



Town of Hampden
Planning and Development Committee

Wednesday August 7, 2019, 6:00 pm

Municipal Building Council Chambers

Minutes

Attending:

Committee/Council

Eric Jarvi - Chair
Dennis Marble
Mayor McPike
Stephen Wilde

Staff

Karen Cullen, Town Planner
Jared LeBarnes, Building Official

Public

George Purvis
John Higgins
Phil Stark
Elizabeth Orr

Chairman Jarvi called the meeting to order at 6:00 pm.

1. Minutes for the July 17, 2019 meeting – **Motion** to approve as submitted made by Councilor Marble; second by Mayor McPike; carried 4/0/0.
2. Committee Applications: None
3. Citizen's Initiatives: None
4. New Business:
 - a. Regulating marijuana activities. Planner Cullen gave a brief synopsis of her memo dated July 30, and a brief description of four recent inquiries she has received from people interested in starting medical marijuana cultivation at various scales. George Purvis and John Higgins spoke about the potential for commercial scale medical marijuana cultivation at the Perry Farm property, a portion of which at some point will be owned by John. Discussion ensued, main points were:
 - medical marijuana cultivation is only permitted in the industrial districts
 - the farm is zoned Residential B but is adjacent to the Industrial Park district – across the railroad tracks and Route 202
 - a zoning map amendment to rezone a portion of the property to Industrial Park is the fastest and easiest way to allow medical marijuana cultivation on the site
 - rezoning would allow any use permitted in the Ind Park district, and the town cannot limit allowed uses in a rezoning like this
 - this area may not be suitable for industrial activities, since there is no access (or potential for access) to Route 202
 - from a broader perspective, the town will need to decide how to handle how marijuana activities are regulated – i.e. in the Marijuana Ordinance or in the Zoning Ordinance (or both), as well as whether to allow only in certain zoning districts or by contract zoning (not currently authorized in our ordinance) or some other method.

Chairman Jarvi noted the P&D and staff will continue to work on this issue and encouraged attendees to keep an eye on the town's website and P&D agendas for when this will come up in the future.

- b. Potential noise ordinance. Planner Cullen noted that this issue was discussed at a recent Infrastructure Committee meeting and was referred to the P&D for additional discussion. Staff had researched noise ordinances and included several samples in the packet.
 - Some councilors thought some of the samples were too restrictive
 - While some complaints were received in recent months, staff does not believe it has been any worse than other years, noting we get an increase in complaints every construction season.
 - Consensus of the Committee is to not pursue enacting a noise ordinance at this time.
5. Unfinished Business:
 - a. Update on potential Property Maintenance Ordinance. Building Official LeBarnes stated the Bangor Daily News had recently done an article on this issue, and since then three property owners have contacted the code enforcement team to discuss demolition of their structures. These include a property on Kennebec Road, the burned out building next to Dollar General, and a barn on Patterson Road. Phil Stack expressed gratitude for this but noted he thinks it is still important for the town to consider regulations to prevent these situations from getting to this point in the first place. Elizabeth Orr agreed.
 - b. Pine Tree Landfill Environmental Monitoring Report. It was noted that the final report from Drumlin Environmental, LLC, will be received later this month and the item will be on the September P&D meeting.
6. Zoning Considerations/Discussions:
 - a. Policy discussion regarding cluster developments with private roads. Planner Cullen summarized her memo dated July 30, noting the Planning Board will be holding a public hearing on amendments to the zoning ordinance on Aug 14th. An idea that has been incorporated into the proposed amendments to the cluster housing provisions is to further relax the standards for cluster developments if a project were to have all the roads and infrastructure remain in private ownership. The Planning Board is seeking comments from P&D. The Committee had several concerns with the concept:
 - Homeowner Associations tend to be weak, especially over time, and there is concern that the roadways would not be maintained; this could lead to problems with access for public safety vehicles.
 - The HOA fees would be higher, potentially negating any cost savings for property owners seeking a lower cost option (versus a large house on a large lot).
 - The risk to the residents of the development is felt to be too high.
 - The P&D supports the goal of increasing diversity of housing options for people, but does not want to put residents at potential risk if private roads and infrastructure are not properly maintained.
7. Staff Report: Chairman Jarvi noted that Interim Town Manager Scott had given the Council an update on the Chevron oil spill funding at the Council meeting the other night.
8. Public Comments: None
9. Committee Member Comments: None.
10. Adjournment: Chairman Jarvi adjourned the meeting at 7:27 pm.

Respectfully submitted by
Karen Cullen, Town Planner

Items from this meeting for September P&D Meeting:

- Pine Tree Landfill report
- Update on marijuana training