



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

.....
MONDAY
.....

.....
JUNE 13, 2016
.....

.....
7:00 P.M.
.....

- 6:00 pm – Finance & Administration Committee Meeting
- 6:30 pm – Stormwater Workshop

A. PLEDGE OF ALLEGIANCE

B. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

- May 16th, 2016 Council Meeting Minutes
- May 17th, 2016 Council Budget Workshop Minutes
- May 23rd, 2016 Council Budget Workshop Minutes
- June 2nd, 2016 Council Budget Workshop Minutes

3. COMMUNICATIONS

- Renewal liquor license application for McLaughlin's at the Marina
- Notice from Department of Water Quality, City of Bangor regarding Biotower renovations
- Notice from Karen Marysdaughter of June 28 Bangor Solar Forum

4. REPORTS

- Planning & Development Committee Minutes – May 17, 2016
- Infrastructure Committee Minutes – None
- Finance & Administration Minutes – May 2, 2016
- Services Committee Minutes – May 9, 2016

C. PUBLIC COMMENTS

D. POLICY AGENDA

NOTE: The Council will take a 5-minute recess at 8:00 pm.

1. NEWS, PRESENTATIONS & AWARDS -
 - a. Acknowledgement of receipt of MMA Safety Enhancement grant
 2. PUBLIC HEARINGS – *None*
 3. NOMINATIONS – APPOINTMENTS – ELECTIONS
 - a. Appointment of Peter Neal as Harbor Master – *referral from Planning & Development Committee*
 4. UNFINISHED BUSINESS
 5. NEW BUSINESS
 - a. Referral of proposed amendments to Subdivision Ordinance to authorize Private Road Subdivisions to Public Hearing
 - b. Request authorization to use Information Technology reserve funds in the amount of \$3,295.00 for GIS Trimble unit
 - c. Review of Business Park sewer for town acceptance pursuant to the Sewer Ordinance – *sent from Infrastructure Committee*
 - d. Review of Ammo Park sewer for town acceptance pursuant to the Sewer Ordinance – *sent from Infrastructure Committee*
 - e. Update on DEP/Chevron consent decree
 - f. Town Council review of Town Manager proposed FY17 Budget and referral for public hearing on June 27, 2016
- E. COMMITTEE REPORTS
- F. MANAGER'S REPORT
- G. COUNCILORS' COMMENTS
- H. ADJOURNMENT



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY

MAY 16, 2016

7:00 P.M.

• 6:30 pm – Finance & Administration Committee Meeting

Mayor Ryder called the meeting to order at 7:00 p.m.

In attendance:

Mayor Ryder
Councilor Sirois
Councilor McPike
Councilor Wilde
Councilor Marble
Councilor Cormier
Councilor McAvoy

Town Manager Angus Jennings
Town Clerk Paula Scott
Public Works Director Sean Currier
Rosemary Bezanson
Andrew Scott
Members of the Public

- A. **PLEDGE OF ALLEGIANCE** – *Mayor Ryder led the Pledge of Allegiance*
- B. **CONSENT AGENDA** – *Motion made by Councilor Marble, seconded by Councilor McAvoy to accept the consent agenda. Unanimous vote in favor.*

1. SIGNATURES

2. SECRETARY’S REPORTS

- a. May 2nd, 2016 Council Meeting Minutes
- b. May 9th, 2016 Council Budget Workshop Minutes

3. COMMUNICATIONS

- a. Cancellation of Sale of Foreclosed Property notice
- b. Skehan Recreation Center to receive donations from Hannaford Helps Reusable Bag Program
- c. Hampden Farmers’ Market promotional flyer
- d. Victualer’s license renewal – McLaughlin’s at the Marina
- e. Manager’s memo to RSU 22 – Re: Proposed FY17 Budget
- f. RSU-22 Board of Directors, Agenda for May 18, 2016 at 5:30 PM

4. REPORTS

NOTE: The Council will take a 5-minute recess at 8:00 pm.

- a. Planning & Development Committee Minutes – April 20, 2016
- b. Infrastructure Committee Minutes – none
- c. Finance & Administration Minutes – April 19, 2016
- d. Services Committee Minutes – April 11, 2016

C. PUBLIC COMMENTS – None

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS - None

2. PUBLIC HEARINGS –

- a. **Anglers Restaurant – Application for a Special Amusement License** – Mayor Ryder opened the Public Hearing regarding the application for a Special Amusement license. During discussion Councilor McPike expressed concern regarding the location of the vendors being at the service entrance and not the parking lot. Discussion followed regarding the amount of attendees expected. (75-100) Andrew Scott suggested that perhaps they could approach Maine Trailer and ask to use their lot for overflow parking. Councilor Sirois suggested that the Chief and CEO be made aware of the concerns over parking and traffic patterns. Mayor Ryder asked to have it written in the record that Public Safety and the Code office meet with Angler's to discuss those concerns. Councilor Marble made a motion, seconded by Councilor McAvoy to approve the Special Amusement license as stipulated. Unanimous vote in favor.
- b. **Proposed Fees Ordinance Amendments-hearing continuation from May 2nd Public Hearing** – Mayor Ryder opened the Public Hearing and turned discussion over to Councilor McPike. Councilor McPike reported that four more sections of the Fees Ordinance have been discussed in Planning & Development committee with a recommendation being made to full Council for a fees increase. Councilor McPike made a motion, seconded by Councilor Marble to approve the changes to the Fees Ordinance, specific to section 2.6 Harbor Ordinance, section 2.1.2 Subdivision Ordinance, section 2.1.6 Zoning Ordinance, and under 2.1.6 of the Zoning Ordinance , subsections 2.1.6.2, 2.1.6.4, 2.1.6.5 and 2.1.6.8. Unanimous vote in favor.

Mayor Ryder made a motion, seconded by Councilor McPike to close the Public Hearing and revisit remaining Fees Ordinance changes at a later time. Unanimous vote in favor.

3. **NOMINATIONS – APPOINTMENTS – ELECTIONS** – Councilor McPike made a motion, seconded by Councilor Marble to appoint Kristen McAlpine, Brittany Goetting and Andrew Scott to their respective committees. Councilor McAvoy called for a 'point of information' stating his belief was that each appointment was to be voted separately. After confirmation of thus, Councilor McPike withdrew his original motion.
- a. **Nomination of Kristen McAlpine to Historic Preservation Commission-referral from Planning & Development** – Councilor McPike made a motion, seconded by Councilor McAvoy to appoint Kristen McAlpine to the Historic Preservation Commission. Unanimous vote in favor.
 - b. **Nomination of Brittany Goetting to Historic Preservation Commission-referral from Planning & Development** – Councilor McPike made a motion, seconded by Councilor Marble to appoint Brittany Goetting to the Historic Preservation Commission. Unanimous vote in favor.
 - c. **Nomination of Andrew Scott-to Planning Board as an alternate-referral from Planning & Development** – Councilor McPike made a motion, seconded by Councilor Sirois to appoint Andrew Scott as an alternate on the Planning Board. Unanimous vote in favor.
4. **UNFINISHED BUSINESS**
- a. **Status of Dangerous Building Order from April 19th, 2016 Public Hearing** - Due to the unavailability of Code office staff for tonight's meeting, Mayor Ryder stated he would entertain a motion to table this agenda item. Councilor McPike made a motion, seconded by Councilor Sirois to table this item until the June 6th meeting. Unanimous vote in favor.
5. **NEW BUSINESS**
- a. **Vendors at Municipal Building – referral from Services Committee –Amendment to Zoning Ordinance, threshold for Building Permit – referral to Planning Board recommended by Planning & Development Committee** – Mayor Ryder turned discussion over to Councilor McAvoy who reported that in Planning & Development committee they had conferred about the agreement with the Farmers' Market on use of the municipal parking lot. Debate also included permitting up to four additional vendors to sell there, as long as those products were agricultural. Councilor McAvoy made a motion, seconded by Councilor Marble, to authorize the Hampden Farmers' Market and up to four additional vendors to use

the municipal parking lot as a sales area. During discussion, Councilor McAvoy stated that he opposed the motion because he is against allowing public enterprises to conduct business on private property. Mayor Ryder wanted it clarified that the vendors have to be selling agricultural products and have to be Hampden residents. Councilor Marble stated he respected Councilor McAvoy's position and wanted the public to know that the Council has talked this over for a couple of years and the Council is attempting to find an appropriate and safe use to allow an additional source of commerce in the town and that discussions will continue. Councilor McAvoy amended his motion, seconded by Councilor Marble, to authorize the Hampden Farmers' Market and up to four additional Hampden resident vendors of agricultural products to use the municipal parking lot as a sales area. Unanimous vote in favor.

- b. Amendment to Zoning Ordinance – referral to Planning Board recommended by Planning & Development Committee –** Councilor McPike made a motion, seconded by Councilor Marble to refer to the Planning Board, an amendment of the Zoning Ordinance section 5.3 Permits. Unanimous vote in favor.
- c. Amendment to Shoreland Zoning Ordinance – referral to Planning Board recommended by Planning & Development Committee –** Councilor McPike made a motion, seconded by Councilor McAvoy, to refer to the Planning Board an amendment to the Shoreland Zoning Ordinance for mandatory revisions to comply with State standards. Unanimous vote in favor.
- d. Request for Municipal Building reserve funds in the amount of \$550.00 to replace garage door opener –** Councilor Sirois made a motion, seconded by Councilor McPike to authorize use of \$550.00 from the Municipal Building Reserve Funds to replace the garage door opener. Unanimous vote in favor.
- e. Request for Marina reserve funds in the amount of up to \$4,000.00 for channel markers, no wake buoys, mooring equipment –** Councilor Sirois made a motion, seconded by Councilor Marble to authorize use of \$1600.00 from the Marina reserve fund for channel markers, no wake buoys and mooring equipment. Councilor Wilde stated for the public that the approval of this expenditure will bring us into compliance with the ordinance and the law regarding moorings. Unanimous vote in favor.
- f. Request for Streets/Roads reserve funds in the amount of up to \$59,213.00 for 2016 paving projects. –** Councilor Sirois explained that discussion in committee centered on taking advantage of the low fuel prices by moving some planned projects up. Councilor Sirois made a motion, seconded by Councilor Marble to authorize use of \$59,213.00 from the Streets/Roads reserve fund for 2016 paving projects. Unanimous vote in favor.
- g. Manager's proposed FY17 Budget workshop – Review of Public Works, Municipal Garage, Solid Waste, Buildings & Grounds,**

**Marina, Non-Departmental utilities and Sewer budgets and the
Capital Program –**

Review of proposed FY17 budgets as follows:

- a. **Public Works – account 10-01 proposed for \$1,381,060.00** – Manager Jennings stated that this budget included both personnel and non-personnel items and showed an increase of \$186,093.00. The increase is driven by certain line items, the first one identified is Road Resurfacing. Manager Jennings stated that in past portions of this expense was budgeted into the Street/Rd Reserve account which is not typical. Reserve accounts are for monies not spent within the same year and are for long term planning. Monies spent within the same year should be budgeted into an operating account. Discussion followed with Public Works Director Sean Currier explaining per-mile costs and the 8 year rotation. Manager Jennings listed other factors of the increase as being Tires, Contracted Services and Street/Crosswalk painting. Council members questioned the Director on those line items as well as discussed Wages, Tree Removal, Supplies & Materials, Gas/Oil and Lube, Salt and Road Side & Cemetery mowing. There was much discussion regarding mileage for personal vehicle versus leasing a vehicle. Much discussion on confined space rescue retrieval device. Discussed the telephone line item with Councilors asking about the GPS costs and capabilities. Time constraints have not allowed the analysis of the data. Andrew Scott spoke and said it was not just used as a mileage tracking device, but was similar to an airplane “black box” in that in the event of an accident, date & time of plowing, etc is stored for retrieval later. Much discussion on the repairing the flail mower vs replacing the sickle bar mower. Discussion followed on the center line striping of certain roads in town.
 - b. **Municipal Garage – account 10-05 proposed for \$34,090.00** – This budget shows a decrease of 32.5%. Councilor Sirois noted that the reduction in Building Maintenance was due to moving this to the capital program.
 - c. **Stormwater Management – account 1-10 proposed for \$134,305.00** – Discussion followed on maintenance and repair of culverts. Councilor Sirois questioned the increase in Contracted Services, due to catching up on stormwater repair. Councilors and DPW director Currier discussed locations about town with collapsing culverts. Priorities are identified as North Rd., Old County Rd and Sidney Blvd.
- At 8:15 p.m. Mayor Ryder called for a ten minute break.**
- d. **Solid Waste – account 15-10 proposed for \$359,675.00** – Differences between the Department head proposed and TM proposed budgets are reflected in payroll and in equipment items moved to the Capital program. Councilor McAvoy questioned the uniform line item and discussion followed regarding approved uniforms. Councilor McAvoy requested break out information on tipping fees, hauling fees, ash testing, C & D and recycling. DPW Director Currier and Manager Jennings stated that the information can be provided as a supplement and can

present it to Infrastructure Committee. Councilor McAvoy stated he would like to eventually do away with C & D. Sean stated he can do a breakdown of all expenses paid to each vendor.

- e. **Buildings & Grounds – account 30-10 proposed for \$197,544.27 –** This budget shows a proposed non personnel change of 204.9%. Discussion followed regarding the flags that the Town is doing for the VFW. Allison Berube was recognized and she gave commentary regarding the flag program and that she believed there should be approximately \$1,200.00 remaining at the VFW for flags that should be transferred to the Town. She stated that when originally started they did not want the town to have to spend any money and that maybe we should spend the remaining \$1,200. - \$1,500.00 and then end the program. Councilor Marble questioned the personnel line item and Manager Jennings reported that this reflects a shift from roads to buildings & grounds. Councilor McAvoy questioned the expense for mowing the cemeteries and fields. Discussion followed regarding time lines for mowing, outsourcing vs keeping it in-house, and snowmobile trails maintenance. Councilor McAvoy requested a breakdown of mowing costs only.
- f. **Marina – account 20-25 proposed for \$0.00**
- g. **Non-department Utilities – account 06-06 proposed for \$544,095.00 –** Discussed the requirement to fund 30% of the Water Districts annual budget through hydrant rental. Discussed the PEMCO proposal and alternatives to PEMCO. Councilor Marble informed the public that the Council was investigating ways to save money on street lights.
- h. **Sewer – account 60-10 proposed for \$955,859.96 –** Manager Jennings stated that this is substantially similar to the budget provided in February. Includes payments to pay back the General Fund and that this is the first time the sewer budget is being included with its own budget. It also includes the first of a multi-year pay-back of \$100,000.00 to the General Fund. Manager Jennings stated that he believes there should be an accelerated payback. He is also looking at going to referendum in November for a bond to pay back Hampden's obligations for Bangor's treatment plant service charge.
- i. **Capital Program –** due to the length of this portion of the budget the consensus was to set its own meeting. Manager Jennings pointed out the new map, prepared by staff, of Capital programming projects town-wide. He also suggested that a ride-along could be planned whereby Councilors could have DPW Director Currier show them these areas within the Capital Program.

E. COMMITTEE REPORTS –

Services Committee - Councilor McAvoy reported that they discussed the Harbor Ordinance and vendor use of the municipal building parking. Their next meeting will be held on June 13th.

Infrastructure - Councilor Marble stated that the next meeting will be Monday the 23rd at 6:00 p.m.

Planning & Development – Councilor McPike reported that all items discussed in committee were discussed tonight with the exception of the on-going discussion on fees.

Finance & Administration – Councilor Sirois reported that their discussions involved the dangerous building which was moved until next meeting and discussed reserve account spending.

F. MANAGER'S REPORT – REVIEW / UPDATE FY17 BUDGET MEETING SCHEDULE

– Manager Jennings reported that the next budget meeting will be Tuesday May 17th at 7:00. He stated that May 24th will be the final budget work session before the Council review of entire budget on June 6 and then Public Hearing on June 20th.

G. COUNCILORS' COMMENTS –

Councilor McAvoy -Reminded everyone that the next tax payer clinic will be on the 28th at Anglers. He reminded everyone to shop local and buy American.

Councilor Marble - Reminded folks to take part in their town and formally thanked the three residents whose names were accepted tonight for membership on committees and who are willing to serve, reminded everyone that the final Hot Stove will be this Saturday.

Councilor Cormier – no comment

Councilor Wilde – no comment

Councilor McPike – no comment

Councilor Sirois – Thanked Sean and Dudley for all of their thought and hard work on the budget

Mayor Ryder – Thanked the citizens that have been involved and have come out to the Skehan Center for Children's Day planning.

H. ADJOURNMENT – *With no other business to conduct, Councilor Sirois made a motion, seconded by Councilor McAvoy to adjourn at 9:00. Unanimous vote in approval.*

Respectfully Submitted,



*Paula A. Scott, CCM
Town Clerk*



B-2-b

**Hampden Town Council
FY17 Budget Workshop for May 17, 2016
MINUTES**

In attendance:

Mayor Ryder
Councilor Sirois
Councilor McPike
Councilor Wilde
Councilor Marble
Councilor Cormier
Councilor McAvoy

Town Manager Angus Jennings
Town Clerk Paula Scott

1. Call to Order: Mayor Ryder called the meeting to order at 7:15 p.m.
2. Review of Proposed Town Manager FY17 Budgets:
 - a. **Administration - account 01-01 proposed for \$592,434.00 –** Manager Jennings discussed the changes in the salaries line by explaining the personnel shift he is proposing as part of his reorganization. He is proposing the administrative assistant in the code/planning, etc. office to be shifted for $\frac{3}{4}$ administrative assistance to the Public works director and $\frac{1}{4}$ time as payroll. This would alleviate the public works director from having to provide his own clerical. This also reflects a shift in personnel from the front office to the code/planning area. Councilors discussed wages and cost of living allowances. The current budget is with 1% increase across the board. Councilor Sirois requested an additional budget figured at 1.5%. Discussed the increase in the audit line due to last 2014 audit not being properly closed. Manager Jennings stated that this line item might even come in higher. Discussed the telephone account and providing the manager a cell phone.
 - b. **Communications – account 01-03 proposed for \$19,482.14 –**

Discussion followed regarding the internet line. Manager Jennings explained that part of that line is the hosting of the web-site and the voice over phone system which contract we are locked in to.

Discussed the publishing of the newsletter and sending to businesses and not just residences. If it is mailed to businesses, the line would need to increase.

- c. **Tax Collector – account 01-15 proposed for \$7,350.00-** Discussed the cost of the software, and the increase in deed fees. Councilor McPike asked about the fees and interest offsetting the expense of this account. Manager Jennings explained that the revenues off set it only to the extent that the revenue from taxation is for the general ledger, it is our biggest source of revenue but this is not an enterprise account or one that is self-supporting.
- d. **Elections – account 01-20 proposed for \$9,014.00 –** This budget reflects slight increases due to this being a primary and a presidential election year. Discussed the possibility of a referendum in November for the bond to repay Bangor.
- e. **Town Council – account 01-05 proposed for \$29,717.00 –** Councilor McAvoy questioned the need for MMA. Manager Jennings stated that they provide many services to municipalities, such as free legal, legislative lobbying on behalf of towns and cities, training and publications.
- f. **Municipal Buildings – account 01-10 proposed for \$95,561.00 -** Councilors asked about the fuel line item. Discussion followed regarding needing to complete the last contract by reaching the 40,000 gallon threshold. The new contract locks us in with only a 32,000 threshold. Discussed the repairs needed on the building drainage and the floors.
- g. **Revenues –**Council members discussed service fees and agent fees, and the increase in sewer income due to the increase in rates. Questions were raised about tree growth revenue and the projected increase in revenue sharing. Council members were provided with the YTD revenue report.

The next budget work session is scheduled for Monday May 23, 2016 at 7:00 p.m.

Respectfully Submitted,



Paula A. Scott, CCM
Town Clerk



**Hampden Town Council
FY17 Budget Workshop for May 23, 2016
MINUTES**

In attendance:

Mayor Ryder
Councilor Sirois
Councilor McPike
Councilor Wilde
Councilor Marble
Councilor Cormier
Councilor McAvoy

Town Manager Angus Jennings
Town Clerk Paula Scott
Assessor Kelly Karter
IT/GIS Kyle Severence
Admin. Assist. Rosemary Bezanson
DPW Director Sean Currier
Members of the public

1. Call to Order: Mayor Ryder called the meeting to order at 7:00 p.m.
2. Review of Proposed Town Manager FY17 Budgets:
 - a. **Economic Development account 01-30 proposed for \$4,000.00 –**
 Manager Jennings prefaced the discussion with an overview of the budget process to those watching at home, explaining that the budget has been broken down by department over a series of meetings. Each agenda is made up of related departments. Tomorrow, May 24th will be the budget discussion on the Capital Program. There is another meeting scheduled for the 31st to discuss library, recreation, pool and reserve accounts. June 6th will be the entire budget review and on June 20th will be a public hearing. Manager Jennings then gave a background regarding the Economic Development budget and historical information on the Planning and Economic Development positions that had been combined about a year and a half ago into one economic development position. Manager Jennings is proposing a change in the organizational chart, reflected in this budget, to hire a full time planner and part time economic development. Intention is not to abandon the economic development function. There may be an opportunity to hire a Planner that specializes in economic development. This budget shows a significant decrease due to that reduction. Discussion followed on the reduction of sponsorship of Maine Biz, travel and training and the relocation of legal into the administration budget. Councilor McPike questioned the need for travel and training if no director, to which Manager Jennings stated he would recommend dedicating some economic development training to the Planner, or part time economic development individual. Councilor McAvoy

suggested removing all advertising. Councilor McAvoy made a motion to zero out the entire economic development budget. Motion failed to receive a second and was therefore disposed of.

- b. **GIS/IT (mapping and technology) account 01-02 proposed for \$107,758 –** Technology specialist Kyle Severence approached the podium during the discussion. Councilor Marble asked about the equipment maintenance, equipment replacement and equipment services line items. Kyle explained that he broke out these items into separate categories. Hardware is for equipment replacement and things he may have to contract for. Equipment maintenance is typically for software and licenses, anything that goes into the computers not tangible hardware. Services is for service contracts and leases. Two leases are ready to expire and he is looking to upgrade 10 employee computers. Councilor Sirois asked if it is better to buy or lease. Kyle stated that for us leasing is better because we get such good pricing with the government contract. Councilor Sirois then asked if staff have laptops. Kyle stated that some do, primarily in public safety but he is looking to migrate them to desk tops. Councilor Sirois suggested that perhaps a laptop would be beneficial for the manager to be able to work from home. Kyle discussed the Go to my pc system that allows for long distance employees to remote in from home and can add the manager to that as well.
- c. **Planning/Assessing account 01-25 proposed for \$269,782.00 –** Manager Jennings stated that the increase is due to the proposal to bring the Planner back under this umbrella with the most significant area being the salary and benefits line items. This is proportionate to some of the reduction in the economic development budget. Line items discussed included increase in the wages for a part time scanning/indexing employee. It is important to get all permits, assessing cards and documents digitized. Discussed the reduction in the Trio software due to a one time reduction for the cost of a sketching component as well as the reduction for public hearing costs which are now being born by the applicant not the public. Legal fees were proposed to be retained in this overall budget as there are often legal fees that will be dedicated to planning. Councilor Marble asked if intent was to move items from the economic budget such as training and public hearing fees into this budget and suggested an overview of the planning for the public. Manager Jennings stated that a town planner is typically the first line in the permitting process and to have one that understands the zoning is helpful. Other areas are storm water management which has a huge relationship to zoning and land development due to impervious surface. It is important to strengthen our team due to the permitting requirements we are under from DEP. A planner would also help to coordinate some of the initiatives that have been suggested over the years such as the riverfront, Coldbrook Rd. and the town center. A planner can create a physical vision of these initiatives by knowing what we have to market, knowing market conditions and can also identify deficiencies in current zoning which will help bring about the economic development we are looking for as a town.

- d. **TIF (Tax Increment Financing) account 67-01-55-25 proposed for \$288,512.50** – Manager Jennings recapped prior discussions with Council regarding the stated FY16 budget amount of \$20,000.00 for credit enhancement. The assessor, Kelly Karter, had correctly identified and reported to the state the amount, which was internally amended in the amount of \$189,148.00. The manager stated that of the proposed budget amount of \$288,512.00, approximately \$150,000.00 will come back to the tax payers and the remaining will be eligible for TIF expenses. The idea is to also potentially offset some operating costs with TIF funds. Councilor McAvoy asked if Dennis Paper is in a TIF. Kelly stated that they are, but under their corporate name of University Club. Councilor Marble stated that he favors keeping sheltered amounts sheltered and dedicating those funds to appropriate planning areas. Councilor McAvoy asked the assessor for clarification on the benefit of the TIFs regarding valuation for school assessments and questioned the percent of market value the town is at. Kelly stated that we are at 100% certified market value. Discussion followed regarding the benefits to staying at that percent as the state would make up the difference by reductions in revenue sharing and state aid to education.

With there being no further business, Councilor Sirois made a motion, seconded by Councilor McAvoy to adjourn at 7:30 p.m. Unanimous vote in favor.

The next budget work session is scheduled for Monday May 24, 2016 at 6:00 p.m.

Respectfully Submitted,



Paula A. Scott, CCM
Town Clerk



B-2-d

**Hampden Town Council
FY17 Budget Workshop for June 2, 2016
MINUTES**

In attendance:

Mayor Ryder
Councilor Sirois
Councilor McPike
Councilor Wilde
Councilor Marble
Councilor Cormier
Councilor McAvoy

Town Manager Angus Jennings
Town Clerk Paula Scott
Rec Director Shelley Abbot
Pool Director Darcey Peakall
Library Director Debbie Lozito
Members of the Public

Call to Order: Mayor Ryder called the meeting to order at 7:00 p.m.

1. Review of Proposed Town Manager FY17 Budgets:

- a. **Dyer Library account 20-10 proposed for \$249,175.00** – Manager Jennings again gave an overview to those in the audience of the budget process, informing them of the final public hearing to be held on June 27th. Library Director Debbie Lozito approached the podium for the budget discussion. Councilor McAvoy asked about the cleaning portion of the building repair line as compared to the municipal building expense. Mayor Ryder clarified that public safety employees clean the department at a savings. Manager Jennings noted that the department head request was for an additional part time employee for 15 hours a week, which he had not recommended in his proposal but invited Debbie to speak to that. He stated that all department heads were invited to present budgets and requests based upon what they feel their needs are and felt it important to hear that. Debbie stated that the idea was for a person to help staff the children's area and to help with adult programming which is lacking and to fill in for other staff who are out. It would be a multi-faceted position. Councilor McAvoy asked what the endowment fund is used for and what was spent last year. Debbie stated that she spent about \$11,000.00 and that it is to be used to supplement programming above and beyond the town budget. Discussion followed regarding the terms of the endowment and the current balance of the endowed funds. Councilor McAvoy questioned whether or not the endowment could fund the part time position, which it could not as it cannot be used for salaries. Discussion ceased.

- b. **Recreation account proposal was broken down with two summary proposals; one with and one without the Skehan Center, including the Enterprise accounts. The taxation budget both with and without Skehan center is proposed at \$136,760.00.**- Manager Jennings prefaced the discussion about how the Council and Services committee had started looking at both building and programming costs back in December and the landlord has been very responsive in correcting heating and electricity issues to align with the lease. Two budgets before the council include the taxation budget, the Rec enterprise and the Skehan enterprise accounts. The summary of revenue against expenses with Skehan is a net of \$8,387.96. The summary of revenue against expenses without Skehan is a net of \$73,168.73. Rec Director Shelley Abbot approached the podium for the discussion, which began with Mayor Ryder asking about the fees under Dorothea Dix and Little League and if that had anything to do with grounds maintenance. Shelley stated that Little League was zeroed out this year because the cost of insurance should be included in the registration fees. The line item for Dorothea Dix is for water, hydrants and porta potty. Other park items are for water at various locations, mulch and gardening items for pool field. Councilor McAvoy asked for clarification on the total cost of the rec program. Manager Jennings explained the taxation budget, the rec enterprise and the Skehan enterprise expenses and the net surplus in both scenarios. Councilor McAvoy stated that the difference in surplus between having Skehan center and in not having it was about \$64,000.00 that could be used for other purposes. Discussion followed on the policy intent of the enterprise accounts from their inception and the net difference between rec enterprise expenses and revenues. It was clarified that the pool has its own enterprise account. Manager Jennings invited Shelley to speak to the impacts to programming with and without Skehan center. She spoke of the demographics and the increase in the use of rec programs, an increase of about 10,000 users. Senior citizens usage has increased with an average of 60 attendees at senior fitness Monday, Wednesday and Friday. There have been added after school activities and use of the Skehan center has afforded better networking opportunities and growth of programs between RSU and rec. Resident Jane Jarvic of Sophie Lane spoke in favor of the rec program and agreed that the senior population is a huge new demographic previously forgotten. Councilor McPike spoke to value of socialization and activity within the community, that Lafayette has been very generous and that he is fully in favor of after school programs. Mayor Ryder offered comment that he would like to see the program continue as it has. Councilor McAvoy stated that money spent within last 3 years could have gone to a new building for recreation. Councilor McAvoy made a motion, seconded by Councilor Cormier to adopt the budget proposed without the Skehan Center. Councilors Cormier and McAvoy voted in favor. Councilors McPike, Wilde and Mayor Ryder voted in opposition. Motion fails.
- c. **Lura Hoit Pool account 20-20 proposed for \$205,541.00** – Pool Director Darcey Peakall approached the podium for the discussion. Councilor McAvoy asked about the revenue, in the last line on the spreadsheet. Discussion followed with Councilor McAvoy asking if the expense side of the budget combined personnel costs with operational costs at approximately \$312,000.00. Darcey agreed but stated that it is offset by revenues as noted earlier. Discussion ceased.

d. **Reserves Budget account 03-700 proposed for \$505,018.70** – Manager Jennings highlighted all accounts within the reserve chart of accounts, and recapped the Capital meeting items that were plugged in to this reserve budget proposal. Discussion followed on the sand and salt shed, field space and savings if the Skehan Center was not supported in the rec budget. Resident Bill Shakespeare asked if the holiday light repair was quoted. Manager stated that it was and the cost is because part of the power has to be shut off in addition to replacing lights. Discussed the flag program and scaling it back to certain areas. Alex King of Ichabod Lane talked about the Host Community account and asked if this is the place where rebuilding those reserves should be funded. Manager explained the debt owed to the general fund, especially the Host community benefit fund, by the sewer department.

At this time, the manager recapped the budget process for the public and informed them that the next budget work session will be at 7:00 p.m. on June 7th. The council will review entire budget on June 13th and it will go to Public Hearing on the 27th.

With the budget session complete and the council executive session slated for this agenda, the council took a recess at 7:15 p.m. to wait for the town's attorney to arrive.

Respectfully Submitted,



Paula A. Scott, CCM
Town Clerk



TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

B-3-a

COMMENTS ON:

Date of Council Action: 6/4/16

Public Hearing: Yes No X

- Application for Liquor License - Renewal - waiving public hearing
- Application for Victualer's License
- Application for Off-premises Catering
- Application for Outdoor Wood-burning Furnace License

NAME: McLaughlin's at the Marina Kimberly McLaughlin
Business Name Individual

ADDRESS: 108A Marina Rd PHONE: 990-1111

MAP/LOT: 28-17-A1 DATE: 5/17/16

DEPARTMENT REPORT:

No Concerns

DATE: 05/18/16

BY: [Signature]
Title: Public Safety Director

BY: _____
Title: _____

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES 6-12-2014

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|--------------------------------------------------------------------|-------------------------------------------------------------|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTINONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV) |
| <input type="checkbox"/> CLASS A LOUNGE (Class X) | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V) | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Kimberly McLaughlin</u> DOB: <u>1-16-2016</u>		2. Business Name (D/B/A) <u>McLaughlin's of the Maine</u> <u>(McLaughlins LLC)</u>	
<u>George R McLaughlin</u> DOB: <u>11-7-1956</u>		<u>108A Maine Rd.</u>	
Address <u>108 B</u> <u>Maine Rd</u>		Location (Street Address) <u>Hampden, ME 04444</u>	
City/Town <u>Hampden</u> State <u>ME</u> Zip Code <u>04444</u>		City/Town <u>Hampden</u> State <u>ME</u> Zip Code <u>04444</u>	
Mailing Address <u>108-A Maine Rd</u>		Mailing Address <u>108-A Maine Rd</u>	
City/Town <u>Hampden</u> State <u>ME</u> Zip Code <u>04444</u>		City/Town <u>Hampden</u> State <u>ME</u> Zip Code <u>04444</u>	
Telephone Number <u>207-990-1111</u> Fax Number _____		Business Telephone Number _____ Fax Number <u>207-990-1111</u>	
Federal I.D. # <u>550914914</u>		Seller Certificate # <u>1150664</u>	

EMAIL ADDRESS: Kimberlymcl@gmail.com

3. If premises is a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 600,000 LIQUOR \$ 100,000
5. Is applicant a corporation, limited liability company or limited partnership? YES NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES NO acoustic guitar

7. If manager is to be employed, give name: N/A

8. If business is NEW or under new ownership, indicate starting date: N/A

Requested inspection date: 5/25/2016 Business hours: 11-9

9. Business records are located at: 108 A MARINA TRD

10. Is/are applicants(s) citizens of the United States? YES NO

11. Is/are applicant(s) residents of the State of Maine? YES NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married: Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Kimberly L. McLaughlin	1-16-62	Presque Isle ME
George Reid McLaughlin	11-7-56	Port Fairfield, ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Holden, Maine, Hampden, ME
Holden, Maine, Hampden, ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: N/A Date of Conviction: N/A

Offense: N/A Location: N/A

Disposition: _____

14. Will any law enforcement official benefit financially either directly in your license, if issued? Yes No If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES NO

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Rest. that serves a full lunch & dinner menu. Approx 70 seats

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES NO Applied for: _____

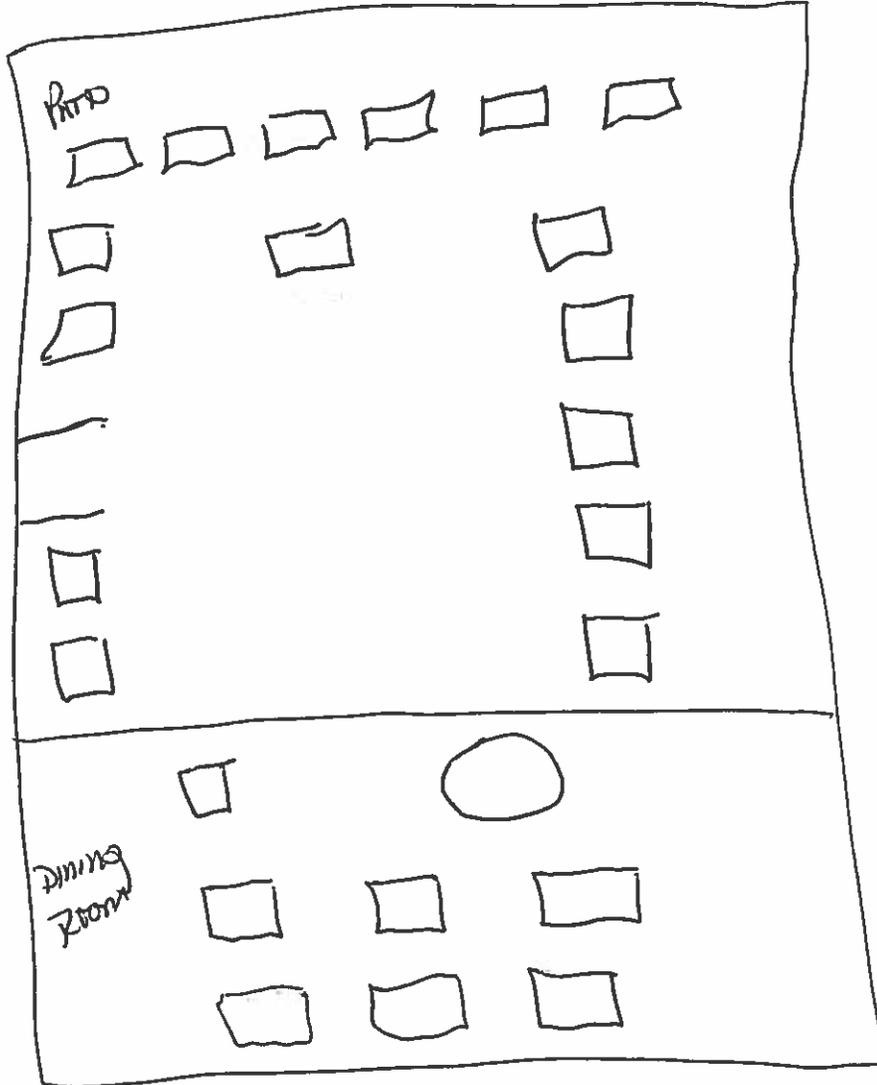
19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 3 miles Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO
If YES, give details: Wachusett Savings Bank - mortgage

FILING FEE \$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.



The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Hampden, ME on May 17, 20 16
Town/City, State Date

Kimberly McLaughlin
 Signature of Applicant or Corporate Officer(s)
Kimberly McLaughlin
 Print Name

Please sign in blue ink

 Signature of Applicant or Corporate Officer(s)

 Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	<u>\$ 900.00</u>
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants: Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

Name: n/A Agency: n/A

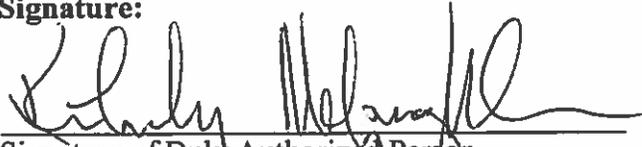
9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____
Date of Conviction: _____
Offense: _____
Location of Conviction: _____
Disposition: _____

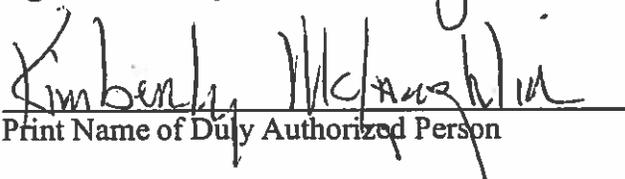
Signature:



Signature of Duly Authorized Person

5-17-2016

Date



Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery
Operations Division of Liquor Licensing Enforcement
8 State House Station Augusta, Me 04333-0008
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov



State of Maine
 Bureau of Alcoholic Beverages
 Division of Liquor Licensing and Enforcement

For Office Use Only:	
License #:	_____
Date Filed:	_____

**Supplemental Information Required for
 Business Entities Who Are Licensees**

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

- Exact legal name:
McLaughlin LLC
- Other business name for your entity (DBA), if any:
McLaughlin's AT THE MAR
- Date of filing with the Secretary of State: May 26 10
- State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: n/a
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Kimberly McLaughlin	299 South Rd Halden ME	1-16-62	50%
George Reid McLaughlin	299 South Rd Halden ME	1-7-56	50%

7. Is any principal person involved with the entity a law enforcement official?

Yes No

8. If Yes to Question 7, please provide the name and law enforcement agency:

STATE OF MAINE

Dated at: Hampden, Maine Pendscot ss

On: May 17, 2014 Date

The undersigned being: Municipal Officers County Commissioners of the City Town Plantation Unincorporated Place of: Hampden, Maine

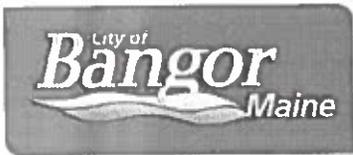
Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Main Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE - SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of the application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed before or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal within 120 days of the filing of the application. [1999, c589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
 - [1993, c730, §27 (amd).]
 3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.
- An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



WATER QUALITY MANAGEMENT

B-3-B

Andrew F. Rudzinski
Director
andy.rudzinski@bangormaine.gov

May 31, 2016

Greetings neighbor:

The purpose of this notice is to inform you that the City of Bangor WWTP is beginning an important project to renovate and repair the "Biotower" at 760 Main St. There have been several news articles about this vitally necessary work that you may have seen recently. The project is scheduled to begin in earnest the week of June 6th, and will continue throughout the summer months.

Because we value you as neighbors and are committed to maintain our good relations, we want you to know during the time the project is underway it is anticipated there will be no disruption of sewer service or wastewater treatment. That being said, there may times when odors may become apparent. At worst, these may be reminiscent of an earthy tone, similar to low tide along the coast. We apologize in advance and ask your patience. Please be assured, we will do everything within our ability to minimize the intensity and duration of such occurrences. You may also notice an increase in truck traffic at certain times as well. Again, we will attempt to minimize any inconvenience to our neighbors.

Our service to the sewer rate payers of the City and Hampden is a matter of pride to our employees, and we at the Department of Water Quality strive to maintain the highest standards of service to you all. Please understand that this work is needed to continue that service. We will accomplish the work as efficiently as possible, while minimizing any impact to your lives.

On behalf of all the employees of the Department of Water Quality, I thank you kindly for your understanding and forbearance in advance. Should you have any questions or concerns, please contact us at the WWTP, 992-4470.

My staff and I are at your service.

Andy Rudzinski
Director, Department of Water Quality





Angus Jennings <townmanager@hampdenmaine.gov>

B-3-C

Bangor Solar Forum, June 28, EMCC

1 message

Wed, Jun 8, 2016 at 11:26 AM

Karen Marysdaughter <karenmd@myfairpoint.net>
To: Angus Jennings <townmanager@hampdenmaine.gov>, Dennis Marble <marbletowncouncil@hampdenmaine.gov>

Hi Angus & Dennis,

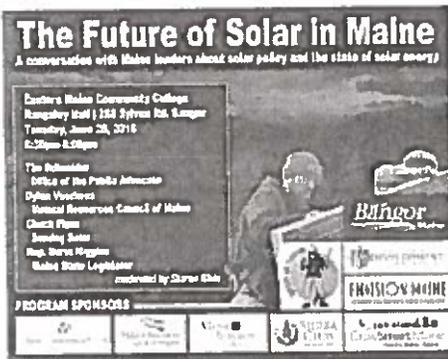
You may be aware of the series of forums on "The Future of Solar" happening around the state. I am helping to organize the one in Bangor on Tuesday, June 28 in Rangeley Hall at Eastern Maine Community College. The presenters will include Rep. Norm Higgins from Dover-Foxcroft, Tim Schneider of the Public Advocate's office, Dylan Voorhees of NRCM, Chuck Piper from the solar industry, and Sharon Klein, U Maine Dept of Economics. We have an impressive list of sponsors as well (see announcement below - EMDC & Bangor are sponsors - I was hoping to approach Hampden as a sponsor as well, but ran out of time!).

I am sending a few links, and attaching a short announcement (pdf) and two copies of a poster/meme (pdf & jpg). If you are on FaceBook, I hope you will consider sharing the event.

On-line registration form: www.nrcm.kintera.org/solarBangor
FaceBook event: <https://www.facebook.com/events/614258498736827/>
Map to Rangeley Hall at EMCC: <https://goo.gl/maps/jJmoxUY2zaA2>

Karen Marysdaughter
karenmd@myfairpoint.net
262-3706 (home)
930-5440 (cell)

3 attachments



Bangor_forum_promo.jpg
1146K

SolarForumAnnouncement.pdf
45K

“The Future of Solar in Maine: A Conversation with Maine Leaders about Solar Policy and the State of Solar Energy”

Tuesday, June 28, 2016

6:30 to 8:00 pm

Rangeley Hall, Eastern Maine Community College

There is growing support for policies in Maine that will take advantage of the many economic development opportunities of solar energy. The Bangor gathering is the third in a series of meetings around the state to discuss the benefits of solar to Maine's economy, incentives for current and future solar users, and next steps for the growing solar industry in Maine.

Sponsored by: Natural Resources Council of Maine, City of Bangor, Eastern Maine Development Corporation, Bangor Greendrinks, Maine Audubon, GrowSmart Maine, Maine Conservation Voters, Envision Maine, and Sierra Club.

The program -

Welcome by Rep. Norm Higgins (R- Dover-Foxcroft) and a recent history of solar policy in Maine.

Introduction by Sharon Klein (University of Maine Dept of Economics) on the economics of solar.

Moderated discussion:

- Tim Schneider (Maine's Public Advocate)
- Dylan Voorhees (NRCM)
- Chuck Piper (SunDog Solar, Searsport)

Public Q&A

To register for the event: www.nrcm.kintera.org/solarBangor

The Future of Solar in Maine

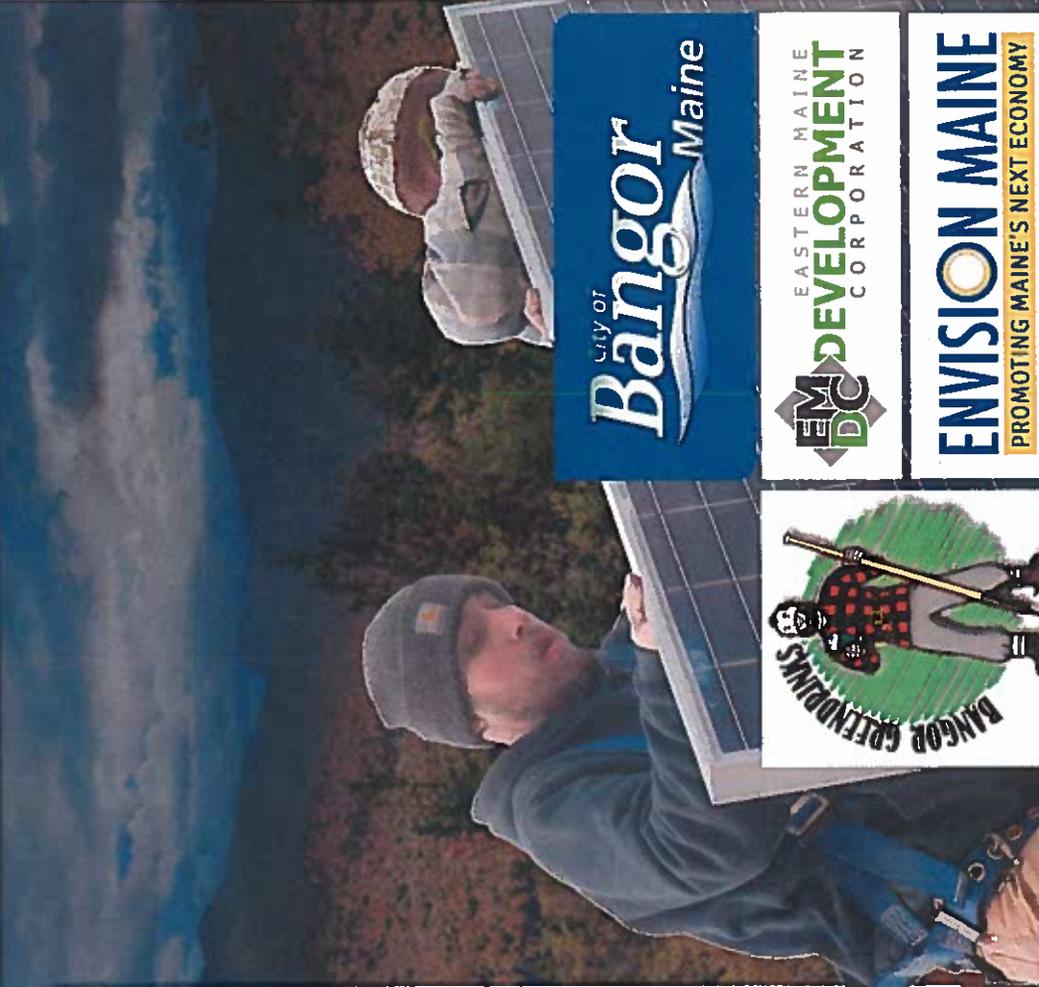
A conversation with Maine leaders about solar policy and the state of solar energy

Eastern Maine Community College
Rangeley Hall | 268 Sylvan Rd. Bangor
Tuesday, June 28, 2016
6:30pm-8:00pm

Tim Schneider
Office of the Public Advocate
Dylan Voorhees
Natural Resources Council of Maine
Chuck Piper
Sundog Solar
Rep. Norm Higgins
Maine State Legislator

moderated by Sharon Klein

PROGRAM SPONSORS



**Planning and Development Committee
May 17, 2016
6:00 PM
Conference Room
MINUTES**

Attendees:

Committee

Ivan McPike-Chair
Dennis Marble
Terry McAvoy
David Ryder
Mark Cormier, Councilor
Greg Sirois, Councilor
Stephen Wilde, Councilor

Staff

Angus Jennings, Town Manager

The meeting was called to order at 6:02 PM.

1. Approval of May 3, Minutes - Approved
2. Committee Applications – None.
3. Updates: Planning Board – Fiberight

Manager Jennings reported that the MRC/Fiberight application is under review by the Planning Board. The public hearing began on April 13, 2016 and was continued to May 11, and will continue again next Wednesday May 25 at 7 PM. The applicant will also appear before the Town Council for review of proposed roadway and sewer infrastructure in anticipation of bringing this infrastructure forward for public acceptance upon construction. In its role as Sewer Commissioners, the Town Council will be asked to consider establishing special sewer rates as authorized by the Sewer Ordinance for industrial users. Councilor McPike said that the applicant needs to keep the lines of communication open with the Town Council.

4. Old Business – None.
5. New Business:
 - A. Preview of FY17 Budget Proposal for Planning / Economic Development / Assessing / GIS-IT / TIF – Manager Jennings reported to the Committee that his proposed FY17 Budget for the Planning and Economic Development Departments includes a proposed reorganization. He summarized the prior Town Manager's restructuring in April 2015 to put

the Community Economic Development Director in charge of both Economic Development and Planning after the former Town Planner resigned after his position was cut to part-time hours. Manager Jennings explained that he'd been observing the function of the Departments during his tenure, and feels that the absence of a full-time planner with corresponding training and education has resulted in work of the planning department not getting done. He feels that opportunities have been missed, and that the absence of a Town Planner has resulted in certain work of that department affecting the workload of other departments including GIS/IT, Code Enforcement and the Town Manager. He is recommending to fund a full-time Town Planner position in FY17 and to not fund a full-time Community and Economic Development Director position. This proposal will be part of the FY17 budget meeting on Monday May 23, and he wanted to discuss this proposal tonight.

Members of the Committee expressed support for the proposed direction. A question was asked about what types of work a Town Planner could do that is not being done. Manager Jennings said that policy areas like stormwater management had suffered, and that the number of known problems with the zoning ordinance and other ordinances indicate that the Town would benefit from a planner on staff with expertise in zoning and ordinances. He spoke about the opportunity to advance area-specific planning initiatives, such as for the Riverfront and the Town Center which have been identified but which would benefit from a town planner with understanding of zoning, infrastructure planning, financing and bringing together landowners, businesses and interested citizens.

Councilors McPike and Wilde said they think it is very important that the Town not lose its economic development capabilities, and that we retain someone to hand-hold applicants and developers through the permitting process. Manager Jennings agreed, and said that a good town planner would serve this role, and could better advise applicants about the requirements of zoning and other regulations to help avoid inefficiencies. He noted that the Town's permitting departments have less staff than they had a couple of years ago, and the changes he is proposing, including changes to the seating arrangements in the offices, will be intended to improve customer service and the function of the permitting departments.

6. Zoning Considerations/Discussions – None.
7. Citizens Comments – None.
8. Public Comments – None.
9. Committee Member Comments – None.
10. Adjourn: 7:15pm

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, May 2, 2016

MINUTES

Attending:

Mayor David Ryder

Councilor Greg Sirois, Chair

Councilor Ivan McPike

Councilor Mark Cormier

Councilor Terry McAvoy

Councilor Dennis Marble

Councilor Stephen Wilde

Town Manager Angus Jennings

Chairman Sirois called the meeting to order at 6 p.m.

1. **Meeting Minutes – April 19th, 2016** – *There was a motion and a second to approve the April 19, 2016 minutes as written. Approved 7-0.*
2. **Review & Sign Warrants** – *Warrants were reviewed and signed by Committee members.*
3. **Old Business**
 - a. **Review of foreclosed property sale process for Map 1 Lot 56** – *Manager Jennings reported that the tax acquired property at 1037 Kennebec Road had been advertised for public sale but that the former owner of record of the subject property had offered to repurchase the property for the advertised minimum bid price of \$9,000. The former owner had not received the certified mailings in January or March – all of which were returned to the Town unclaimed – but had received the notice of public sale that was sent by regular mail. The property had been in the family for more than 50 years and the family had built the home themselves. Manager Jennings had discussed the matter with the Town Attorney, who advised that the Town owns the property and can sell it or not at its option. Manager Jennings expressed that the Town's sole concern is receiving the past taxes due, together with any incurred costs. With the Committee's recommendation and the Counsel's consent, Manager Jennings would accept the funds and rescind the notice of public sale, with the re-purchaser responsible for any legal ad or mailing costs not already embedded in the purchase price.*

Motion by Councilor Marble, seconded by Councilor Wilde, to accept the offer contingent upon receipt of \$9,000 in addition to any additional direct expenses.

During discussion, Mayor Ryder said that he feels this sets a precedent, and says the Town has no teeth. Councilor Marble said that he feels there is value in taking steps to keep a property in the hands of its original owner, provided back taxes are paid. Mayor Ryder pointed out that this property has proceeded to tax foreclosure in the past. Councilor Cormier said it seems to him that if the Town is getting its money this is what matters. The motion was approved 6-1 with Mayor Ryder opposed.

4. New Business

- a. **Managers preview of FY17 budget** – *Manager Jennings provided an overview of the Budget Message that he'd circulated to the Committee. He reported that he's still working on elements of the Personnel budgets.*

5. Public Comment – None.

- 6. Committee Member Comments** – *Members of the Committee requested to receive packet materials regarding the proposed Budget in hard copy format to facilitate their review. Councilor McPike said he would support adding one or two additional meetings dedicated to the budget rather than get pressed for time in the meetings that are scheduled. Councilor Sirois agreed.*

There being no further business, the meeting was adjourned at 6:59 p.m.

Respectfully submitted –
Angus Jennings
Town Manager

SERVICES COMMITTEE MEETING
Monday, May 9, 2016

MINUTES

Attending:

Councilor Terry McAvoy, Chair
Mayor David Ryder
Councilor Ivan McPike
Councilor Mark Cormier
Councilor Stephen Wilde
Councilor Dennis Marble

Town Manager Angus Jennings
Resident Bill Shakespeare
Resident Tom Brann
Resident Alex King

Chairman McAvoy called the meeting to order at 6 p.m.

1. MINUTES

- a. April 11, 2016 – Motion by Councilor McPike seconded by Mayor Ryder to approve the minutes as written. Approved 6-0.**

2. OLD BUSINESS

- a. Greater Penobscot Cable Consortium – update – Councilor McAvoy reported on research he has undertaken regarding the Consortium and the status of negotiations for an updated Cable Franchise Agreement. He spoke with Steve Cornell, the IT Director in Bar Harbor. Franchise fees may be up to 5% and tend to be between 3-5%. He noted that it's not really a franchise fee that the company is subject to, because the company simply passes those costs along to the consumer through a surcharge on bills. He said it's a hidden tax. The company is getting benefit of access to the public domain, and he questioned why rate payers should have to pay this. Councilor McPike noted that, even if the Town didn't include a 3% franchise fee he thinks the service provider may still charge customers. Councilor McAvoy said no, the fee is set by municipalities. Resident Tom Brann recalled that the Consortium was formed when Frontier came in, in order to support local cable channels. He said he thinks that local subscribers benefit from local channels. Councilor McAvoy said that now programming can be viewed through online streaming, but Councilor McPike and Resident Brann noted that not everyone has cable internet needed to stream content. Manager Jennings noted his understanding that work toward an updated franchise agreement stalled last summer, and Councilor McAvoy confirmed this saying there are no good faith negotiations toward an agreement. Councilor Marble noted that it doesn't feel like we have any leverage to get an updated agreement.**
- b. Vendor requests to set up at Municipal Building concurrent with Hampden Farmers Market – Manager Jennings provided background on**

requests that have been received from multiple locally-based vendors who would or may like to set up in the town building parking lot concurrent with the Farmers Market. Councilor McAvoy said he is opposed to any private business set up on town property. He referred to the state statute defining Farmers Markets and noted that at least 75% of products need to be grown or processed by or under oversight of farmers. He said members of the Farmers Market are part of a larger umbrella organization, the Maine Federation of Farmers Markets, and he wondered about their organizational status (i.e. dba, corporation, non-profit etc). He noted that they have dues, rules and regulations. Manager Jennings noted that they Town Clerk has received certificates of insurance from all scheduled participants in the Hampden Farmers Market, as is required under that agreement. Mayor Ryder noted that the only problem with last year's Farmers Market was regarding the issue of who gets to be in it and who doesn't. Councilor Marble said that the Farmers Market operates under the umbrella of a non-profit, that the event brings the community together to buy fresh produce, and he wondered what the concern is about. Councilor McAvoy said his sole concern is regarding its set up on town property.

Councilor Marble said that he thinks we ought to allow the additional vendors to set up concurrent with the Farmers Market. Councilor McAvoy asked whether we would require that the Hampden Farmers Market be a not-for-profit. Councilor Wilde asked what is the main concern. Councilor McAvoy said it is a private business set up on town property. Councilor Wilde said these vendors aren't making much money and that they participate because they enjoy it. Mayor Ryder made a motion to accept up to four local vendors to set up concurrent with the Farmers Market. Councilor Marble seconded. Councilor McPike clarified that the vendors would need to be agricultural or "farmers markety" and Mayor Ryder and Councilor Marble agreed that was a friendly amendment to the motion. The Committee voted 5-1 in favor with Councilor McAvoy opposed. Councilor McAvoy noted that the town should have a policy in place for such requests in the future.

3. NEW BUSINESS

- a. **Update from MMA Technology Conference regarding municipal broadband / high speed internet options – Kyle Severance, GIS/IT Specialist** – Manager Jennings noted that Kyle is out sick today and suggested that this issue could be taken up at next month's meeting. He said that it's his understanding that a broadband feasibility study would be a next step in the process, and Councilor McPike said this could help business. Manager Jennings said he'd look into whether a map could be prepared to indicate which parts of town have different types of internet service. It was agreed that this item would be included on the next agenda.

4. PUBLIC COMMENTS – None.

5. COMMITTEE MEMBER COMMENTS – *Councilor Marble asked about the status of the Butler property (Dangerous Building hearing and Council order), and Manager Jennings said that an update on this matter is scheduled for an upcoming Council meeting.*

There being no further business, the meeting was adjourned at 7:00 PM.

*Respectfully submitted –
Angus Jennings, Town Manager*



MAINE MUNICIPAL ASSOCIATION

Risk Management Services

60 Community Drive
PO Box 9109
Augusta, Maine 04332-9109

D-1-a

Telephone No.
(207) 626-5583
(800) 590-5583 Maine Only
RMS Fax (207) 626-0513
Fax (207) 624-0127

May 23, 2016

Christian Bailey
Town of Hampden
106 Western Ave
Hampden, ME 04444

**Town of Hampden
RECEIVED**

MAY 31 2016

**Office of the
Town Manager**

RE: Safety Enhancement Grant Application for May 2016

Dear Sergeant Bailey:

The selection committee has reviewed your application and is pleased to approve your request. This grant is to be used exclusively for purchasing the Ballistic Shield, as stated in your application.

The grant is intended to cover two-thirds of your cost up to, but not exceeding \$1,136.79. When your project is complete, please send us proof of payment (cancelled check, treasurer's warrant, "paid" stamped invoice, etc.) so that reimbursement can be made. The grant must be used within one year from the date of this letter or it will be withdrawn.

We have enclosed a press release that may be used to announce your Safety Enhancement Grant to your community. If you have any questions, please call Jennette Holt at 624-0140 or contact me directly at 624-0165. Congratulations on your grant! We appreciate your interest in workplace safety.

Sincerely,

Donald Vickery
Assistant Director
Risk Management

Enclosed: Draft Press Release

cc: Angus Jennings

Press Release
For Immediate Release
UPDATED

Municipal Officials are pleased to announce that the Town of Hampden has received a Safety Enhancement Grant awarded by the Maine Municipal Association for **\$1,136.79**.

The Safety Enhancement Grant and Scholarship Grant programs offer financial incentives to members of the Maine Municipal Association Workers' Compensation Fund. These grants are used to purchase safety equipment or services that assist in reducing the frequency and severity of workplace injuries. Improving workplace safety for municipal employees saves taxpayers money by reducing lost hours at work, cost of insurance claims and overtime expenses for employees who might have to fill in for injured co-workers.

The Maine Municipal Association has been awarding safety grants to Members of their Workers' Compensation fund since 1999. The Grant program has assisted municipalities by bestowing more than ***\$3.8 million*** through funding of ***3,070*** Safety Enhancement Grants and ***424*** Scholarship Grants.

Loss Control Department for Maine Municipal Association, advises the program received **179** applications for this grant period and ***\$153,019*** was awarded. Grants are awarded in May and October each year.

For more information about any of the Maine Municipal Association Risk Management Service programs, including Safety Enhancement Grants eligibility and applications, please visit their website at www.memun.org and click on the Risk Management Services link, or call at 1-800-590-5583.



D-3-a

Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Neal Peter B.
LAST FIRST MI

ADDRESS: 342 Pearl St. Bangor 04401
STREET TOWN ZIP

MAILING ADDRESS (if different): —

TELEPHONE: 207-270-1270 207-924-6890
HOME WORK

EMAIL: pbneal@gmail.com

OCCUPATION: Funeral Director (semi-retired)

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Harbor Master

SECOND CHOICE (OPTIONAL): —

How would your experience, education and/or occupation be a benefit to this board or committee? Many years boating experience with boats up to 40'; member of United States Power Squadron, extensive experience in Town Government, see attachment.

Are there any issues you feel this board or committee should address, or should continue to address? —

Town of Hampden
RECEIVED
MAY 17 2016
Office of the
Town Manager

3 YEAR

CONSERVATION COMMITTEE
BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
ECONOMIC DEVELOPMENT COMMITTEE
FRIENDS OF DOROTHEA DIX PARK

DYER LIBRARY
RECREATION COMMITTEE
BOARD OF APPEALS
HISTORIC PRESERVATION COMMITTEE
TREE BOARD

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: <u>5/17/16</u>
COUNCIL COMMITTEE ACTION: <u>P + D - referral</u>	DATE: <u>5/3/16</u>	
COUNCIL ACTION: _____	DATE: <u>6/13/16</u>	
<input checked="" type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

Peter B. Neal, CFSP
342 Pearl Street
Bangor, ME 04401
207-270-1270
pbneal@gmail.com

BACKGROUND

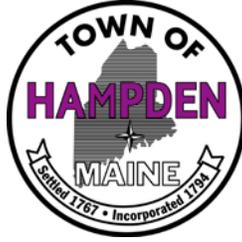
1969 graduated PCHS in Guilford
1970 attended University of Maine
1974 graduated summa cum laude, New England Institute of Anatomy, Boston
1978 purchased Crosby & Neal Funeral Home, Guilford
1978 purchased Neal Monument Company Guilford
1978-1981 Selectman town of Guilford
1981-1994 Town Clerk of Guilford
1985 president of the Guilford Kiwanis Club
1987 part owner Crosby & Neal Funeral Home, Dexter
1987-2009 Board of Directors Maine Funeral Directors Assn
1995 president Maine Funeral Directors Assn
1995-1998 Board of Directors National Funeral Director's Assn (NFDA)
 3 years on operations committee NFDA
 3 years on budget committee NFDA
2000-2016 treasurer Mt. Kineo Masonic Lodge
2005 established Greenville Funeral Chapel in Greenville
2013-2016 treasurer Guilford Sangerville Water District
2012-2016 Town Moderator; chairman of town budget committee
2016 sold businesses in Guilford and Greenville
2016 Now living in Bangor, semi-retired working part time Crosby & Neal, Dexter

BOATING EXPERIENCE

1987 to present owned several 25' to 40' cruisers and for 10 years a 34' sailboat.
 I had a mooring in Belfast for several years and for the past several years
 I have had a slip at the marina in Hampden

2014 to present member Penobscot Bay Sail & Power Squadron
2014 to present member of United States Power Squadron

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

D-5-a

TO: Town Council
FROM: Angus Jennings, Town Manager
DATE: June 9, 2016
RE: Referral of proposed Subdivision Ordinance amendments to public hearing

At its December 2, 2015 meeting, the Planning & Development Committee referred proposed amendments to the Subdivision Ordinance to the Town Council, and on December 17 the Town Council referred the proposed amendments to the Planning Board with a request for recommendation. The proposed amendments are attached.

Pursuant to Sec. 1.5.2.1 of the Zoning Ordinance:

“Text Amendments - Any proposed amendment to the text of this Ordinance shall be referred to the planning board for its review and recommendation. The planning board shall make a recommendation of approval or denial for any proposed text amendment, and may make a recommendation of approval with proposed modifications for any proposed text amendment. Such recommendation(s) shall be returned to the council within forty-five (45) days after the next regularly scheduled meeting of the Planning Board following the date of referral of the proposed amendment to the board. Failure of the board to make a recommendation within the allotted time shall constitute a recommendation of denial for the purpose of this Ordinance.”

The Planning Board has not held a public hearing to consider the proposed amendments, and no meeting of the Planning Board’s Ordinance Committee is presently scheduled.

At its June 1, 2016 meeting, the Planning & Development Committee recommended that the Town Council refer the proposed amendments to public hearing before the Council, and that the Town Manager write a letter to the Planning Board inviting their participation in the public hearing so that the Council may have benefit of their review within its deliberation.

At the meeting this Monday, the Council will consider whether to refer the proposed amendments for public hearing. Under Sec. 1.5.3.1 of the Zoning Ordinance, adoption of the proposed amendments would require a two-thirds majority vote (rather than a simple majority) because the amendments have not been favorably recommended by the Planning Board.

If this matter is referred to hearing, a letter would be sent to the Planning Board inviting their participation concurrent with advertisement of this matter for public hearing.

**TOWN OF HAMPDEN
Draft**

The Town of Hampden Hereby Ordains
Proposed Amendments to the Subdivision Ordinance to allow for Private Street Subdivisions

Deletions proposed in these amendments are ~~Strikethrough~~
Additions proposed in these amendments are Double Underlined

SUBDIVISION ORDINANCE

Prepared for the

TOWN OF HAMPDEN, MAINE

By

*PENOBSCOT VALLEY REGIONAL PLANNING COMMISSION
FEBRUARY 1982*

Financial assistance in the preparation of this document was provided by Maine's Coastal Program through funding provided by the U. S. Department of Commerce, Office of Coastal Zone Management, under the Coastal Zone Management Act of 1972 as amended.

ADOPTED BY HAMPDEN TOWN COUNCIL: May 17, 1982

EFFECTIVE DATE: June 17, 1982

TEXT AMENDED

AMENDED: April 4, 1983	deletion			
EFFECTIVE: May 6, 1983				
AMENDED: May 7, 1984	331.2.5			
EFFECTIVE: June 6, 1984				
AMENDED: November 18, 1985	532.6	1030		
EFFECTIVE: December 18, 1985				
AMENDED: December 1, 1986	620			
EFFECTIVE: January 1, 1987				
AMENDED: September 21, 1987	545.3D	554.4		
EFFECTIVE: October 20, 1987				
AMENDED: October 5, 1987	331.2.4	332.1.1	332.1.4	342.5
EFFECTIVE: November 3, 1987				
AMENDED: March 7, 1988	565			
EFFECTIVE: April 6, 1988				
AMENDED: June 6, 1988	331.2.2	332.1.2		

EFFECTIVE: July 5, 1988

AMENDED: September 19, 1988 1030

EFFECTIVE: October 18, 1988

AMENDED: March 13, 1989 deletion

EFFECTIVE: April 11, 1989

TEXT AMENDED

AMENDED: June 19, 1989 EFFECTIVE: July 19, 1989	332.2.3	332.2.4	332.2.12	443	460.26	554.4		
AMENDED: June 3, 1991 EFFECTIVE: July 3, 1991	544.3	545.3D						
AMENDED: April 6, 1992 EFFECTIVE: May 6, 1992	deletion							
AMENDED: October 4, 1993 EFFECTIVE: November 3, 1993	513	531.8						
AMENDED: December 20, 1993 EFFECTIVE: January 19, 1994	1031							
AMENDED: February 7, 1994 EFFECTIVE: March 9, 1994	1021	1032	1033					
AMENDED: December 4, 1995 EFFECTIVE: January 3, 1996	552.15.C	552.25	552.26					
AMENDED: May 20, 1996 EFFECTIVE: June 19, 1996	541	543						
AMENDED: February 12, 2002 EFFECTIVE: March 14, 2002	410 475	420 481	431 483.3	432 521	450 531.3A	460.3 532.3	470 532.5	
AMENDED: February 12, 2002 EFFECTIVE: March 14, 2002	520	530						
AMENDED: November 17, 2003 EFFECTIVE: December 17, 2003	320	330						
AMENDED: October 3, 2005 EFFECTIVE: November 2, 2005	521	522	524	552.15.B	552.16			
AMENDED: August 6, 2007 EFFECTIVE: September 5, 2007	565							
AMENDED: July 14, 2014 EFFECTIVE: August 13, 2014	542							

**TOWN OF HAMPDEN, MAINE
SUBDIVISION ORDINANCE**

TABLE OF CONTENTS

ARTICLE 100 - DECLARATION OF PURPOSE 4

ARTICLE 200 - AUTHORITY AND ADMINISTRATION 4

 210. Authority 4

 220. Administration and Enforcement 4

ARTICLE 300 - PROCEDURES FOR SUBDIVISION REVIEW 5

 310. Introduction 5

 320. Preapplication Meeting and Submission of a Sketch Plan 5

 330. Review of Major Subdivision 6

 331. Preliminary Plan 6

 332. Final Plan 11

 340. Review of Minor Subdivision 14

345. Review of Private Street Subdivision.....

ARTICLE 400 - IMPROVEMENT GUARANTEES 18

 410. Improvement Guarantees Required 18

 420. Procedure 18

 430. Time Limit 18

 440. Inspection and Certification 18

 450. Release of Guarantee 19

 460. Reduction of Guarantee 19

 470. Incomplete or Unsatisfactory Work 20

 480. Improvement Guarantee Option 20

ARTICLE 500 - GENERAL REQUIREMENTS AND DESIGN 22

STANDARDS

 510. General Requirements 22

 520. Lots 22

 530. Drainage Requirements 23

 540. Open Space and Recreation Land 25

 550. Public Street Standards 27

552. Private Street Standards.....

 560. Utilities 30

 570. Buffer Strip 31

ARTICLE 600 - WAIVER AND MODIFICATIONS OF THESE REGULATIONS 31

ARTICLE 700 - VALIDITY, EFFECTIVE DATE, CONFLICT OF ORDINANCES, AND FILING 31

ARTICLE 800 - AMENDMENTS 32

ARTICLE 900 - APPEALS 32

ARTICLE 1000 - DEFINITIONS 32

ARTICLE 100
DECLARATION OF PURPOSE

The purpose of these standards shall be to assure the comfort, convenience, safety, health, and welfare of the people, to protect the environment, to promote the development of an economically sound and stable community, and to uphold the state Subdivision Law (MRSA) Title 30, Section 4956). This ordinance establishes separate and distinct construction standards and maintenance practices for Public Streets and Private Streets.

ARTICLE 200
AUTHORITY AND ADMINISTRATION

210. Authority - This Ordinance is enacted pursuant to and consistent with Title 30 MRSA Section 4956; the Subdivision Law.

220. Administration and Enforcement

221. This Ordinance shall be known and may be cited as the “Subdivision Ordinance of the Town of Hampden, Maine.”

222. The Planning Board of the Town of Hampden, with the assistance of the code enforcement officer and the Town Manager (as specified in the ordinance) shall administer this Ordinance.

223. The provisions of this Ordinance shall pertain to all land proposed for subdivision as herein defined within the boundaries of the Town of Hampden.

224. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved by the Hampden Planning Board and recorded in the Penobscot County registry of deeds, nor shall such person, firm, corporation or other legal entity sell or convey any land in such approved subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term “permanent marker” includes but is not limited to the following: a granite monument, a concrete monument, an iron pin or a drill hole in ledge. No subdivision plat or plan shall be recorded by the register of deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision for which a plan has not been approved.

225. The Hampden Planning Board, the Town Council of the Town of Hampden, the code enforcement officer, or the Town of Hampden may institute proceedings to enjoin any violations of this Ordinance, and if a violation is found in court, the Town of Hampden may be allowed attorney fees.

226. Any person, firm, or corporation or other legal entity found guilty of a violation of this Ordinance shall be punished by a fine of not more than one thousand dollars (\$1,000) for each such occurrence.

ARTICLE 300
PROCEDURES FOR SUBDIVISION REVIEW

310. Introduction – At the subdivider’s option, an application for subdivision approval may propose one or more Public Streets, one or more Private Streets, or a combination thereof. Proposed subdivisions that include one or more Public Streets shall be reviewed under the procedures set forth in section 320 and section 330, inclusive. Proposed Private Street Subdivisions shall be exempt from section 320 and 330, inclusive, and shall be reviewed under the procedures set forth in section 345.

The subdivider’s application for subdivision approval will not be considered complete until a Final Plan, including all required information, has been submitted to the Planning Board. While the subdivider may submit the Final Plan and all related materials to the Planning Board without any prior contact with the board, the subdivider is encouraged to follow the procedures outlined in this Ordinance. The procedures herein outlined are designed to prevent problems related to the statutory time limits for reviewing complete applications and to provide opportunity for a dialogue between the Planning Board and the subdivider so that the approved subdivision will be designed and built in a manner that fulfills the purpose of this ordinance.

320. Preapplication Meeting and Submission of a Sketch Plan

321. The subdivider shall submit at least twelve (12) copies of a sketch plan and application to the code enforcement officer at least fifteen (15) days in advance of the regularly scheduled meeting at which she/he wishes it to be considered. The subdivider or his/her authorized agent shall be present at the meeting to discuss the proposal with the Planning Board.

322. The purposes of this preapplication conference between the subdivider and the Planning Board are:

1. To classify the subdivision as a major or a minor subdivision.
2. To provide an opportunity for the subdivider and the Planning Board to informally review the subdivider’s ideas for use of the land;
3. To discuss procedures for subdivision review and approval;
4. If road construction is involved in the proposal, to classify the road as either minor or collector;
5. To discuss any apparent potential problems associated with the subdivision; and
6. To arrange for on-site inspection of the subdivision site.

323. The sketch plan shall consist of an outline of the proposed subdivision, drawn on a map drawn to scale, showing the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch. Accompanying the sketch plan shall be a written application which includes a description of existing covenants and easements and zoning; medium intensity soils survey information (obtainable from the Penobscot County Soil Conservation Service); information about available community facilities and utilities on or near the site; information describing the subdivision proposal including the number of residential lots, typical lot width, and depth, plans regarding sewer and water service and road construction; and any proposed nonresidential areas. An application form, available at the town office, shall be used to submit the written information.

324. Other than the classification of the subdivision and the roads, if necessary, no binding commitments shall be made between the subdivider and the board at this stage.

325. The Planning Board shall act on the sketch plan within forty-five (45) days of the time it is submitted and shall notify the subdivider of its action in writing, within fifteen (15) days of its action.

326. Inspection of the site. In order for the Planning Board to be more fully informed about the site, the subdivider shall arrange an inspection of the site with the code enforcement officer and the Planning Board or an individual appointed by the chairman to act as the board's representative for the inspection. The on-site inspection must be considered the next step in the subdivision review process.

330. Review of Major Subdivision

331. Preliminary Plan

331.1. *Purpose* - The purpose of Preliminary Plan review is to give the Planning Board an opportunity to review the subdivider's proposal while it is in the planning stage and to make recommendations to the subdivider as seem appropriate based on state and local laws and regulations. The intent is that all major issues relative to the subdivision will be identified and resolved prior to the submission of the Final Plan.

331.2. Procedure

1. Within six (6) months after classification of the sketch plan as a major subdivision by the Planning Board, the subdivider shall submit an application for the consideration of a Preliminary Plan for a major subdivision. The Preliminary Plan shall substantially conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board.
2. The application for approval of the Preliminary Plan shall be accompanied by a fee paid in accordance with the Town of Hampden Fees Ordinance, payable by check to the Town of Hampden, Maine. *(Amended: 06-06-88, 11-17-03)*
3. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.
4. The time of submission of the Preliminary Plan shall be considered to be the date of the regular monthly meeting of the Planning Board at least forty-five (45) days prior to which fifteen (15) copies of the application for Preliminary Plan approval, complete and accompanied by the required fee and all data required by section 331.3 of this Ordinance shall have been filed with the code enforcement officer. *(Amended: 10-05-87)*
5. A public hearing shall be held by the Planning Board at the time of submission of the preliminary subdivision plan. Said hearing shall be advertised in a newspaper of general circulation in the town at least ten (10) days prior to the hearing. A notice of said hearing shall be mailed to each land owner abutting the proposed development and to each landowner within three hundred (300) feet of the property line of the proposed development. Landowners shall be considered to be those against whom property taxes are

assessed. Failure of any landowner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board. Responsibility for such notification shall be assumed by the code enforcement officer. The applicant shall bear all associated costs of advertisements and notifications. If site plan review is required it shall be combined with this hearing. *(Amended: 05-07-84)*

6. The purpose of the public hearing shall be for the Planning Board to receive testimony from the public and the Town Council relative to any municipal ordinance, standard, or regulation which is applicable to the proposed subdivision and relative to the relationship of the subdivision to the ordinance, standard, or regulation.
7. Within thirty (30) days after the public hearing, the Planning Board shall take action to give preliminary approval, with or without modifications, or to disapprove such Preliminary Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within thirty (30) days of the public hearing shall constitute approval of the Preliminary Plan.
8. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to:
 - A. The specific changes which it will require in the Final Plan;
 - B. Specific information which is over and above that required in section 332.2 of this Ordinance which will be required in the Final Plan review (such additional information must be reasonably related to the review of the subdivision);
 - C. The character and extent of the required improvements for which waivers have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare.
9. Approval of a Preliminary Plan shall not constitute approval of the Final Plan but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any.

331.3. *Submissions* - The preliminary subdivision plan shall be submitted, in the appropriate number of copies, which may be either printed or reproduced on paper. The Preliminary Plan shall be not less than eight and one-half (8-1/2) inches by eleven (11) inches and not more than forty-eight (48) inches by thirty-six (36) inches. The plan shall be drawn to a scale in which one inch equals no more than one hundred (100) feet and shall be oriented so the north direction is the same on all sheets. The Preliminary Plan and supporting data shall include the following information.

331.3.1. *Information About the Applicant*

- | | |
|-----------------------|---------------------------------------------------------------------------------------------------------------|
| <i>map & text</i> | 1. Name of owner indicated on the map plan and in accompanying written information. |
| <i>map & text</i> | 2. Name of applicant (if other than owner) indicated on the map plan and in accompanying written information. |

- text* 3. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of secretary of state's registration in accompanying written information.
- text* 4. Name of applicant's authorized representative in accompanying written information.
- map & text* 5. Name, address, and number of registered professional engineer or land surveyor indicated on the map plan and in accompanying written information.
- text* 6. Address to which all correspondence from the Planning Board should be sent in accompanying written information.
- text* 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.) in accompanying written information?
- text* 8. What interest does applicant have in any property abutting parcel to be subdivided in accompanying written information?
- text* 9. State whether preliminary plat plan covers entire, contiguous holdings of applicant or not in accompanying written information.

331.3.2. Information About the Parcel to be Subdivided

- text* 1. Location of property: Book and page (from register of deeds) in accompanying written information.
- text* 2. Location of property: Map and lot (from assessor's office) in accompanying written information.
- map* 3. Map survey of tract to be subdivided, certified by a registered land surveyor, tied to established reference points (attach to application) indicated on the map plan.
- map & text* 4. Current zoning of property indicated on the map plan and in accompanying written information.
- text* 5. Acreage of parcel to be subdivided in accompanying written information.
- map & text* 6. A soils report, identifying soil types and location of soil test areas indicated on the map plan. Evidence of soil suitability according to the Maine State Plumbing Code shall be presented if subsurface sewage disposal is proposed. There shall be at least one (1) soil test per lot if subsurface sewage disposal is proposed.
- map* 7. Names of property owners abutting parcel to be subdivided, and on opposite side of any road from parcel to be subdivided indicated on the map plan.
- map & text* 8. Indicate the nature of any restrictive covenants to be placed on the deeds indicated on the map plan and in accompanying written information.

331.3.3. *Information About the Subdivision*

- | | |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>map & text</i> | 1. Proposed name of subdivision indicated on the map plan and in accompanying written information. |
| <i>map & text</i> | 2. Number of lots and lot sizes indicated on the map plan and in accompanying written information. |
| <i>map</i> | 3. Date, north point, graphic map scale indicated on the map plan. |
| <i>map</i> | 4. Proposed lot lines with approximate dimensions and suggested locations of buildings, subsurface sewage disposal systems, and wells indicated on the map plan. |
| <i>map & text</i> | 5. Location of all parcels to be dedicated to public use and the conditions of such dedication indicated on the map plan and in accompanying written information. |
| <i>map</i> | 6. A location map, drawn at a scale in which one (1) inch equals no more than five hundred (500) feet, showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area indicated on the map plan. The location map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision (attach to application). |
| <i>map</i> | 7. Location and size of significant existing physical features including but not limited to wetlands, floodplains, watercourse, rock outcrops and trees of twelve-inch caliper diameter at chest height indicated on the map plan. |
| <i>map</i> | 8. Location and size of any existing sewers, watermains, culverts and drains on the property indicated on the map plan. |
| <i>map</i> | 9. Location, names and widths of existing and proposed streets, highways, easements, building setback lines, parks and other open spaces indicated on the map plan. |
| <i>map</i> | 10. Contour lines at an interval of not more than two (2) feet in elevation, unless otherwise specified by the Planning Board indicated on the map plan. All elevations shall be referred to USGS datum. |
| <i>map</i> | 11. Typical cross-sections of proposed grading for roadways and sidewalks, including materials to be used on roadways and sidewalks indicated on the map plan. |
| <i>map</i> | 12. Storm drainage plan indicating the approximate location and size of proposed lines, catch basins and means of disposal indicated on the map plan. |
| <i>map</i> | 13. The approximate location and size of all proposed water and sewer lines, valves, pump stations and hydrants. Also connections to existing sewer and water systems or alternative methods of water supply and sewage disposal shall be shown indicated on the map plan. |
| <i>map</i> | 14. Location of all other existing and proposed utilities such as electricity and telephone indicated on the map plan. |

- map* 15. Location and type of landscaping including natural growth to be left in place and nursery stock to be planted indicated on the map plan. This information may be indicated on a Preliminary Plan print.
- map* 16. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale in which one (1) inch equals not more than five hundred (500) feet showing an outline of the subdivided area with its proposed streets and an indication of the probable future street system in the remaining portion of the tract indicated on the map plan. The part of the subdivider's holding submitted, shall be considered in light of the entire holding.
- map* 17. If the preliminary application covers more area than the Final Plan will cover, a map showing the phasing of the entire project, drawn at a scale in which one inch equals not more than five hundred (500) feet and indicating the proposed timing of each phase indicated on the map plan.

332. *Final Plan*

332.1. *Procedure*

1. Within six (6) months of the date of Planning Board action on the Preliminary Plan, the subdivider shall submit the Final Plan to the Planning Board. Failure to submit the Final Plan within the designated time period shall require resubmission of the Preliminary Plan to the Planning Board. However, the subdivider may submit a Final Plan for only part of the subdivision approved in the Preliminary Plan. In that case, each successive phase shall be submitted within three (3) years of the date of approval of the preceding phase. The Final Plan shall consist of two (2) original transparencies of all maps or drawings and fifteen (15) copies of all items necessary to complete the submission. *(Amended: 10-05-87)*
2. The application for approval of the Final Plan shall be accompanied by a fee paid in accordance with the Town of Hampden Fees Ordinance. The cost of the following improvements shall be included in the calculation of cost: sewer, storm drainage, and/or street work. The subdivider shall be responsible for providing the Town Manager with an estimate of construction cost, prepared by an engineer acceptable to the Town Manager. The Town Manager shall be responsible for certifying the acceptability of the estimate. *(Amended: 06-06-88, 11-17-03)*
3. The subdivider, or his duly authorized representative shall attend the meeting of the Planning Board to discuss the Final Plan.
4. The time of submission of the Final Plan shall be considered to be the date of the regular monthly meeting of the Planning Board at least forty-five (45) days prior to which the complete application, accompanied by the required fee, shall have been filed with the code enforcement officer. The Planning Board shall issue the subdivider a dated receipt for the Final Plan at the time of submission of the Final Plan. *(Amended: 10-05-87)*
5. Within thirty (30) days from receipt of a Final Plan, the Planning Board shall notify the subdivider in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed, it shall notify the subdivider and begin its full evaluation of the proposed subdivision.
6. Prior to submitting the Final Plan, the subdivider shall file an improvement guarantee with the Town Manager. The purpose of the guarantee is to insure that all required subdivision improvements shall be satisfactorily completed. The amount and form of the guarantee shall be that defined under Article 400 of this Ordinance.
7. *Public hearing* - The board may vote to hold a public hearing on the proposed subdivision. If so, such hearing shall be held within thirty (30) days of having received a complete Final Plan (as determined under section 332.1 item 5.). The manner described in section 331.2 item 5 of this Ordinance. The purpose of the public hearing shall be for the Planning Board to receive testimony from the public relative to any municipal or state ordinance, standard, or regulation which is applicable to the proposed subdivision and the relationship of the subdivision to the ordinance, standard, or regulation.
8. *Review and Action on Final Plan* - The board shall, within thirty (30) days of a public hearing; or within sixty (60) days of having received a complete application, if no public

hearing is held; or within such other time limit as may be mutually agreed to by the board and the subdivider, review the application and deny or grant approval of the proposed subdivision, or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in these regulations and state law and to preserve the public's health, safety, and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Planning Board shall make findings of fact establishing that the proposed subdivision does or does not meet the provisions of these regulations and the state subdivision law.

9. Upon approval of the plan, at least a majority of the board members present and eligible to vote shall sign both transparencies. The date and any conditions of approval shall be written on both transparencies. One signed transparency shall be returned to the subdivider for filing with the registry of deeds and one signed transparency shall be retained by the Planning Board. The Planning Board shall maintain a permanent record of their action with respect to the Final Plan.
10. No changes, erasures, modifications, or revisions shall be made in any subdivision plan after approval has been given by the Planning Board and endorsed, in writing on the plan unless the plan is first resubmitted to the Planning Board and the board approves the modifications. In the event that any such subdivision plan is recorded without complying with this requirement, the same shall be considered null and void, and the board shall institute proceedings to have the plan stricken from the records of the registry of deeds.
11. The subdivider shall file a signed subdivision plan at the Penobscot County registry of deeds within ninety (90) days of the approval. Any plan not filed within ninety (90) days will be considered null and void unless the particular circumstances of said subdivider or subdivision warrant the Planning Board to grant an extension which shall not exceed two (2) additional ninety-day periods.

332.2. *Submissions* - The Final Plan shall be submitted in the appropriate number of paper and transparent copies. The Final Plan shall be not less than eight and one-half (8-1/2) inches by eleven (11) inches and not more than forty-eight (48) inches by thirty-six (36) inches. The plan shall be drawn at a scale in which one inch equals no more than one hundred (100) feet and shall be oriented so the north direction is the same on all sheets. In addition to all items required on the Preliminary Plan and information requested by the Planning Board during the Preliminary Plan review, the following items shall be required as part of the Final Plan submission unless otherwise indicated by the Planning Board.

- map* 1. *Registered Land Surveyor or Engineer* The name, registration number, seal and signature of the surveyor and/or engineer who prepared the plan. This information shall be on all sheets including cross-section and profile sheets also indicated on the map plan.
- map* 2. *Streets* - The names and lines, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings indicated on the map plan.
- map* 3. *Street Profiles and Details* - Profiles of centerlines of proposed new streets on sheets separate from the plat, at a horizontal scale on one inch equals 40 feet and vertical scale of one inch equals four (4) feet; profiles of all proposed sewers shall be shown on street profiles, when applicable, at the same scale. All elevations shall refer to USGS datum

- text* 12. *Accompanying Data* - The plans shall show the proposed location of all utilities (ie. Water, sewer, electrical, telephone) with written letters from each respective utility indicating their approval for the proposed design and location as shown on the plans. Also there shall be a letter from the Fire Chief approving the number, size and location of hydrants proposed and a letter from the Town Manager indicating the Town's approval of rental charges in accompanying written information. *(Amended: 06-19-89)*
- text* 13. *Easements* - If any easements have been required by the Planning Board, title to the easement, drawn up in a form and substance acceptable to the town or the Hampden Water District if applicable) shall be provided to the town (or the Hampden Water District if applicable) by the subdivider before final approval is granted in accompanying written information.

340. Review of Minor Subdivision

341. *General* - The Planning Board may require, in advance, where it deems it necessary for the protection of public health, safety and welfare, that a minor subdivision or a minor subdivision plan comply with all or any of the requirements specified for major subdivision or major subdivision plans.

342. Procedure

1. Within six (6) months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a subdivision plan. The subdivision plan shall substantially conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board.
2. The application for approval of a minor subdivision shall be accompanied by a fee paid in accordance with the Town of Hampden Fees Ordinance payable by check to the Town of Hampden, Maine. *(Amended 11-17-03)*
3. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the subdivision plan.
4. The time of submission of the subdivision plan shall be considered to be the date of the regular monthly meeting of the Planning Board, at least fifteen (15) days prior to which the application, complete and accompanied by the required fee has been filed with the code enforcement officer. The Planning Board shall issue the subdivider a dated receipt for the subdivision plan at the time of submission of the subdivision plan.
5. Fifteen (15) paper copies and two (2) transparent copies of the subdivision application, containing all information required in section 343 of this Ordinance shall be submitted. *(Amended: 10-05-87)*
6. Within thirty (30) days from receipt of a subdivision plan, the Planning Board shall notify the subdivider in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed it shall notify the subdivider and begin its full evaluation of the proposed subdivision.

7. In the event that the Planning Board determines to hold a public hearing on the proposed subdivision, it shall hold such public hearing within thirty (30) days of having received a complete subdivision application, and shall cause notice of the date, time and place of such hearing to be given to the subdivider and to be published in a newspaper of general circulation in Hampden at least two (2) times, the date of the first publication shall be at least seven (7) days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision the Planning Board may consider the size and location of the subdivision, its community impact, and whether any written requests for such hearing have been received.
8. The Planning Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of the time of submission, if no hearing is held, or within such other time limit as may be mutually agreed to, issue an order denying or granting approval of the proposed subdivision, or granting approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in these regulations and in Title 30, MRSA, section 4956, the state subdivision law, and to preserve the public's health, safety, and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Planning Board shall make findings of fact establishing that the proposed subdivision does or does not meet the provisions of these regulations and the state subdivision law.
9. Upon approval of the plan, at least a majority of the board members present and eligible to vote shall sign both transparencies. The date and conditions of approval shall be written on both transparencies. One signed transparency shall be returned to the subdivider for filing with the registry of deeds and one signed transparency shall be retained by the Planning Board. The Planning Board shall maintain a permanent record of their action with respect to the subdivision.
10. No changes, erasures, modifications, or revisions shall be made in any subdivision plan after approval has been given by the Planning Board and endorsed, in writing on the plan, unless the plan is first resubmitted to the Planning Board and the board approves the modifications. In the event that any such subdivision plan is recorded without complying with this requirement, the same shall be considered null and void and the board shall institute proceedings to have the plan stricken from the records of the registry of deeds.
11. The subdivider shall file a signed subdivision plan at the Penobscot County Registry of Deeds within ninety (90) days of the date of approval. Any plan not filed within ninety (90) days will be considered null and void unless the particular circumstances of said subdivider or subdivision warrant the Planning Board to grant an extension which shall not exceed two (2) additional ninety (90) day periods.
12. If the Planning Board fails to take action within thirty (30) days of a public hearing or within sixty (60) days of the time of submission of a complete subdivision plan, if no hearing is held, or within the mutually agreed to time, as specified above, the subdivision plan shall be deemed disapproved.

343. *Submissions* - The subdivision plan of a minor subdivision shall be submitted in appropriate number of paper and stable transparent copies. The subdivision plan shall be not less than eight and one-half (8-1/2") inches by eleven (11") inches and not more than forty-eight (48") inches by thirty-six (36") inches. The plan shall be drawn at a scale in which one inch equals no more than one hundred (100') feet and shall be oriented so the north direction is the same on all sheets.

The application for approval of a minor subdivision shall include all of the following information:

343.1. *Information About the Applicant*

- map & text* 1. Name of owner indicated on the map plan and in accompanying written info.
- map & text* 2. Name of applicant (if other than owner) indicated on the map plan and in accompanying written information.
- text* 3. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of secretary of state's registration in accompanying written information.
- text* 4. Name of applicant's authorized representative in accompanying written information.
- map* 5. Name, address, seal, signature, and number of the land surveyor who prepared the plan indicated on the map plan.
- text* 6. Address to which all correspondence from the Planning Board should be sent in accompanying written information.
- text* 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.) in accompanying written information?
- text* 8. What interest does the applicant have in any property abutting parcel to be subdivided in accompanying written information.

343.2. *Information About the Parcel to be Subdivided*

- text* 1. Location of property: book and page (from register of deeds) in accompanying written information.
- text* 2. Location of property: map and lot (from assessor's office) in accompanying written information.
- map & text* 3. Current zoning of property indicated on the map plan and in accompanying written information. Show location of zone boundaries on the parcel if any zone boundary crosses the parcel.
- text* 4. Acreage of parcel to be subdivided in accompanying written information.
- map* 5. Names of property owners abutting parcel to be subdivided, and on opposite side of any road from parcel to be subdivided as per tax assessor's records indicated on the map plan.

- map & text* 6. Indicate the nature of any covenants or deed restrictions which are intended to cover all or part of the tract indicated on the map plan and in accompanying written information.
- map & text* 7. An actual field survey of the boundary lines of the parcel, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and shall be marked by permanent monuments, and shall be referenced and shown on the plan indicated on the map plan and in accompanying written information.
- map* 8. Location of any watercourses, floodplain, wetland, or unique natural features on the parcel indicated on the map plan.

343.3. *Information About the Subdivision*

- map* 1. Proposed name of subdivision indicated on the map plan.
- map & text* 2. Number of lots and lot sizes indicated on the map plan and in accompanying written information.
- map* 3. Date, north point, graphic map scale indicated on the map plan.
- map* 4. The location of permanent monuments or pins, set at all lot corners and identified as existing or proposed indicated on the map plan.
- map* 5. The location, bearing and length of every lot line with all lots to be numbered in accordance with the property maps of the Town of Hampden indicated on the map plan.
- map* 6. Suitable space to record on the approved plan the date and conditions of approval, if any. This space shall be similar to the following example:

(Additional Suggested Text)

This is to certify that after reviewing the subdivision submission information for the subdivision shown on this plan and considering each of the criteria set forth in M.R.S.A. Title 30-A, Section 4404 (as amended) and in the Hampden Subdivision Ordinance, the undersigned have made findings of fact establishing that this subdivision plan along with its additional submission information has met all the criteria set forth and therefore the subdivision is approved.

Approved: Town of Hampden Planning Board

_____,
Chairman

Date Approved: _____
Date Signed: _____
Conditions: _____

- map* 7. Soils report. A soils report, identifying soil types and location of soil test areas. If subsurface sewage disposal is to be used, evidence of soil suitability for subsurface sewage disposal as determined by the Maine Plumbing Code shall be presented. There shall be at least one soils test per lot.
- map* 8. Location and name of existing public streets and way.

345. Review of Private Street Subdivision

346. Procedure

1. Upon receipt of an application, the Town Planner may refer the application to the _____ Public Works Director for review and comment prior to scheduling the application before the Planning Board.
2. The application for approval of a Private Subdivision Plan shall be accompanied by a fee paid to defray costs of inspection, plan review, administration and enforcement of this Ordinance, in accordance with the Town of Hampden Fees Ordinance, payable by check to the Town of Hampden, Maine.
3. The Public Works Director shall report in writing to the Planning Board as to whether or not the proposed private street conforms to the standards and specifications of this Ordinance. Said report may include any suggested conditions to be attached _____ to the approval/ Permit that, in the Public Works Director's judgment, are necessary to achieve the intent of this Ordinance.
4. The Planning Board shall consider the application, the Public Works Director's report, and all other relevant information in determining whether to grant the approval of the application. If the information submitted by the applicant does not establish that the proposed private street will conform to the standards and specification of the Ordinance, the Planning Board shall not grant the approval. The Planning Board shall impose such conditions on the approval of the application as it deems necessary to achieve the intent and objectives of this Ordinance, which may include, but need to be limited to, conditions suggested by the Public Works Director. The breach of any such condition proposed by the Planning Board shall automatically invalidate the approval.
5. As a condition to the granting of any approval under this Ordinance, the Planning Board shall require that the applicant deposit with the Public Works Director a sum of money, bank letter or credit or certified check, in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the payment of required fees. Upon completion of all improvements required by this Ordinance, any unused portion of the deposit shall be refunded to the applicant.
6. Upon receipt of the required deposit and predetermined fees and approval, the Code Enforcement Officer shall issue the Permit/Approval pursuant to the terms _____ established by the either the Planning Board approving the application.
7. Only the Planning Board shall have the authority to approve or deny applications for a private street.

347. Submissions - Each application for a Private Street Subdivision shall be accompanied by completed plans labeled "plan of a private way" prepared and sealed by civil engineer or land surveyor registered in the State of Maine, which include information contained herein. Where the required information is incorporated in the overall site plan of a development, separate road plans shall not be required.

The application and plans for a Private Street shall include all of the following information:

1. An approval block for the signatures of the board members. A copy of the signed standard boundary survey of the roadway shall be included in the documentation.
2. The names and addresses of the lot or parcel owners to be served by the Private Street.
3. A vicinity map of a minimum scale of one inch equals two thousand feet (1"= 2,000'), showing the location of the Private Street, any access roads and cross streets, road names, scale, and a north arrow.
4. Existing topography at two (2) foot contour intervals for the portions of the site sufficient to determine drainage from the Private Street easement to a suitable storm water outlet.
5. Proposed improvements (including but not limited to, roads, sewers, and ditches) shown on plan and profile indicating all materials, grades, dimensions, and bearings in compliance with the standards set forth in this Ordinance relative to Private Streets. The plans shall also show all existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and Private Streets.
6. The plan shall delineate the proposed way(s) and each of the lots to be served by the private way(s), the location of existing buildings on the lots or parcels being served or intended to be served by the private way(s), as well as, any existing buildings or structures in or adjacent to any proposed road right-of-way. Lots shall conform to zoning requirements for size, frontage, and setbacks for the area in which they are located. The land within the right-of-way of an approved Private Street shall not be used to meet the area requirements of any lot obtaining frontage from the Private Street.
7. A street plan and an erosion control plan is required for a single lot Private Street. A street plan, cross section, erosion control, utility plan, and drainage plan shall be submitted for each private way serving two or more lots. The utility plan should contain the following information: locations and size of existing and proposed utility connections, including sewer, water, power, telephone, stormwater drainage systems, power poles, light poles, and nearest hydrant(s).
8. A complete statement of all the terms and conditions of the proposed road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway. Furthermore, said maintenance agreements shall be in such form to be recordable with the Penobscot Registry of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the Private Street pursuant to the specifications of this Article, including, but not limited to, the responsibility of removing snow from said roads. The recorded statement which runs with the land, shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Town of Hampden.
9. The plan shall bear notes that the Town of Hampden will not be responsible for the maintenance, repair, or plowing of the private way and that further lot divisions utilizing the private way are prohibited without prior approval of the Planning Board.
10. Appropriate deed restrictions and/or master deed provisions shall provide for free and clear vehicular access for emergency service vehicles on all private roads. All Private Streets shall comply with the Town of Hampden E911 Addressing Ordinance.

ARTICLE 400
IMPROVEMENT GUARANTEES

410. Improvement Guarantees Required

Before the submission of a Final Plan, the subdivider in all major subdivisions as defined in Article 1024 shall provide the town with improvement guarantees, in the form of one or more of the guarantee options listed below in an amount that will cover at least one hundred (100) percent of the cost of completing the improvements, including sewer, water, storm drainage, or street work, should the subdivider fail to complete the required improvements or fail to complete them satisfactorily in accordance with the approved final subdivision plan. Furthermore, the subdivider shall guarantee the improvements against all defects from materials and/or workmanship for a period of one year from the date of acceptance thereof by the Town. *(Amended 02-12-02)*

420. Procedure

The subdivider shall file with the Town Manager a proposed improvement guarantee (including a written guarantee agreement) and the Town Manager shall determine whether the form, amount, and the duration of the improvement guarantee are sufficient. In the event the Town Manager refuses to approve the proposed improvement guarantee as filed by the subdivider, he/she shall so inform the subdivider and shall inform the subdivider of his/her reasons for rejecting the guarantee. This shall be done in writing. In the event the Town Manager approves the proposed improvement guarantee as filed by the subdivider, he/she shall notify the Planning Board. The Planning Board shall not grant final approval until it has received such notification from the Town Manager. The burden of submitting improvement guarantees in compliance with this Ordinance shall at all times remain with the subdivider. *(Amended 02-12-02)*

430. Time Limit

431. *Completion Deadline.* All required improvements within a major subdivision shall be completed within two (2) years of final subdivision approval. The improvement guarantee must provide performance protection to the town during said two-year period plus at least eighteen (18) months following the expiration of the two-year period. The additional eighteen-month period is required as protection to the town in the event the subdivider fails to complete the required improvements and for the one year guarantee period. *(Amended 02-12-02)*

432. *Extension.* The Town Manager may extend the completion deadline for two (2) additional years at one-year increments only where the subdivider presents substantial reason for doing so. No request for extension shall be considered until at least six (6) months prior to the original or extended completion deadline. Before extending the initial deadline or the initial extension, the Town Manager shall require that the improvement guarantee be extended in duration to cover the extended period of time, plus an additional eighteen month period. Before extending the initial deadlines, or the initial extension, the Town Manager shall review the form and amount of the improvement guarantee to make certain it remains adequate. *(Amended 02-12-02)*

440. Inspection and Certification

441. Prior to the initiation of construction, a pre-construction conference will be held with the subdivider, Public Works Director, Hampden Water District (if applicable), Community and Economic Development Director and Code Enforcement Officer. Evidence of issuance of required state and local permits shall be provided by the subdivider at the time of the meeting.

442. The Town Manager or his/her duly appointed representative shall regularly inspect the construction of the required improvements for defects. The subdivider shall cooperate with the Town Manager or his/her representative who is carrying out these inspections. Upon completion of the improvements the Town Manager shall notify the subdivider and the Planning Board, in writing, that the improvements have or have not been satisfactorily completed according to the approved final subdivision plan. If the improvements have not been satisfactorily completed, the Town Manager shall provide a written list of the defects.

443. Upon completion of the improvements, the subdivider shall file the following with the Town Manager:

1. A statement from the subdivider's engineer that all required improvements are completed in strict compliance with all applicable construction standards and the approved subdivision plan; and that the engineer knows of no defects from any cause, in the improvements;
2. All site improvements with the exception of final paving are completed to the satisfaction of the Town Manager or his/her representative.

444. No final inspection will be conducted by the Town Manager between November 15th and April 15th. This does not prohibit council acceptance of improvements inspected between April 15th and November 15th. (*Amended: 06-19-89*)

445. The costs of inspections, including the costs of review by a third party engineer if needed, shall be paid by the subdivider prior to the issuance of the certification of completion. The Public Works Director shall establish and determine the costs of inspection. If the subdivider does not directly pay the costs of inspection, the same shall be paid from the deposit established by the Public Works Director and held by the Town, and the balance, if any, shall be returned to the subdivider.

446. Private Streets need to be inspected by the Town's staff or designee during the construction process. If the owner did not include the Town's staff in the construction process and wished to have the Private Street serve as frontage for one or more newly created lots at a later date, the owner would need to hire at the owner's expense a professional engineer licensed in Maine to inspect the roadway and to certify that the road has been constructed according to the Private Street standards in this Ordinance.

450. Release of Guarantee

As soon as the Town Manager or his/her authorized representative has inspected the improvements and certified that they are satisfactorily completed, the subdivider has filed the letter required in Section 442 of this Ordinance with the Town Manager, and the one year guarantee period has expired, the Town Manager shall release the previously required improvement guarantee to the subdivider. (*Amended 02-12-02*)

460. Reduction of Guarantee

1. When all required improvements have been substantially and satisfactorily completed, the Town Manager may release up to fifty (50) percent of the improvement guarantee. The improvement guarantee shall be reduced in value by no more than fifty (50) percent until all required improvements are satisfactorily completed.

2. Conditional acceptance may be authorized providing:
 - A. All site improvements with the exception of final paving are completed to the satisfaction of the Town Manager or his/her representative.
 - B. The binder pavement layer is placed on all areas proposed to be paved.
 - C. The developer supplies the Town Manager with an improvement guarantee (article 410), documented by a written estimate from a reputable paving contractor, for the placement of the final finished pavement layer. Said guarantee shall be released in accordance with Section 450. *(Amended: 06-19-89)*
3. Upon acceptance of the improvements by the Town, the Town Manager shall release up to eighty-five (85) percent of the improvement guarantee, and shall release the remaining portion fourteen (14) months after acceptance of the improvements by the Town, unless the Town Manager has provided notice of a guarantee claim pursuant to Section 475, in which case the guarantee shall remain in place until any such claims have been resolved to the satisfaction of the Town Manager. *(Amended 02-12-02)*

470. *Incomplete or Unsatisfactory Work*

If the Town Manager determines, according to the procedures laid out in section 440 of this Ordinance, that the improvements have not been satisfactorily completed according to the accepted subdivision plan, within the agreed upon time, he/she shall inform the subdivider in writing of the town's intent to exercise its rights against the improvement guarantee, he/she shall exercise any and all such rights; and may cause the incomplete or unsatisfactory work to be completed. Any guarantee assets unused in the completion of the unsatisfactory or incomplete work may be returned to the subdivider at the discretion of the town. (Amended 02-12-02)

475. *Defective Improvements.* If the Town Manager, or designee, determines that the improvements suffer from defective workmanship or materials, the Town Manager, or designee, shall notify the subdivider in writing of the defects by not later than 30 days after the expiration of the one year guarantee period. If the defects are not corrected to the satisfaction of the Town Manager within 60 days after the issuance of the notice to the subdivider, the Town Manager, or designee, shall inform the subdivider in writing of the Town's intent to exercise its rights against the improvement guarantee, shall exercise any and all such rights, and may cause the defective workmanship or materials to be corrected. Any guarantee assets unused in the correction of any defects may be returned to the subdivider at the discretion of the Town. (Amended 02-12-02)

480. *Improvement Guarantee Option*

481. *Performance Bond* - Under this improvement guarantee option, the subdivider shall obtain a subdivision bond from a surety bonding company authorized to do business in the State of Maine. The bond shall be payable to the Town of Hampden and shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered professional engineer and as approved by the Town Manager. (Amended 02-12-02)

482. *Property Escrow* - Under this improvement guarantee option, the subdivider shall provide as a guarantee personal property, including stocks and bonds. The value of such property shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered professional engineer and as approved by the Town Manager.

482.1. *Personal Property Escrow* - If personal property is proposed for the improvement guarantee, the subdivider must comply with the following requirements:

1. The subdivider shall provide the town with evidence of the value of the personal property satisfactory to the Town Manager.
2. The subdivider shall, at his/her expense, provide the town with a title opinion from an attorney, satisfactory to the town, that there exists no outstanding recorded security interest in said property; the subdivider shall provide the town with evidence, satisfactory to the Town Manager, of ownership of the proposed property.
3. The subdivider shall enter into an agreement with the town and execute a security interest in favor of the town, which shall be filed as required by law; said agreement shall provide that the ownership of the property shall be transferred to the town, unless the subdivider satisfactorily completes the required improvements in accordance with this Ordinance and with the approved final subdivision plan. Said agreement and security interest shall contain such additional provisions as may be required by the Town Manager.

4. In the case of stocks, bonds, or other securities, the subdivider shall deliver to the town or its designated trustee the original certificate for said security, together with a stock or bond power endorsed in blank by the subdivider authorizing the transfer of ownership on the books of the corporation. In the case of other personal property, the subdivider shall deliver to the town, or its designated trustee, the personal property together with a satisfactory security interest in such property.
5. In the case of stocks, bonds, or other securities, the Town Manager may require that the value of said securities exceed the estimated cost of the required improvements in order to protect the town from market fluctuations, or may at his/her option reject stocks, bonds or other securities that in his opinion do not provide the town with satisfactory security.

483. *Letter of Credit* - Under this improvement guarantee option, the subdivider shall provide, as a guarantee, an irrevocable letter of credit from a bank or other reputable institution satisfactory to the Town Manager, such letter of credit to be in form satisfactory to the Town Manager. The amount of such letter of credit shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered professional engineer and as approved by the Town Manager. The letter of credit shall be deposited with the Town Manager and shall certify the following:

1. That the creditor does guarantee funds in an amount equal to the costs as estimated for the subdivider by a registered professional engineer and approved by the Town Manager, of completing all required improvements;
2. That, in case of failure on the part of the subdivider to complete the specified improvements satisfactorily within the required time period, the creditor shall pay to the Town of Hampden immediately, and without further action, such funds as are necessary to finance the proper completion of these improvements, up to the limit of credit stated in the letter. (*Amended 02-12-02*)

484. *Cash Escrow* - Under this improvement guarantee option, the subdivider shall provide as a guarantee, cash held in an account at a bank or other reputable institution subject to the approval of the Town Manager. The amount of cash shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered professional engineer and approved by the Town Manager. The subdivider shall enter into an agreement with the town that shall stipulate the terms under which a cash escrow may be accepted by the town.

ARTICLE 500
GENERAL REQUIREMENTS AND DESIGN STANDARDS

In considering applications for subdivisions of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article 600 of this Ordinance.

510. General Requirements

511. *Conformity with other laws and regulations.* All proposed subdivisions shall be in conformity with the comprehensive plan of the Town of Hampden, as amended, and with the provisions of all pertinent state and local codes, ordinances, laws, and regulations.

512. *Character of the land.* Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. The Planning Board shall not approve such portions of any proposed subdivision that are located on land below sea level, within the one-hundred-year frequency floodplain, on wetland which must be filled or drained, on land created by diverting a watercourse, or on land subject to slumping, mass wasting, or land slides. In no instance shall the Planning Board approve any part of a subdivision located on filled tidal land.

513. *Soils* - Subdivisions which contain poor soils due to organic materials, clays, or seasonal high water table (less than 24 inches below grade) shall provide appropriate construction techniques, including but not limited to, underdrains and geotextiles in public road construction. The same construction techniques may be required of Private Streets if the Director of Public Works or his/her designee determines, based on inspection, that these techniques are needed based on soil quality. (Amended: 10-04-93)

520. Lots

521. *Lots to be Buildable* - The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance there will be no foreseeable difficulties as a result of other natural conditions. Lots should not be of such dimension as to later encourage the creation of a second building lot out of the first. Land area delineated as freshwater wetlands, located between the upper edges of perennial or intermittent streams, or designated for stormwater detention facilities shall not be included as lot area for the purpose of the minimum lot area requirement applicable to the subdivision lots. (Amended 10-03-05)

Notwithstanding the provisions of this subsection, non-cluster Rural District lots comprised of less than two acres of upland may be approved if the Planning Board finds that the lot contains a minimum of one acre of generally contiguous upland area, not delineated as freshwater wetlands, and determines that the lot is suitable for development. (Amended 10-03-05)

Notwithstanding the provisions of this subsection, commercial and industrial subdivisions are exempted from this provision. (Amended 02-12-02)

522. *Side Lines* - All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a waiver from or modification of this rule will give a better street or lot plan.

Notwithstanding this subsection, variations to the right angle/radial of the street line are encouraged where the Planning Board determines that variations of no more than 20 degrees will improve the layout of the lots by meeting one or more of the following objectives: Simplification of lot layouts by elimination of unnecessary property corners, foster creation of parallel side lot lines, foster improved solar access, accommodation of pre-existing features such as perimeter property lines or natural physical features such as wetlands and drainage ways. It is not the intent of the side lines rule to promote the placement of additional pins and monuments located in close proximity to the front property line. *(Amended 10-03-05)*

523. *Corner Lots* - In general, corner lots should be larger than interior lots to provide for proper building setback from each street and to provide a desirable building site.

524. *Lot Frontage* - Lot frontage shall be deemed acceptable only if it is on a road or street as defined in the Hampden Zoning Ordinance, or on a Private Street approved and constructed pursuant to the standards in this Ordinance. Tie lines must be shown at the front setback line to demonstrate that the lot meets the frontage requirement of the zoning district at the setback unless the lot frontage exceeds the minimum frontage requirement by at least five feet. *(Amended 10-03-05)*

530. Drainage Requirements

531. *General* - The subdivider will be required to provide surface water and storm drainage management facilities appropriate to the finished subdivision. The following requirements must be met for both minor and major subdivisions. Minor subdivisions of single family dwellings in the Rural District and Private Street Subdivisions are exempt from the following requirements.

1. A storm water management system will be designed to infiltrate, detain or retain water falling on the site during a design storm, such that the post-development peak discharge and runoff shall not exceed the peak discharge and runoff from the site prior to the development.
2. Pipe systems shall be designed to pass the peak discharge of a ten-year frequency, twenty-four-hour duration storm. Open channel systems shall be designed to contain a design storm. In addition, areas expected to be flooded by the design storm will be indicated on the plans, and be considered part of the drainage and storm water management system.
3. The storm water management system will take into consideration the upstream discharge and runoff which must pass over or through the development site. The system will be designed to pass upstream discharge and runoff, generated by the design storm, through the proposed development without overloading the system or flooding areas not specifically planned for such flooding.
 - A. The surface water and stormwater management system shall be designed so that no water shall be stored in any ditches or drainage ways located along streets or roads during a 10 year, 24 hour storm event. *(Amended 02-12-02)*
4. Urban development which provides public sewer and water service shall be designed to handle storm water drainage by means of an enclosed system with catch basins. Where necessary to control storm water, asphalt curbing may be required.
5. Materials and Installation

- A. Pipe Culverts and Storm Drains - Shall conform to Section 603 of the Maine Department of Transportation (MDOT) Standard Specifications for Bridges and Highways, 1990 or current version.
 - B. Manholes and Catch Basins - Shall conform to Section 604 of the MDOT Standard Specifications for Bridges and Highways, 1990 or current version.
- 6. Drain inlet alignment shall be straight in both horizontal and vertical alignment, unless specific approval of a curvilinear drain is obtained in writing from the Public Works Director ~~after consultation with the Municipality's Engineer.~~
 - 7. Manholes/catch basins shall be provided at all changes in vertical and horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.
 - 8. Upon completion, each catch basin or manhole shall be cleaned of all accumulated silt, debris, or foreign matter until public acceptance. *(Amended: 10-04-93)*

532. *Approvals* - Applications for approval of all proposed subdivisions shall include documentation that demonstrates that there will be no unreasonable effects on runoff/infiltration relationships. This documentation shall include the following, as appropriate:

- 1. The proposed storm water management system shall be designed by a professional engineer experienced in the design of storm water systems. The designer of the system will evaluate the effectiveness of various storm water methods and develop and make available for review the hydraulic calculations. These calculations will be based on accepted engineering practices and must demonstrate that the requirements of section 531 will be met.
- 2. Where permanent embankment-type storage or retention basins are planned, the basins shall be designed in accordance with good engineering practices, such as outlined in the current Soil Conservation Service Engineering Field Manual or other appropriate references.
- 3. Rights-of-way or easements will be designated for all components of the drainage and storm water management system lying outside the established street lines. Stormwater detention facilities shall not be located on lots but on separate parcels to be conveyed to the town or provided for by easement to include provisions for suitable annual maintenance by the town, if for a Public Street, or by a private party, if for a Private Street. All rights-of-way and easements for drainage and storm water management facilities for Public Streets will be turned over to the town upon town acceptance of the road(s). Notwithstanding the provisions of this subsection, commercial and industrial subdivisions, and Private Street Subdivisions, are exempted from the provision requiring that stormwater detention facilities be separated from lots and conveyed to the Town. *(Amended 02-12-02)*
- 4. The developer shall certify in writing that all components of the storm water management system will be maintained until the system is formally accepted by the municipality or a quasi-municipal district, or is placed under the jurisdiction of a legally created association that will be responsible for the maintenance of the system.
- 5. The storm water management system will be fully coordinated with the project site plans, including consideration of street patterns, pedestrian ways, open space, building siting, parking areas, recreational facilities, and other utilities. Stormwater drainage channels shall be directed to run along property lines to avoid driveway and other utility crossings. *(Amended 02-12-02)*

6. When the construction of a development is to occur in phases, the planning of the storm water management system shall encompass the entire site which may ultimately be developed, and shall not be limited to an initial or limited phase of the development. *(Amended: 11-18-85)*

540. *Open Space and Recreation Land* - All major subdivisions shall be required to set aside land for open space and recreation or to provide cash in lieu of land. The primary intent of this section is to provide open space and recreation land in all areas of the community. It is understood that not all developments will have land suitable for open space or recreation within their boundaries, therefore this section is designed to be as flexible as possible. To that end, this section shall allow the provision of off-site open space and recreation areas, and cash in lieu of land. In cluster development, the cash in lieu of land provision shall not apply.

541. *Approval Authority* - The Planning Board shall approve the means of meeting this requirement.

The Hampden Conservation Committee and Recreation Committee shall be given opportunity to make written recommendations to the Planning Board on all open space proposals within forty-five (45) days of receiving notice. Where land is to be dedicated to the town, or otherwise requires action of the Town Council, the Planning Board shall require the subdivider provide documentation as to the Town Council's decision as provided in 545.2. *(Amended: 05-20-96)*

542. *Area Required* - The area of land set aside shall be based on the open space requirements of the Zoning Ordinance. If no open space requirement exists in the Zoning Ordinance, the applicant shall be required to provide land in accordance with the following: 500 square feet per unit, or five (5) percent of the parcel to be developed, whichever is greater.

Exception: No open space dedication is required in Private Street Subdivisions or in Minor Subdivisions (four lots or less) in the Rural District if the total aggregate area of the proposed lots exceeds the minimum lot area required in the Zoning Ordinance by at least 10 percent. No fee in lieu of open space is required for subdivisions that satisfy this exception. The intent of this exception is to avoid creating very small open spaces that do not serve the interests of the subdivision or the Town while maintaining the densities that the ordinances contemplate. This exception shall also apply to further division of lots in previously approved subdivisions. *Amended 7-14-2014, Effective Date 8-13-2014*

543. *Standards for Land* - The purpose of this section is to provide for permanent open space. The subdivider may offer dedicated land, conservation easements, or other means to meet the requirements of this section. These areas shall be in locations designated as open space or green belts in the Comprehensive Plan. Land dedicated to permanent open space shall be in such condition, size and shape as to be readily usable for recreation or conservation. *(Amended: 05-20-96)*

1. Where the open space requirement is in excess of ten (10%) percent of the land to be subdivided, the subdivider may elect to provide land identified in the Open Space and Recreation Plan, if one exists. Where off-site open space is proposed, the following standards apply:
 - A. Ten (10%) percent shall be provided within the subdivision.
 - B. The off-site open space shall be within one (1) mile of the subdivision.

C. The off-site open space shall have been previously designated in the Open Space and Recreation Plan.

D. The subdivider shall provide proper right, title or interest to the off-site land.

544. *Standards for Cash-in-Lieu of Land* - Where cash in lieu is proposed, the following standards shall apply.

1. At the time of Final Plan submission, the subdivider shall contribute to the Town of Hampden \$400/lot, \$200/unit or \$200/acre, whichever is greatest.
2. All monies placed in this fund shall be used for the purchase or development of open space or recreation land.
3. Land purchased or developed with these funds shall be located to serve the needs of the residents of the subdivision. *(Amended: 06-03-91)*

545. *Provisions for Ownership and Maintenance of Open Space or Recreation Areas* - If land is to be set aside under the provisions of this section, the subdivider shall make provisions for the permanent ownership, protection and maintenance of such land. The means for insuring the open space will be available in perpetuity shall be:

1. Retain ownership and responsibility for maintenance of such land; or
2. Dedicate such land to public use if the town or another public agency has indicated it will accept such dedication. If the subdivider proposed that the town accept the land, the subdivider must provide the planning board, as part of the final plan, with a copy of the minutes of the meeting of the Town Council, attested by the town clerk, in which the Town Council agreed to accept such land; or
3. Provide for and establish one or more organizations for ownership and maintenance of such land. Such organization shall be either a nonprofit homeowners' corporation or a community open space trust. If such organization is formed, it shall be formed and operated in accordance with the following rules:
 - A. The organization shall be formed by the developer and be operating, with financial subsidization by the developer if necessary, before the sales or lease of any lots or units within the development.
 - B. Membership in the organization is mandatory for all purchasers of units therein and their successors.
 - C. The organization shall be responsible for maintenance of common open spaces and property. It shall also be responsible for insurance and taxes on common open space and property.
 - D. The members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with written procedures established by them. *(Amended: 09-21-87, 06-03-91)*

546. Provisions for Ownership and Maintenance of Private Streets – In a Private Street Subdivision, the subdivider shall make provisions for the permanent ownership, protection and maintenance of such Private Street(s). The means for insuring the Private Street(s) will be maintained in perpetuity shall be:

1. Subdivider may retain ownership and responsibility for maintenance of such Private Street(s); or
2. Subdivider shall provide for and establish one or more organizations for ownership and maintenance of such Private Street(s). Such organization may be a nonprofit homeowners' corporation or other organization as approved by the Planning Board. If such organization is formed, it shall be formed and operated in accordance with the following rules:
 - A. The organization shall be formed by the subdivider and be operating, with financial subsidization by the subdivider if necessary, before the sales or lease of any lots or units within the development.
 - B. Membership in the organization is mandatory for all purchasers of units therein and their successors.
 - C. The organization shall be responsible for maintenance of Private Street(s) in the subdivision. It shall also be responsible for insurance, as needed, for Private Street(s) in the subdivision.
 - D. The members of the organization shall share equitably the cost of maintaining Private Street(s) in the subdivision in accordance with written procedures established by them.

550. Street Standards

551. *Layout of Streets* - All streets in a subdivision shall be planned so as to meet the following standards:

1. The proposed streets shall conform, as far as practical, to the adopted Comprehensive Plan or policy statement of the Town of Hampden.
2. All streets in the subdivision shall be designed so as to provide safe vehicular travel and, in minor streets and Private Streets, shall be designed so as to discourage movement of through traffic.
3. The arrangement of streets in a major ~~the~~ subdivision shall provide for the continuation of arterial and collector streets into adjoining unsubdivided land unless topographic or other factors make continuance impracticable or undesirable. Where a subdivision is served by a minor street, the Planning Board may require that a right-of-way or the minor street be projected to adjacent unsubdivided land when the board finds that such a projected street would be in keeping with the land use goals for the area and with sound planning practice.
4. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the town under conditions approved by the Town Council.
5. Intersections of streets shall be at angles as close to ninety (90) degrees as possible. In no case shall two (2) streets intersect at an angle of less than sixty (60) degrees.

6. A distance of at least two hundred (200') feet shall be maintained between centerlines of offset intersecting streets.
7. Whenever possible, subdivisions containing fifteen (15) lots or more shall have at least two (2) street connections with existing public streets or streets shown on the official road map, if such exists, or streets on an approved Subdivision Plan.
8. Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the preliminary and the final plan, marked "Reserved for road realignment (or widening) purposes". Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Zoning Ordinance.

552. Private Street Standards. All streets in a private subdivision shall be planned so as to meet the following standards:

1. The design and construction of all Private Streets shall comply with this Ordinance relative to Private Streets, subject to the approval of the Planning Board.
2. Notwithstanding any other provisions of the Ordinance to the contrary, Private Streets in subdivisions platted prior to the enactment of this Ordinance and Private Streets that are contained in land divisions approved by the Town of Hampden prior to the enactment of this Ordinance, shall continue to meet the specifications approved at the time of application. Upon expansion, reconstruction, or major alteration of an existing Private Street, new construction shall comply with then-current requirements of Private Streets.
3. Intersections of streets shall be at angles as close to ninety (90) degrees as possible. In no case shall two (2) streets intersect at an angle of less than sixty (60) degrees.
4. A distance of at least two hundred (200') feet shall be maintained between centerlines of offset intersecting streets.
5. The applicant will provide a stop sign and street name sign meeting Town specification at the intersection with the public street.

553. Design and Construction Standards for Streets Eligible for Public Acceptance - All streets in a subdivision shall be designed and constructed to meet the following standards for streets according to their classification as determined by the Planning Board.

Design and Construction Standards for Streets

<u>Item</u>	<u>Collector</u>	<u>Minor</u>
1. Minimum right-of-way width	66 ft.	66 ft.
2. Minimum pavement width	24 ft.	20 ft.
3. Minimum grade	0.5%	1.0%
4. Maximum grade	8%	8%
5. Maximum grade at intersection 3% Within feet from intersection	75 ft.	50 ft.
6. Minimum centerline radii on curves	200 ft.	100 ft.
7. Minimum tangent length between reverse curves	200 ft.	100 ft.
8. Depth of subgrade grading	22 in.	22 in.
9. Sub base gravel depth	18 in.	18 in.
10. Upper base gravel	4 in.	4 in.
11. Pavement (see 552 item 2)		
A. Grade B	2-1/2 in.	2-1/2 in.
B. Grade C	1-1/2 in.	1-1/2 in.
C. Total thickness	4 in.	4 in.
12. Minimum road crown-centerline to edge of pavement.	3 in.	3 in.
13. Minimum shoulder width on each side of road.	2 ft.	2 ft.
14. Sidewalks		
A. Minimum width	5 ft.	4 ft.
B. Gravel base course	6 in.	6 in.
C. Surface pavement	2 in.	2 in.

<u>Item</u>	<u>Collector</u>	<u>Minor</u>
15. Dead-end or cul-de-sac streets		
A. Completely paved Radii of turn around at enclosed end		
i. Right-of-way boundary minimum	60 ft.	50 ft.
ii. Outside pavement radius - min.	40 ft.	35 ft.
B. With island (see #26)		
i. Right-of-way boundary – min.	65 ft.	55 ft.
ii. Inside pavement radius	26 ft.	25 ft.
iii. Outside pavement radius	50 ft.	49 ft.
iv. Minimum pavement width	24 ft.	24 ft.
<i>(Amended: 10-03-05)</i>		
C. Temporary (See #27)		
i. Radii at Right-of-way - min.	50 ft.	50 ft.
ii. Gravel turn around minimum	40 ft.	40 ft.
<i>(Amended: 12-04-95)</i>		
16. Minimum pavement curb radii at intersections and where street meets cul-de-sac 20 ft. <i>(Amended: 10-03-05)</i>		
17. Grade of streets should conform as closely as possible to the original relief of the land.		
18. All changes in grade shall be connected by vertical curves such as will provide clear visibility for a distance of two hundred (200') feet.		
19. Side slopes shall not be steeper than three (3') feet horizontal and one foot vertical, graded, loamed (six [6] inches compacted) and seeded. If the side slope extends outside the required right-of-way, the subdivider shall expand the right-of-way to include the entire side slope area.		
20. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water. Driveway culverts shall be adequate to pass the design flow of the contiguous ditches.		
21. In construction of roads, the paved area, sidewalk, and shoulder shall be cleared of all stumps, roots, brush, perishable material, and all trees not intended for preservation. All loam, loamy material, clay, and other yielding material shall be removed from the roadway to at least subgrade depth, or as directed by the Town Manager.		
22. The roadway area shall be brought to the grade shown on the plan, profile and cross-section, by suitable gravel. The subbase gravel shall meet the specifications for aggregate subbase courses as contained in the current edition of “The Standard Specifications for Highways and Bridges of the State of Maine Department of Transportation”. The upper base gravel shall meet the specifications for aggregate base courses in the same standards.		
23. <u>For Public Streets</u> , after the upper base gravel has been thoroughly rolled, the surface of the roadway shall be paved. The pavement material and the manner of application of such shall conform to the requirements of the current edition of “The Standard Specifications for Highways and Bridges of the State of Maine Department of Transportation”.		
24. The Planning Board may require curbing of roads <u>in a subdivision including one or more Public Streets</u> .		

25. Where a green space is planned in the interior of a cul-de-sac, existing vegetation should be preserved where possible. Any proposed landscaping shall be of a type which requires limited maintenance. *(Amended: 12-04-95)*
26. Where a proposed street may be extended, the Planning Board may authorize a temporary cul-de-sac. Temporary cul-de-sacs shall provide an escrow account for a period of five (5) years to cover the cost of paving, which is renewable in five (5) year increments. Access shall be prohibited from a temporary cul-de-sac. *(Amended: 12-04-95)*

554. *Design and Construction Standards for Private Streets* - All streets in a Private Street Subdivision shall be designed and constructed to meet the following standards.

Design and Construction Standards for Private Streets

<u>Item</u>	<u>Private</u>
1. <u>Minimum right-of-way width</u>	<u>66 ft.</u>
2. <u>Minimum roadway travel width</u>	<u>20 ft.</u>
3. <u>Minimum pavement width</u>	<u>Not Required</u>
4. <u>Maximum grade</u>	<u>8%</u>
5. <u>Maximum grade at intersection Within 75 feet from intersection</u>	<u>3%</u>
7. <u>Minimum centerline radii on curves</u>	<u>150 feet</u>
8. <u>Minimum tangent length between reverse curves</u>	<u>100 ft.</u>
9. <u>Subbase course (heavy gravel) MDOT Type D <i>(May be waived if pre-existing street)</i></u>	<u>18 inches</u>
10. <u>Base course (crushed gravel MDOT Type A) <i>(May be waived if pre-existing street)</i></u>	<u>4 inches</u>
11. <u>Pavement</u>	<u>Not Required</u>
12. <u>Minimum road crown-centerline to edge of pavement.</u>	<u>N/A</u>
13. <u>Minimum shoulder width on each side of road (if paved)</u>	<u>2 feet</u>
14. <u>Sidewalks</u>	<u>Not Required</u>
15. <u>Turnaround at dead-end</u>	<u>Hammerhead or T</u>

See Sample Cross Section for Private Street Subdivision.

555. Utilities in Streets - In a major subdivision, the Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and the street right-of-way line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved. In a Private Street Subdivision, the owner or owners shall convey, where applicable, an easement to the Town, described by metes and bounds, for sewer purposes over the entire right-of-way, and shall convey, where applicable, an easement to the Hampden Water District, described by metes and bounds, for water purposes over the entire right-of-way, and shall record both easements, as applicable, in the Penobscot County Registry of Deeds.

556. Street Names

1. Proposed street names shall be substantially different from existing street names so as not to be confused in sound or spelling.
2. If proposed streets are extensions of existing streets they shall carry the same name.
3. Generally no street should change direction by more than ninety (90) degrees without a change in street name.
4. In general, streets shall have names, not numbers or letters. *(Amended: 09-21-87, 06-19-89)*

560. Utilities

561. If public water and/or sewer is proposed, the system shall be designed so as to accommodate any development which can reasonably be expected to tie into the system. In determining the amount of reasonably expected development, the Planning Board shall consider existing land use, existing zoning, the character of the land, topography, and existing constraints to development (such as boggy areas), the carrying capacity of the land and of existing municipal services, and the town's Comprehensive Plan or sewer and water plan. If the system has to be built so that it is larger than would normally be required under conditions of the maximum utilization of the subdivider's contiguous land (including land on opposite sides of streets), the town will pay the difference in cost for the larger pipes. The subdivider must cover all other expenses.

562. The subdivider shall install any new public utility system according to the approved Subdivision Plan. If either the public sewer or water system follows a course which is not collinear with the road network, the Planning Board shall require that the subdivider provide the Town of Hampden or the Hampden Water District with a utility easement.

563. If individual wells are proposed for the subdivision, the Planning Board may require that the subdivider's engineer certify that sufficient water is available for the reasonable foreseeable needs of the subdivision.

564. If subsurface sewage disposal is proposed, the Planning Board shall require that the subdivider provide proof that a subsurface sewage disposal system which is in conformance with the Maine State Plumbing Code can be installed on every lot.

565. Pump stations shall not be used in the construction of sewer systems in any proposed development with the Town of Hampden, Maine, except as permitted under the Town's Sewer Ordinance. *(Amended: 03-07-88) (Amended 08-06-07)*

570. Buffer Strip - The Planning Board may require a buffer strip when ~~a~~ the proposed major subdivision will be located adjacent to a use where separation is desirable.

ARTICLE 600
WAIVER AND MODIFICATIONS OF THESE REGULATIONS

610. Where the Planning Board finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, or where there are special circumstances of a particular plan, it may waive any of these regulations provided that such waiver will not have the effect of nullifying the purpose of these regulations, the Comprehensive Plan, the Zoning Ordinance, or any other ordinance. Upon recommendation of the Planning Board, fees may be adjusted or waived only with the approval of the Hampden Town Council.

620. In granting any waiver, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived. (*Amended: 12-01-86*)

ARTICLE 700
VALIDITY, EFFECTIVE DATE, CONFLICT OF ORDINANCES, AND FILING

710. Should any section or provision of this ordinance ~~these regulations~~ be declared by the courts to be invalid, such section shall not invalidate any other section or provision of these regulations, and to this end, the provisions of this ordinance ~~these regulations~~ are hereby declared to be severable.

720. The effective date of this ordinance ~~these regulations~~ is June 17, 1982

730. These regulations shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, ordinance, ~~by-law~~, permit, or provision of law. Where these regulations impose a higher standard for the protection and promotion of health and safety, the provisions of this ordinance ~~these regulations~~ shall prevail.

740. A copy of this ordinance ~~these regulations~~ shall be filed with the Town Clerk and shall be accessible to any member of the public.

750. The Subdivision Ordinance of the Town of Hampden as adopted at the annual meeting March 3, 1970 and as amended, is hereby repealed.

ARTICLE 800
AMENDMENTS

810. *Initiation of Amendment* - An amendment to this Ordinance may be initiated by:

1. The Planning Board, provided a majority of the Board has so voted;
2. Request of the Town Council to the Planning Board; or
3. Written petition of ten (10%) percent of the registered voters of the town.

820. *Proposed Amendments* - All proposed amendments shall be referred to the Planning Board for their recommendation. Such recommendation shall be returned to the Council within thirty (30) days.

830. *Adoption of Amendment* - For an ordinance change to be adopted, it must be approved by a majority vote of the Town Council if the change has been recommended by the Planning Board. If the change has not been recommended by the Planning Board, a two-thirds vote of the Town Council will be necessary to adopt it.

ARTICLE 900
APPEALS

An appeal may be taken, within thirty (30) days from the Planning Board's decision on the Final Plan, by any party to Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

ARTICLE 1000
DEFINITIONS

1010. Words and terms not defined in section 1020 shall have the meanings given them in the Zoning Ordinance of the Town of Hampden, or in the absence of definitions in said Ordinance, such words and terms shall have their customary dictionary meanings.

1020. The following words and terms, for the purpose of this Ordinance, shall be designated as follows:

1021. *Subdivision.* "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5 year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5 year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units with a 5 year period.

1. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:
 - A. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in

Title 36, M.R.S.A. Section 1102, for a period of at least 5 years before the 2nd dividing occurs; or

- B. The division of the tract or parcel is otherwise exempt under this definition.
- 2. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this Ordinance, do not become subject to this Ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot(s) in reviewing a proposed subdivision created by a subsequent dividing.
- 3. A lot of 40 or more acres shall not be counted as a lot, except:
 - A. When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in the Hampden Zoning Ordinance, or any superseding state statute.
- 4. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, or a gift to a municipality, or by the transfer of any interest in land to the owner of land abutting that land, does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this Ordinance. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this subsection.
- 5. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971, is not a subdivision.
- 6. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.
- 7. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph D, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transfer is to avoid the objectives of this Ordinance.

Exceptions

This Ordinance does not apply to:

- 1. Previously approved subdivisions. Proposed subdivisions approved by the Planning Board before September 23, 1971, in accordance with laws then in effect;
- 2. Previously existing subdivisions. Subdivision in actual existence on September 23, 1971, that did not require approval under prior law; or

3. Previously recorded subdivision. A subdivision, a plan of which had been legally recorded in the Penobscot County Registry of Deeds before September 23, 1971.
(Amended: 02-07-94)

1022. Private Street Subdivision – A subdivision which includes construction of one or more Private Streets, and does not involve the construction or reconstruction of a Public Street.

1023. Tract or parcel of land - All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

1024. Minor Subdivision - A subdivision with less than five (5) lots which does not involve the construction or reconstruction of a new street, or the extension of public sewer lines, or the extension of public water lines, or the construction of a storm drainage system.

1025. Major Subdivision - A subdivision which is not a minor subdivision or a Private Street Subdivision.

1026. Street or Road - Shall mean a right-of-way, intended for motorized traffic, in the Town of Hampden, which is either:

1. Owned, established, and maintained by the Town of Hampden, the County of Penobscot, or the State of Maine; or
2. Is shown on a plan of a subdivision which has been duly approved by the Hampden Planning Board and recorded in the Penobscot County Registry of Deeds.

1027. Minor Street - A street which serves primarily as an access to abutting properties.

1028. Collector Street - A street which connects one or more minor streets with an arterial street.

1029. Arterial Street - A street which serves heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

1030. Design Storm - A storm with a frequency or recurrence interval of twenty-five (25) years and a duration of twenty-four (24) hours.

1031. Private Street (or Road) – A Street within a deeded right-of-way that provides access to more than one principal structure and is privately owned and has not been dedicated to public use other than access by emergency and public safety vehicles, and is maintained by its private owners. A Private Street (or Road) shall be protected by a permanent easement which shall conform to the Road Classification Standards Table and which shall be shown on the plan. The limits of a private way shall begin from the edge of the traveled way of a Public Street and all associated sub roads that spur off from this road. Maintenance of this right-of-way area shall be the responsibility of the homeowner’s association.

1032. Public Street (or Road) - A public or dedicated right-of-way, which affords the principal means of vehicular access to abutting property and which is under public ownership or control.

1033. *Pump Stations* - For the purpose of this Ordinance, pump stations shall be defined as any device intended and designed for the purpose of transporting, pumping or lifting of sanitary sewage from residences, commercial institutions or central collection points to the municipal sanitary sewer system. This shall not include lift pumps used in self-contained, on-site subsurface disposal systems. (Amended: 11-18-85, 9-19-88)

1034. *Freshwater Wetland* - Freshwater Swamps, marshes, bogs and similar areas which are:

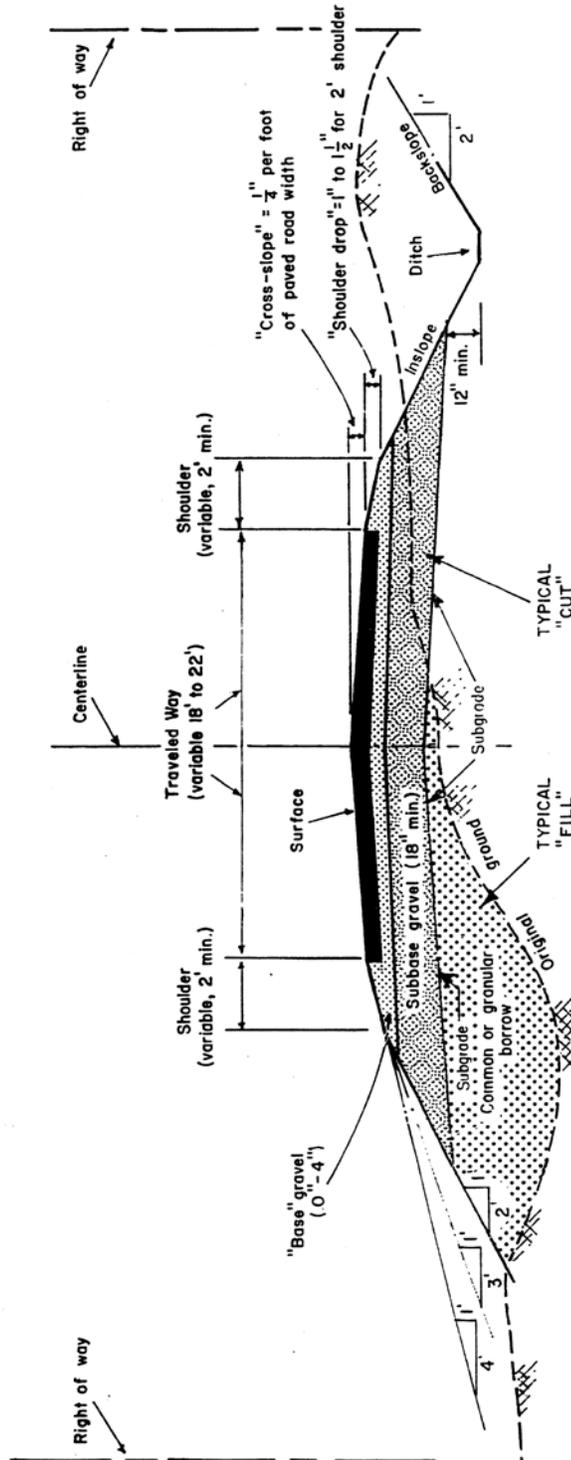
1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
2. Not considered part of a great pond, coastal wetland, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection. For the purposes of this Ordinance, “wetland” shall mean the same as freshwater wetland. Freshwater wetlands shall be delineated in accordance with the current authorized federal manual, unless the Planning Board approves a different delineation method. (Amended: 12-20-93)

1035. *Dwelling Unit* - “Dwelling unit” means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, apartments and time-share units. (Amended: 02-07-94)

1036. *New Structure or Structures* - “New structure or structures” includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this Ordinance. (Amended: 02-07-94)

Sample Cross Section for Private Street Subdivision



DESIRABLE MINIMUM DIMENSIONS
OF A LOW-VOLUME PAVED ROAD

Figure 2 - 2



D-5-6

MEMO

To: Angus Jennings
From: Kyle Severance
Date: 05/24/2016
Re: GIS Reserve Purchase Request – GPS Trimble Unit

Message:

One of the job responsibilities of the GIS/IT Specialist is to maintain/collect accurate geospatial data as well as use that data for the creation of maps, assignment of addresses (e911), and statistical/economic analysis. The primary tool used in the field for this purpose is the Trimble GPS unit. The current town-owned unit was purchased in 2008 and has been having severe issues over the last few years. Many times the unit's power has completely failed while out in the field. The only way to restore it is to wipe it out to factory hardware settings back at the office. When the power does not fail, the data is often corrupted and lost when trying to transfer it. This means a lot of wasted time making multiple trips from the office to do field work. The issues with the device have become so severe that it has not been used for a month. A measuring wheel has been used instead of GPS to accomplish job tasks – this is far less accurate and does not follow the proper Town e911 ordinance processes.

The new device recommended for purchase is a Trimble Geo 5T. This is the least expensive, new Trimble unit that has sub-meter accuracy. Sub-meter accuracy is needed to be able to collect data usable in GIS (but is not accurate enough to be used in survey). The device is \$3,295.00. No additional equipment or software is needed as the current Trimble software, antenna, and backpack are compatible with the new unit.

Questions and/or suggestions are welcomed. Thank you for your consideration,

Kyle Severance
GIS/IT Specialist, Town of Hampden

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



D-5-C
Ph
Fax: (207) 882-2001
Email:
townmanager@hampdenmaine.gov

TO: Town Council
FROM: Angus Jennings, Town Manager
DATE: June 9, 2016
RE: Petitions for Town acceptance of sewer infrastructure

As presented at the May 23 meeting of the Infrastructure Committee, two petitions for Town acceptance of privately-constructed sewer infrastructure will be brought before the Town Council this Monday June 13. The two petitions will come from Sargent Corporation, for sewer infrastructure serving the Business Park, and from Maine Ground Developers, for sewer infrastructure serving the Ammo Park.

DPW Director Currier is working with the petitioners to finalize materials for submittal, and we anticipate circulating the complete acceptance packages by close of business tomorrow (Friday). Upon receipt, materials will be circulated to the Council by email and will be uploaded to the Town website (under Agendas and Minutes) as an addendum to Monday's meeting packet. Based on my conversation with Director Currier earlier today, he anticipates favorably recommending both petitions.

Action taken by the Council will be pursuant to Sec. 5.5 of the Sewer Ordinance, below:

Section 5.5. Transfer of Ownership to the Town: All extensions of public sewerage shall become the property of the Town through the following procedures initiated by the Developer:

The developer shall:

1. Request written approval from the Town indicating that all sewer improvements have been completed as specified herein to their satisfaction.
2. Indicate in writing to the Manager that said improvements will be guaranteed against defects in materials or workmanship for a period of 18 months from the time of acceptance by the Town.
3. Indicate in writing to the Manager that said sewer improvements are free and clear of any liens, all right-of-ways have been deeded to the Town as shown on the approved subdivision plans.
4. Petition the Manager in writing to go before the Council to request acceptance of the sewer line.

After all the above items have been completed by the developer, the manager may then schedule the item for review by the Town Council. The Town Council shall be the ruling authority on acceptance.

cc: Sean Currier

D-5-d



Angus Jennings <townmanager@hampdenmaine.gov>

Re: Sewer acceptance package

1 message

Sean Currier <publicworks@hampdenmaine.gov>
To: tthibodeau <tthibodeau@post.freightlinerofmaine.com>
Cc: Angus Jennings <townmanager@hampdenmaine.gov>

Thu, Jun 9, 2016 at 2:22 PM

Tracy, Thank you for the submission. I will send to Council for review and acceptance. I would assume there may be a condition associated pending easement submission to the Town.

Sean

Sean Currier
Public Works Director
Town of Hampden
106 Western Avenue
Hampden, ME 04444
(207)862-3337

On Thu, Jun 9, 2016 at 2:08 PM, tthibodeau <tthibodeau@post.freightlinerofmaine.com> wrote:

Sean, Per our conversation, here is the Sewer proposal and Cad file for the Ammo park sewer project. As I had mentioned, as we complete the ROW work we will need an access easement and would look to have a temporary construction easement for Sargents. Also, we will be providing a depiction of the drainage in the ROW in a separate document. Let me know if you see something missing here. Thanks Tracy

Tracy Thibodeau

Chief Financial Officer

Freightliner of Maine, Inc

422 Perry Road

Bangor, ME 04401

Dir line 207-217-6935 fax 207-947-6557

D-5-e

BANGOR DAILY NEWS

(<http://bangordailynews.com/>)

Court filing calls for \$900,000 to be spent on oil cleanup in Hampden

(<http://bangordailynews.com/2016/05/18/news/bangor/court-filing-calls-for-900000-to-be-spent-on-oil-cleanup-in-hampden/>)



Ashley L. Conti | BDN

Turtle Head Cove Municipal Park is seen Wednesday in Hampden. *Buy Photo* (<http://store.bangordailynews.com/Other/Week-of-May-16-2016/i-FpRpBSh>)

By Judy Harrison (<http://bangordailynews.com/author/judy-harrison/>), BDN Staff
Posted May 18, 2016, at 5:14 p.m.

BANGOR, Maine — More than \$900,000 will go toward cleanup of the Penobscot River and the shoreline near Turtle Head Cove Municipal Park as a result of a consent decree filed Wednesday in U.S. District Court.

Chevron Corp., and later Cumberland Farms Inc., owned a tank farm and oil terminal that closed in 1996

but was responsible between the 1950s and the 1980s for 140,000 gallons of oil leaking into the river, according to court documents.

The terminal was located between Route 1A and the Penobscot River just over the town line from Bangor in Hampden.

A handful of state and federal agencies filed a complaint Wednesday along with the consent decree, which is standard practice. The plaintiffs alleged that natural resources had been damaged because of the oil leaks.

David Madore, spokesman for the Maine Department of Environmental Protection, which was one of the plaintiffs, said in an email that a remedy plan would not be drawn up until after U.S. District Judge D. Brock Hornby approves the consent decree.

“The public has 30 days to provide public comment to the court regarding the proposed consent decree,” he said. “If the court approves the consent decree, then state and federal [officials] will begin discussions regarding restoration planning.”

Madonna Smith, public affairs advisor for Chevron, said the court filing was part of a negotiated settlement.

The complaint did not specify which natural resources had been damaged but listed the damaged resources as aquatic, recreational and land and shoreline. It also said the Penobscot River “is habitat for many bird, mammal, invertebrate and fish species including the Gulf of Maine Distinct population segment of Atlantic salmon and shortnose sturgeon, both of which are listed as endangered species by federal agencies.”

In the consent decree, the defendants, which included Chevron U.S.A. Inc., Cumberland Farms Inc. and Gulf Oil Limited Partnership, did not admit any wrongdoing.

Information about the remedy plan the \$900,000 would fund was not included in court documents.

In July 2011, Gov. Paul LePage announced a \$900,000 civil penalty (https://www.google.com/url?q=http%3A%2F%2Fbangordailynews.com%2F2011%2F07%2F13%2Fnews%2Fbangor%2Fchevron-to-pay-six-figure-settlement-for-decades-long-oil-leak-in-hampden%2F&sa=D&ust=1463609394304000&usg=AFQjCNEVyRH63FMjLEtYCNky_oSHJF-WQ&ref=inline) that was paid by Chevron for environmental damage at the same site, Assistant Attorney General Mary Sauer, who worked on the consent decree, said Wednesday. The consent decree addressed damage to natural resources.

The Town of Hampden received \$520,000 nearly five years ago to create Turtle Head Cove Municipal Park, an 8.5-acre recreation area with walking trails and a boat launch on the waterfront, according to a previously published report. The remaining \$380,000 went into the Maine Coastal and Inland Surface Oil Cleanup Fund.

Chevron operated the tank farm and marine terminal in Hampden between the 1950s and 1986, according to a July 16, 2011, story. In 1986, Cumberland Farms Inc. purchased the Gulf Oil brand assets for the Northeast, which included the terminal and tank farm.

There are no allegations in court documents that oil leaked into the river from the tank farm and marina area in the 1990s.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

United States of America

and

State of Maine

Plaintiffs,

v.

Chevron U.S.A. Inc.,

Texaco Inc.,

Chevron Environmental Management
Company,

Cumberland Farms, Inc.,

and

Gulf Oil Limited Partnership,

Defendants.

Civ. Action No.

CONSENT DECREE

I. BACKGROUND

A. The United States of America (“United States”), by the Attorney General, on behalf of the United States Department of the Interior (“DOI”) and the United States Department of Commerce, National Oceanic and Atmospheric Administration (“NOAA”), and the State of Maine, on behalf of the Department of Environmental Protection (“DEP”), Department of Agriculture, Conservation and Forestry (“DACF”), Department of Inland Fisheries and Wildlife (“DIFW”) and Department of Marine Resources (“DMR”) (collectively, “Plaintiffs”), have filed a Complaint against Chevron U.S.A. Inc., Texaco Inc., Chevron Environmental Management Co., Cumberland Farms, Inc., and Gulf Oil Limited Partnership in this Court.

B. Plaintiffs allege that the Defendants are liable to the United States and the State under Section 1002(a) and (b) of the Oil Pollution Act of 1990 (“OPA”), 33 U.S.C. § 2702 (a) and (b), and to the State under the Maine Oil Discharge Prevention and Pollution Control Law (“Oil Law”), 38 M.R.S. § 552(2), for damages for injury to, destruction of, loss of, or loss of use of, Natural Resources, including the reasonable cost of assessing the damages, resulting from discharges of oil that occurred starting at least as early as the 1970s at the former Chevron and Texaco marine oil terminal facilities located, respectively, at 799 and 809 Main Road North in Hampden, Maine (the “Oil Discharges”).

C. The State of Maine (“State” or “Maine”) is a Co-Plaintiff and has joined the Complaint on behalf of the DEP, DACF, DIFW and DMR against the Defendants in this Court alleging that the Defendants are liable to the State under Section 1002(a) and (b) of OPA, 33 U.S.C. § 2702 (a) and (b), and Section 38 M.R.S. § 552(2) of the Oil Law, for damages for injury

to, destruction of, loss of, or loss of use of, Natural Resources, including the reasonable costs of assessing the damages, and the costs of preparing and implementing a natural resources restoration plan, resulting from the Oil Discharges. On September 5, 2012, Maine Governor Paul R. LePage designated the Commissioner of the DEP as the lead trustee to act on behalf of the public for natural resources of the State, and designated DACF, DIFW, and DMR as co-trustees with the DEP for such resources.

D. The Complaint alleges that: (1) the Oil Discharges caused injury to, destruction of, loss of, or loss of use of, Natural Resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States and the State, or other Natural Resources for which the State may seek damages pursuant to the Oil Law; and (2) the United States and the State have incurred costs in assessing the nature and extent of these injuries.

E. The United States and the State share trusteeship of the Natural Resources alleged in the Complaint to be injured and are coordinating assessment and restoration efforts.

F. The Parties agree, and this Court finds, that settlement of this matter without further litigation is in the public interest and that the entry of this Consent Decree is the most appropriate means of resolving the claims alleged in Plaintiffs' Complaint.

G. The Parties agree and this Court, by entering this Consent Decree, finds that: (1) this Consent Decree has been negotiated by the Parties in good faith; (2) settlement of this matter will avoid prolonged and complicated litigation; and (3) this Consent Decree is fair, reasonable, and consistent with the goals of the applicable statutes.

H. The Defendants do not admit any liability arising out of the transactions or occurrences alleged in this action.

NOW, THEREFORE it is Adjudged, Ordered and Decreed:

II. JURISDICTION

1. The Parties agree and this Court concludes that it has jurisdiction over the subject matter of this action pursuant to Section 1017(b) of OPA, 33 U.S.C. § 2717(b), and 28 U.S.C. §§ 1331 and 1345. Venue lies in this District pursuant to Section 1017(b) of OPA, 33 U.S.C. § 2717(b), and 28 U.S.C. 1391(b). This Court has pendent jurisdiction over the state law claims. This Court has, and the Defendants consent to, the Court's personal jurisdiction over them in connection with this action. Solely for the purposes of this Consent Decree and the underlying Complaint, the Defendants waive all objections and defenses that they may have to jurisdiction of the Court or to venue in this District. Defendants shall not challenge this Court's jurisdiction to enter and enforce this Consent Decree.

III. PARTIES BOUND

2. This Consent Decree applies to and is binding upon: the United States, on behalf of DOI and NOAA, as designated federal trustees for Natural Resources, including those Natural Resources at, in the vicinity of, or affected by the Oil Discharges; the State, on behalf of the DEP, DACF, DIFW and DMR, as designated state trustees for Natural Resources, including those Natural Resources at, in the vicinity of, or affected by the Oil Discharges; and, the Defendants, including, without limitation, their successors and assigns, or other entities or persons otherwise bound by law. Any change in ownership or corporate status of the Defendants including, but not limited to, any transfer of assets or real or personal property, shall in no way alter the Defendants' or their successors' and assigns' rights or responsibilities under this Consent Decree. In any action to enforce this Consent Decree, the Defendants shall not raise as

a defense the failure by any of their officers, directors, employees, agents, or contractors to take any actions necessary to comply with the provisions of this Consent Decree.

IV. DEFINITIONS

3. Unless otherwise expressly provided herein, terms used in this Consent Decree which are defined in OPA or in the regulations promulgated by NOAA under OPA, 15 C.F.R. Part 990, shall have the meaning assigned to them in OPA or in such regulations, as applicable. Whenever the following terms are used in this Consent Decree or in the appendices attached hereto and incorporated hereunder, the definition specified hereinafter shall apply.

a. "Consent Decree" shall mean this Decree and appendices attached hereto. In the event of a conflict between this Consent Decree and any appendix, this Consent Decree shall control.

b. "Costs of Assessment" shall mean all costs within the meaning of Sections 1002(b)(2)(A) and 1006(d)(1)(C) of OPA, 33 U.S.C. §§ 2702(b)(2)(A), 2706 (d)(1)(C), and all costs of assessing natural resources damage which may be sought under Section 552(2) of the Oil Law, incurred by the Trustees on or before the date of lodging, including, but not limited to, direct, indirect, and administrative costs in assessing the alleged injury to, destruction of, loss of, or loss of use of, all Natural Resources at or in connection with the Oil Discharges and/or directly or indirectly related to negotiating this Consent Decree, and all Trustee costs of approving this Consent Decree.

c. "Day" shall mean a calendar day. In computing any period of time under this Consent Decree, where the last day would fall on a Saturday, Sunday, or Federal holiday, the period shall run until the close of business of the next working day.

d. “Defendants” shall mean Chevron U.S.A. Inc., Texaco Inc., Chevron Environmental Management Company, Cumberland Farms, Inc., and Gulf Oil Limited Partnership and their successors and assigns.

e. “DOI” shall mean the United States Department of the Interior.

f. “Fund” shall mean the Oil Spill Liability Trust Fund established pursuant to 26 U.S.C. §§ 4611 and 9509.

g. “Hampden, Maine Marine Oil Terminal Restoration Account” shall mean a project numbered account to be established within DOI’s Natural Resource Damage Assessment and Restoration Fund (“DOI NRDAR Fund”), which will be funded by the Defendants in accordance with Section V (Payments by Defendants) of this Consent Decree and jointly administered by the Trustees in accordance with Section VII (Hampden, Maine Marine Oil Terminal Restoration Account) of this Consent Decree and a separate agreement among the Trustees.

h. “Interest,” as that term is used in Section VI (Stipulated Penalties) of this Consent Decree, shall mean interest calculated in the manner specified in Section 1005(b)(4) of OPA, 33 U.S.C. § 2705(b)(4).

i. “Natural Resources” shall have the meaning provided in Section 1001(20) of OPA, 33 U.S.C. § 2701(20), and shall also include any natural resources for which the State may seek damages pursuant to 38 M.R.S. § 552(2).

j. “Natural Resource Damages” shall mean the damages described at Section 1002(b)(2)(A) of OPA, 33 U.S.C. § 2702(b)(2)(A), and at Section 552(2) of the Oil Law.

- k. "NOAA" shall mean the National Oceanic and Atmospheric Administration.
- l. "Oil Discharges" shall mean all of the discharges of oil into or upon the land, tidal flats, groundwater, and Penobscot River that have occurred at and from the marine oil terminal facilities located at 799 Main Road North and 809 Main Road North in Hampden, Maine, starting at least as early as the 1970s and continuing through the Effective Date.
- m. "OPA" shall mean the Oil Pollution Act of 1990, Pub. L. No. 101-380, 104 Stat. 484, 33 U.S.C. §§ 2701-2761.
- n. "Parties" shall mean the Plaintiffs and the Defendants.
- o. "Plaintiffs" shall mean the United States and the State of Maine.
- p. "Restoration Plan(s)" shall mean a plan or plans developed by the Trustees in accordance with OPA and its underlying regulations at 15 C.F.R. §§ 990.53 – 990.56.
- q. "Section" shall mean a portion of this Consent Decree identified by a Roman numeral.
- r. "State" shall mean the State of Maine.
- s. "Trustees" shall mean the designated federal and state officials, and their designees, who act on behalf of the public as trustees for the Natural Resources, including those at, in the vicinity of, or affected by the Oil Discharges: DOI, represented by the United States Fish and Wildlife Service ("USFWS"), and NOAA are the federal trustees for Natural Resources related hereto; DEP, DACF, DIFW and DMR are the state trustees for Natural Resources related hereto.

t. “United States” shall mean the United States of America, on behalf of the DOI and NOAA, including all agencies, bureaus, administrations or departments of DOI and NOAA.

V. PAYMENT BY DEFENDANTS

4. If the Consent Decree is entered by this Court, Defendants shall, within Thirty (30) Days of the Effective Date, cause the sum of \$922,862.00 to be paid as follows:

a. \$42,862.00 to the United States for reimbursement of Costs of Assessment incurred by DOI and NOAA. Upon receipt, the United States will direct the payments as follows:

i. \$29,412.00 shall be deposited in the NOAA Damage Assessment and Restoration Fund (“DARRF”), to be applied toward Natural Resource Damages assessment costs incurred by NOAA;

ii. \$13,450.00 shall be deposited in the DOI NRDAR Fund, to be applied toward Natural Resource Damages assessment costs incurred by DOI.

b. \$880,000.00 to the United States on behalf of the Plaintiffs in resolution of their claims for Natural Resource Damages related to the Oil Discharges, to be used for restoration of Natural Resources, shall be deposited in the DOI NRDAR Fund, on behalf of the Trustees, for the purposes set forth in Paragraphs 7 and 8 of Section VII (Hampden, Maine Marine Oil Terminal Restoration Account).

c. Payment required by Paragraph 4.a above shall be made by Electronic Funds Transfer (“EFT”) to the U.S. Department of Justice in accordance with the instructions that the Financial Litigation Unit of the U.S. Attorney’s Office for the District of Maine shall provide to

Defendants following entry of the Consent Decree by this Court. Defendants shall send a transmittal notice, indicating that the EFT has occurred, to the Parties in accordance with Section XII (Notices).

d. Payment required under Paragraph 4.b above shall be made by EFT to the U.S. Department of Justice in accordance with the instructions that the Financial Litigation Unit of the U.S. Attorney's Office for the District of Maine shall provide to Defendants following entry of the Consent Decree by this Court. Defendants shall send a transmittal notice, indicating that the EFT has occurred, to the Parties in accordance with Section XII (Notices). The transmittal notice shall reflect that the payment is being made to the "Natural Resources Damage Assessment and Restoration Fund, Account No. 14X5198 – Hampden, Maine Marine Oil Terminal Restoration Account." DOI will assign these funds to a special project number to allow the funds to be maintained as a segregated account with the Department of Interior Natural Resource Damage Assessment and Restoration Fund, Account No. 14X5198 (the "Hampden, Maine Marine Oil Terminal NRD Account"). The funds paid pursuant to Paragraph 4.b shall be used jointly by the Trustees in accordance with Section VII (Hampden, Maine Marine Oil Terminal Restoration Account) of this Consent Decree and the separate agreement among the Trustees. The Defendants are jointly and severally liable for the payments to be made pursuant to Paragraph 4.

VI. STIPULATED PENALTIES

5. Assessment of Stipulated Penalties.

The Defendants shall pay a stipulated penalty to the United States and the State for failure to make a payment in Paragraph 4, at the rate of one thousand dollars (\$1,000) per day for each day

of non-compliance up to the first thirty (30) days of non-compliance. After thirty (30) days of failure to make a payment in Paragraph 4, the Defendants shall pay a stipulated penalty to the United States and the State at the rate of three thousand dollars (\$3,000) per day for each day of non-compliance after the first thirty (30) days of non-compliance.

a. Stipulated penalties shall begin to accrue on the day after payment is due and continue to accrue until the date of payment.

b. Any stipulated penalty payments shall be divided equally between the United States and the State.

c. The Defendants are jointly and severally liable for payment of such stipulated penalties.

d. The United States and/or the State may give the Defendants written notification that they have failed to make a payment as required by Paragraph 4. Such notice shall describe the noncompliance and make a demand for the payment of the stipulated penalties. However, stipulated penalties shall accrue as provided in Paragraph 5.a regardless of whether the Defendants have been notified of a violation. The Defendants shall pay stipulated penalties within thirty (30) days of receipt of written demand for such stipulated penalties by certified mail, as determined by the date of the required signature by the Defendants' authorized representative or agent acknowledging receipt of the written demand.

e. If the Defendants fail to pay stipulated penalties when due, the United States and/or the State may institute proceedings to collect the stipulated penalties, as well as Interest as provided in Paragraph 5.f.

f. Interest on Stipulated Penalties.

The Defendants shall pay Interest on the unpaid balance of any stipulated penalties due, which shall begin to accrue on the date thirty (30) days past the demand therefor. The Interest on the unpaid balance of stipulated penalties due pursuant to Paragraph 5.a shall be divided equally between the United States and the State. The Defendants are jointly and severally liable for such Interest payments.

g. Notwithstanding any other provision of this Section, the United States and/or the State may, in their unreviewable discretion, waive any portion of its share of the stipulated penalties that have accrued pursuant to this Consent Decree.

h. Nothing in this Consent Decree shall be construed as prohibiting, altering, or in any way limiting the ability of the United States and/or the State to seek any other remedies or sanctions available by virtue of Defendants' violation of this Consent Decree.

6. Payment Instructions for Stipulated Penalties.

Any stipulated penalty payment shall be accompanied by a reference to this Consent Decree, be identified as "Stipulated Penalties," and reference "the Hampden, Maine Marine Oil Terminal." Notice of payment of a stipulated penalty shall be made to the Trustees in the manner specified in Section XII (Notices).

a. Stipulated penalty payments to the United States shall be made by EFT to the U.S. Department of Justice in accordance with written instructions to be provided to Defendants by the Financial Litigation Unit of the U.S. Attorney's Office for the District of Maine. At the time of payment, Defendants shall send a copy of the EFT authorization form and the EFT transaction record, together with a transmittal letter, which shall state that the payment is for stipulated penalties owed pursuant to the Consent Decree, and shall reference the case

name, civil action number, DOJ Case Number (#90-11-3-11302), and the violations for which the stipulated penalties are being paid to the United States, in accordance with Section XII of this Decree (Notices).

b. Stipulated penalty payments to the State shall be made by certified check made payable to Treasurer, State of Maine c/o “Maine Coastal and Inland Surface Oil Clean-up Fund” or a successor fund, as directed by DEP, and sent to Rebekah Koroski, Department of Environmental Protection, 17 State House Station, Augusta ME 04333-0017.

VII. HAMPDEN, MAINE MARINE OIL TERMINAL RESTORATION ACCOUNT

7. All funds deposited in the DOI NRDAR account in accordance with Paragraph 4.b. of Section V. (Payment by Defendants), including any interest or return on investment thereon, shall be held in the Hampden, Maine Marine Oil Terminal Restoration Account solely for use by the Trustees to jointly plan, implement, oversee, or monitor the restoration of injury to Natural Resources resulting from Oil Discharges, in accordance with the Restoration Plan(s) prepared pursuant to Paragraph 8. DOI shall, in accordance with law, pursuant to the terms of the separate agreement among the Trustees, manage and invest the funds in the Hampden, Maine Marine Oil Terminal Restoration Account on behalf of the Trustees. Upon receipt of the funds for Natural Resources, DOI will establish a distinct and project specific account number within the DOI NRDAR Fund to allow the funds to be maintained as a segregated account within the DOI NRDAR Fund. DOI shall not make any charge against the Hampden, Maine Marine Oil Terminal Restoration Account for investment, management, or any other services provided with respect to operation of the account.

8. At no further cost to the Defendants, the Trustees will prepare a Restoration Plan(s) for Natural Resources and jointly approve expenditures from the Hampden, Maine Marine Oil Terminal Oil Restoration Account consistent with the Restoration Plan(s) and pursuant to the terms of the separate agreement among the Trustees. If the funds in the Hampden, Maine Marine Oil Terminal Restoration Account are not sufficient to complete the activities in the Restoration Plan(s) for Natural Resources, neither the Defendants nor the Trustees shall be required to expend additional funds to complete the activities in the Restoration Plan(s).

VIII. COVENANT NOT TO SUE BY PLAINTIFFS

9. In consideration of the payments and actions that have been and will be made by the Defendants under this Consent Decree, the United States covenants not to sue or take administrative action against the Defendants pursuant to Section 1002(a) and (b) of OPA, 33 U.S.C. § 2702(a) and (b), for (1) Costs of Assessment and (2) damages for injury to, destruction of, loss of, or loss of use of Natural Resources resulting from the Oil Discharges. This covenant not to sue is conditioned upon receipt by the United States of all payments required by Section V (Payments by Defendants) and, as applicable, Section VI (Stipulated Penalties) of this Consent Decree.

10. In consideration of the payments and actions that have been and will be made by the Defendants under this Consent Decree, the State covenants not to sue the Defendants pursuant to Section 1002(a) and (b) of OPA, 33 U.S.C. § 2702(a) and (b) and 38 M.R.S. § 552(2), for (1) Costs of Assessment and the costs of preparing and implementing a natural resources restoration plan, and (2) damages for injury to, destruction of, loss of, or loss of use of

Natural Resources resulting from the Oil Discharges. This covenant not to sue is conditioned upon receipt by the State of notice that all payments required by Section V (Payments by Defendants) of this Consent Decree have been made by Defendants and, as applicable, receipt by the State of any payments pursuant to Section VI (Stipulated Penalties) of this Consent Decree.

11. Reservations of rights. Notwithstanding any other provision of this Consent Decree, the United States and the State reserve, and this Consent Decree is without prejudice to, all rights against the Defendants with respect to all matters other than those expressly specified in the covenants not to sue set forth in Paragraphs 9 and 10 of this Section, including, but not limited to:

- a. claims against the Defendants for their failure to meet a requirement of this Consent Decree;
- b. claims against the Defendants for damages, including assessment costs, under OPA and any other applicable law, for injury to, destruction of, loss of, or loss of use of, Natural Resources that are not resulting from the Oil Discharges;
- c. any criminal liability; and
- d. claims, other than claims for Natural Resource Damages related to the Oil Discharges, against the Defendants that the State, or the United States on behalf of the United States Environmental Protection Agency, and/or the United States Coast Guard, may have under any applicable law.
- e. Special Reservations Regarding Natural Resource Damages.

Notwithstanding any other provision of this Consent Decree, the United States and the State reserve the right to institute proceedings against the Defendants in this action or in a new action seeking recovery of Natural Resource Damages based on:

i. conditions caused by the Oil Discharges, unknown by the Trustees as of the date of the lodging of this Consent Decree, that cause new or additional injury to, destruction of, loss of, or loss of use of such Natural Resources; or

ii. information received by the Trustees after the date of lodging of this Consent Decree indicating that the Oil Discharges have resulted in new or significant additional injury to, destruction of, loss of, or loss of use of, such Natural Resources which injury is of a type that was unknown or a magnitude greater than was known by the Trustees as of the date of lodging of this Consent Decree.

IX. COVENANT BY THE DEFENDANTS

12. The Defendants hereby covenant not to sue and agree not to assert any claims or causes of action against the United States or the State, and their employees, agents, contractors, departments, agencies, administrations and bureaus, related to Natural Resource Damages arising from the Oil Discharges, including, without limitation, any potential or pending claims against the Fund relating to the Oil Discharges. Defendants reserve, and this Consent Decree is without prejudice to, all claims, rights and defenses with respect to all matters not expressly included within this Covenant Not to Sue, including all rights and defenses with respect to all matters reserved in Paragraph 11 of Section VIII.

X. EFFECT OF SETTLEMENT

13. Upon the Effective Date and after all payments are made pursuant to this Consent Decree, the Defendants are entitled to contribution protection under Maine law from all contribution actions or claims for the matters addressed in this Consent Decree, such that, to the extent provided by 38 M.R.S. § 348(4), the Defendants shall not be liable for claims by other potentially liable persons regarding Natural Resources Damages addressed in this Consent Decree.

14. Nothing in this Consent Decree shall be construed to create any rights in, or grant any cause of action to, any person not a Party to this Consent Decree. In addition, with the exception described in paragraph 13 above, nothing in this Consent Decree shall limit, enlarge, or otherwise affect, the private rights or claims of any person not a Party to this Consent Decree, except as may be determined otherwise by a court of competent jurisdiction. Each of the Parties expressly reserves any and all rights (including, but not limited to, any right of contribution), defenses, claims, demands, and causes of action which each Party may have with respect to the Oil Discharges against any person not a Party hereto.

15. This Consent Decree shall not bar any action by the United States or the State with respect to any matters other than those expressly specified in the covenants not to sue set forth in Paragraphs 9 and 10 of Section VIII (Covenant Not to Sue by Plaintiffs).

16. This Consent Decree shall not preclude the United States or the State from instituting a separate or ancillary action to enforce the terms of this Consent Decree.

XI. MODIFICATION

17. a. Material Modifications. Material modifications to the Consent Decree

may be made only by written approval of the Parties and the approval of the Court.

b. **Non-Material Modifications.** Non-material modifications of the Consent Decree may be made only by written approval of the Parties. Non-material modifications will be effective when signed by all of the Parties and may be filed with the Court in order to maintain a complete record of the Consent Decree.

XII. NOTICES

18. Unless otherwise specified herein, whenever notifications, submissions, or communications are required by this Consent Decree, they shall be made in writing and addressed to those listed below. Any Party may change the person and/or address applicable to it by providing notice of such change to all Parties. All notices under this Section are effective upon receipt, unless otherwise specified. Except as otherwise provided, notice to a Party by email (if that option is provided below) and by regular mail in accordance with this Section satisfies any notice requirement of this Consent Decree regarding such Party.

As to the United States:

EES Case Management Unit
Environment & Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, DC 20044-7611
eescdcopy.enrd@usdoj.gov
Re: DJ# 90-11-3-11302

Britta Hinrichsen
United States Department of Commerce
NOAA Office of General Counsel
55 Great Republic Drive
Gloucester, MA 01930
britta.hinrichsen@noaa.gov

Mark Barash
United States Department of the Interior
Office of the Solicitor
One Gateway Center
Suite 612
Newton, MA 02458
mark.barash@sol.doi.gov

As to the State:

Mary Sauer
Assistant Attorney General
Office of the Attorney General
6 State House Station
Augusta, ME 04333-0006
Mary.Sauer@maine.gov

Scott Whittier
Director, Petroleum Management Division
Bureau of Remediation and Waste Management
Department of Environmental Protection
17 State House Station
Augusta ME 04333-0017
Scott.Whittier@maine.gov

As to Chevron U.S.A. Inc., Texaco Inc. and Chevron Environmental Management Company:

Sigmund D. Schutz
Preti Flaherty Beliveau & Pachios LLP
One City Center
Portland, ME 04101
sschutz@preti.com

Neil J. Fletcher
Senior Counsel
Environmental & Safety Law Group
Chevron Services Company
A Division of Chevron U.S.A. Inc.
1400 Smith Street, 5th Floor
Houston, TX 77002
nejf@chevron.com

Robert Wilkenfeld
General Manager
Marketing Business Unit
Chevron Environmental Management Company
6101 Bollinger Canyon Road
San Ramon, California 94583
Wilkenfeld@chevron.com

As to Cumberland Farms, Inc.:

Cumberland Farms, Inc.
100 Crossing Blvd.
Framingham, MA 01702
Attention: General Counsel

As to Gulf Oil Limited Partnership:

Gulf Oil Limited Partnership
100 Crossing Blvd.
Framingham, MA 01702
Attention: General Counsel

XIII. RETENTION OF JURISDICTION

19. This Court retains jurisdiction over both the subject matter of this Consent Decree and the Parties for the duration of the performance of the terms and provisions of this Consent Decree for the purpose of enabling any of the Parties to apply to the Court at any time for such further order, direction, and relief as may be necessary or appropriate for the construction or modification of this Consent Decree, or to effectuate or enforce compliance with its terms.

XIV. LODGING AND OPPORTUNITY FOR PUBLIC COMMENT

20. a. This Consent Decree shall be lodged with the Court for at least 30 days for public notice and comment.

b. The United States reserves the right to withdraw or withhold its consent to the Consent Decree if comments received regarding the Consent Decree disclose facts or considerations that indicate the Consent Decree is inappropriate, improper or inadequate.

c. The Defendants consent to the entry of this Consent Decree without further notice, and agree not to withdraw or oppose entry of the Consent Decree or to challenge any provision of the Consent Decree.

21. If for any reason the Court should decline to approve this Consent Decree in the form presented, this agreement is voidable at the sole discretion of any Party and the terms of the agreement may not be used as evidence in any litigation between the Parties.

XV. FINAL JUDGMENT

22. Upon approval and entry of this Consent Decree by the Court, this Consent Decree shall constitute a final judgment between and among the Parties for only the Natural Resource Damages settled herein. The Court finds that there is no just reason for delay and therefore enters this as a final judgment under Fed. R. Civ. P. 54 and 58.

XVI. ACTIONS OF TRUSTEES

23. All actions taken by the Trustees pursuant to this Consent Decree shall be in accordance with the terms of the separate agreement among the Trustees.

XVII. EFFECTIVE DATE

25. The effective date of this Consent Decree shall be the date upon which the approval of this Consent Decree is recorded on the Court's docket ("Effective Date").

XVIII. COSTS AND ATTORNEYS FEES

26. The Parties shall bear their own costs of this action, including attorneys' fees,

except that the Plaintiffs shall be entitled to collect the costs (including attorneys' fees) incurred in any action necessary to enforce this Consent Decree.

XIX. SIGNATORIES/SERVICE

27. The undersigned representatives of the Defendants each certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Decree and to execute and legally bind such Party to this document.

28. Each Defendant shall identify on the attached signature page the name, address, telephone number and email address of an agent who is authorized to accept service of process, if served by both mail and email, on behalf of that Defendant with respect to all matters arising under or relating to this Consent Decree. The Defendants hereby agree to accept service in this manner and to waive the formal service requirements set forth in Rule 4 of the Federal Rules of Civil Procedure and any applicable local rules of this Court, including, but not limited to, service of a summons. Defendants need not file an answer to the complaint in this action unless or until the Court expressly declines to enter this Consent Decree.

SO ORDERED THIS ___ DAY OF _____, 2016.

UNITED STATES DISTRICT JUDGE
District of Maine

THE UNDERSIGNED PARTY enters into this consent decree in the matter of United States and State of Maine v. Chevron U.S.A. Inc., et al.

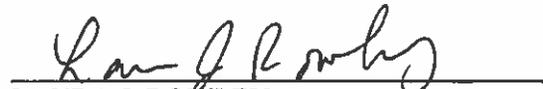
FOR THE UNITED STATES:

4/28/16
Dated



JOHN C. CRUDEN
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

4/29/2016
Dated



LAURA J. ROWLEY
Senior Counsel
SUSAN AKERS
Assistant Section Chief
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

THE UNDERSIGNED PARTY enters into this consent decree in the matter of United States and State of Maine v. Chevron U.S.A. Inc., et al.

FOR THE STATE OF MAINE:

3-23-2016
Dated



PAUL MERCER
Commissioner
Maine Department of Environmental Protection
17 State House Station
Augusta ME 04333-0017

3-29-2016
Dated



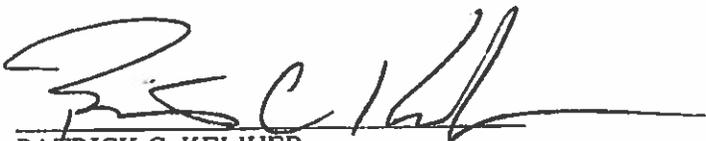
WALTER E. WHITCOMB
Commissioner
Maine Department of Agriculture, Conservation and Forestry
22 State House Station
Augusta ME 04333-0022

3-29
Dated



CHANDLER E. WOODCOCK
Commissioner
Maine Department of Inland Fisheries and Wildlife
41 State House Station
Augusta ME 04333-0041

3/25
Dated



PATRICK C. KELHER
Commissioner
Maine Department of Marine Resources
21 State House Station
Augusta ME 04333-0021

JANET T. MILLS
ATTORNEY GENERAL

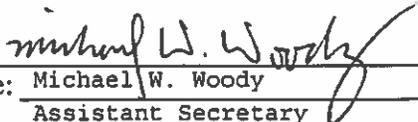
4-5-2016
Dated

Mary M. Sauer
MARY M. SAUER
Assistant Attorney General
Office of the Attorney General
6 State House Station
Augusta, ME 04333
(207) 626-8579
mary.sauer@maine.gov

THE UNDERSIGNED PARTY enters into this consent decree in the matter of United States and State of Maine v. Chevron U.S.A. Inc., et al.

FOR CHEVRON U.S.A. INC.:

March 14, 2016
Dated


Name: Michael W. Woody
Title: Assistant Secretary
Address: Chevron U.S.A. Inc.
6001 Bollinger Canyon Road
San Ramon CA 94583-2324

Agent authorized to accept service on behalf of Chevron U.S.A. Inc.:

Name: Sigmund D. Schutz, Esq.
Address: Preti Flaherty, One City Center
Portland, ME 04101
Telephone number: 207-791-3000
Facsimile Number: 207-791-3111

THE UNDERSIGNED PARTY enters into this consent decree in the matter of United States and State of Maine v. Chevron U.S.A. Inc., et al.

FOR TEXACO INC.:

March 14, 2016

Dated



Name: Frank G. Soler

Title: Vice President and Secretary

Address: Texaco Inc.
6001 Bollinger Canyon Road
San Ramon CA 94583-2324

Agent authorized to accept service on behalf of Texaco Inc.:

Name: Sigmund D. Schutz, Esq.

Address: Preti Flaherty, One City Center
Portland, ME 04101

Telephone number: 207-791-3000

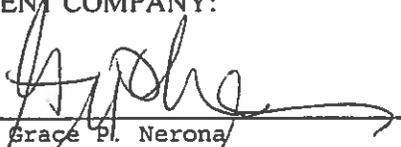
Facsimile Number: 207-791-3111

THE UNDERSIGNED PARTY enters into this consent decree in the matter of United States and State of Maine v. Chevron U.S.A. Inc., et al.

FOR CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY:

March 14, 2016

Dated


Name: Grace P. Nerona
Title: Assistant Secretary
Address: Chevron Environmental
Management Company
6001 Bollinger Canyon Road
San Ramon CA 94583-2324

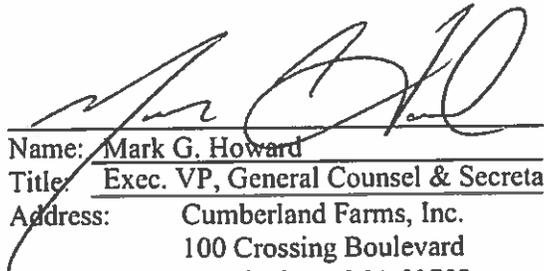
Agent authorized to accept service on behalf of Chevron Environmental Management Company:

Name: Sigmund D. Schutz, Esq.
Address: Preti Flaherty, One City Center
Portland, ME 04101
Telephone number: 207-791-3000
Facsimile Number: 207-791-3111

THE UNDERSIGNED PARTY enters into this consent decree in the matter of United States and State of Maine v. Chevron U.S.A. Inc., et al.

FOR CUMBERLAND FARMS, INC.:

March 10, 2016
Dated


Name: Mark G. Howard
Title: Exec. VP, General Counsel & Secretary
Address: Cumberland Farms, Inc.
100 Crossing Boulevard
Framingham, MA 01702

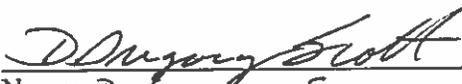
Agent authorized to accept service on behalf of Cumberland Farms, Inc.:

Name: Mark G. Howard, Exec. VP, General Counsel & Secretary
Address: 100 Crossing Boulevard
Framingham, MA 01702
Telephone number: 508-270-1475
Facsimile Number: 781-459-0570

THE UNDERSIGNED PARTY enters into this consent decree in the matter of United States and State of Maine v. Chevron U.S.A. Inc., et al.

FOR GULF OIL LIMITED PARTNERSHIP:

03/01/2016
Dated


Name: D. Gregory Swett
Title: SVP Supply Operations
Address: Gulf Oil Limited Partnership
100 Crossing Boulevard
Framingham, MA 01702

Agent authorized to accept service on behalf of Gulf Oil Limited Partnership:

Name: Christopher E. Gill
Address: 100 Crossing Boulevard
Framingham, MA 01702
Telephone number: (508) 270-8346
Facsimile Number: (781) 459-0454

and Budget packet
& Kelly's memo

D-5-f

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
email: assessor@hampdenmaine.gov

To: Angus Jennings, Town Manager & Council
From: Kelly Karter, Assessor
Re: Valuation/Mil Rate Calculation
Date: June 8, 2016

.....

It has long been a misconception that if valuations would go down, taxes would go down. However, the only way taxes go down is if one of the following happens: A large increase in town wide valuation, either through a large new tax base or through a comprehensive revaluation; or through reduced spending.

The mil rate calculation form takes into account the total town wide valuation (both real estate and personal property); town expenses (school/local government); county tax; and revenues such as State Aid to Education as well as Municipal Revenue Sharing.

When a budget increases by hundreds of thousands of dollars, it takes tens of millions of new valuation to cover the increase in revenue. At our current mil rate one million dollars in valuation raises \$17,500 in taxes. If there is an increased need/demand for more tax dollars it requires a substantial amount of new valuation to try and "make up" the difference and keep the mil rate unchanged.

The Municipal Tax Rate Calculation Form is a standard form issued by Maine Revenue Services and distributed to all communities. On page two I have copied last years' calculation form. I have highlighted the valuation, expense, minimum/maximum mil rate, selected rate and overlay amount as a result of the selected rate.

When using last years' valuation and increasing the mil rate by \$1.00 the approximate increase in revenue would be \$635,971 (without the increase in the Homestead Exemption of approximately -\$76,545 (unaudited) or any increase in the BETE reimbursement exemption, but using last year's number).

If you add the current real estate increase in valuation (\$11,314,300 (excluding the Emera TIF increase)) the estimated revenue at a \$1.00 rate increase would result in an approximate total commitment of \$11,974,783 (without calculating any other changes in the equation) or an increase of \$845,285 additional tax dollars.

If you have any questions or would like more detail, please let me know.

FY-16 APPROVED

Municipality: HAMPDEN

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Total taxable valuation of real estate	597,620,000 <small>(Should agree with MVR Page 1 line 6)</small>	
2. Total taxable valuation of personal property	21,841,300 <small>(Should agree with MVR Page 1 line D)</small>	
3. Total taxable valuation of real estate and personal property (Line 1 plus line 2)	619,461,300 <small>(Should agree with MVR Page 1 line D)</small>	
4. (a) Total exempt value for all homestead exemptions granted	18,519,000 <small>(Should agree with MVR Page 1 line M)</small>	
(b) Homestead exemption reimbursement value	9,259,500 <small>(Line 4(a) multiplied by 0.5)</small>	
5. (a) Total exempt value of all BETE qualified property	13,729,700 <small>(Should agree with MVR Page 2, line 2)</small>	
(b) The statutory standard reimbursement for 2015 is 50% of Municipalities with significant personal property & equipment may qualify for more than 50% reimbursement. Contact MRS for the Enhanced Calculator Form	7,250,499 <small>(Line 5(a) multiplied by 0.5)</small>	
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b))	635,971,299	635,971,299 <small>QUALIFY - CALL (624-3600 #1)</small>

This number represents our total valuation with State Reimbursements

Town Expenses

7. County Tax	\$768,555.00	
8. Municipal Appropriation	\$6,823,432.00	
9. TIF Financing Plan Amount	\$189,147.88 <small>(Should agree with MVR Page 2, line 1)</small>	
10. Local Education Appropriation (Local Share/Contribution)	\$6,130,574.00	
11. Total Assessments (Add lines 7 through 10)	\$13,911,708.88	

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing	\$348,000.00	
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, fees growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc... (Do Not include any Homestead or BETE Reimbursement))	\$2,737,500.00	
14. Total Deductions (Line 12 plus line 13)	\$3,085,500.00	
15. Net to be raised by local property tax rate (Line 11 minus line 14)	\$10,826,208.88	\$10,826,208.88 <small>Minimum Rate = \$17.03 Maximum Rate = \$17.87</small>

Minimum Rate = \$17.03
Maximum Rate = \$17.87

Selected rate and resulting tax Commitment

Resulting Overlay from selected rate

16. $\frac{\$10,826,208.88}{1.05}$	\$10,309,723.70	
17. $\frac{\$10,309,723.70}{635,971,299}$	0.017500	
18. $\frac{\$10,309,723.70}{635,971,299}$	0.017500	
19. $\frac{\$10,309,723.70}{635,971,299}$	0.017500	
20. $\frac{\$10,309,723.70}{635,971,299}$	0.017500	
21. $\frac{\$10,309,723.70}{635,971,299}$	0.017500	
22. $\frac{\$10,309,723.70}{635,971,299}$	0.017500	
23. $\frac{\$10,309,723.70}{635,971,299}$	0.017500	

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.