	What it is	Size ¹	PB Action/Date	Type
F.A. Peabody	36/38 Main Road N	construction of new office building	4,500 sq ft	Approved	Site Plan
Day's Care Children's Center	100 Mayo Rd	convert house to child care center	1,335 sq ft	Approved	Conditional Use
F.W. Webb	Hampden Busn Park lots 33-35	construct new warehouse/wholesale facility	72,750 sq ft	Approved	Major Site Plan
Zucco's Dog House	Hampden Busn Park lot 25	construct new kennel (dog daycare)	3,512 sq ft	Approved	Conditional Use & Site Plan
Smith, Andrew	115 Main Road South	Addition for storage	1320 sq ft	Approved	Minor Site Plan
MRC/Fiberight	348 Coldbrook Road	insubstantial modifications to site plan	NA	Approved	Site Plan Modification
Daryl Coulliard	Back Winterport Rd	split second lot off parcel w/in 5 year period	2 lots	Approved	Minor Subdivision
Shaw Subdivision	Pond Rd/Fowler's Landing Rd	minor subdivision	2 lots	Approved	Minor Subdivision
Revision Energy	Littlefield Rd	solar array behind the White House Inn	NA	Approved	Major Site Plan
Bangor Realty Group LLC	Mayo Rd	multi-family cluster project	30 units	Approved	Major Site Plan & Subdiv.
Stearns Farm Subdivision	Main Rd North	single family cluster subdivision	39 lots	9/11/2019	Prelim Subdiv
Carmichael Transport	178 Ammo Park Rd	addition of a garage bay	1,800 sq ft	Approved	Minor Site Plan
Historical Society	83 Main Rd South	addition to building	1,020 sq ft	Approved	Minor Site Plan
T&A Realty	50 Main Road North	convert retail space to apartment	1 unit	Approved	Conditional Use
Zucco's Dog House	Hampden Busn Park lot 25	change grass to turf in outdoor dog area	16,000 sq ft	Approved	Minor Site Plan
Andrew Connolly	256 Main Rd N	convert existing space to accessory apartment	1 unit	Approved	Conditional Use
Dysart's	370 Coldbrook Rd	expand store, relocate pumps & replace USTs	4,275 sq ft	Approved	Major Site Plan & Shoreland
Amy Young	1240 Carmel Rd N	daycare facility (in home)	12 children	Approved	Conditional Use
Larry Emery	75 Chickadee Lane	amateur radio operator tower	50 ft tall	Approved	Conditional Use
Fiberight/CRM	348 Coldbrook Road	insubstantial modifications to site plan	NA	Approved	Site Plan Modification
Honey Hill Estates	238 Main Rd S	single family cluster subdivision	23 lots	Approved	Prelim Subdiv
Hampden Municipal Complex	106 & 146 Western Ave	parking lot expansion, stormwater mgt system	add 105 spaces	Approved	Major Site Plan
Nate Wicklow	Monroe Rd	subdivide lot & construct new multi-family building	2 lots, 4 units	9/11/2019	Major Site Plan & Subdiv.
Kris Brooker	Old County Road	addition to home with accessory apartment		8/14/2019	Conditional Use
Honey Hill Estates	238 Main Rd S	single family cluster subdivision	23 lots	pending submission	Final Major Subdivision

1. Size refers to square footage of building (new or addition), number of new building lots, number of new units, or acreage.