HAMPDEN TOWN COUNCIL

HAMPDEN MUNICIPAL BUILDING

AGENDA

MONDAY MAY 16, 2016 7:00 P.M.

- ***6:30 pm – Finance & Administration Committee Meeting***

A. PLEDGE OF ALLEGIANCE

B. CONSENT AGENDA

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

   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

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS - None

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

2. PUBLIC HEARINGS –

   a. *Anglers Restaurant – Application for a Special Amusement License*
   b. *Proposed Fees Ordinance Amendments-hearing continuation from May 2nd Public Hearing*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

   a. *Nomination of Kristen McAlpine to Historic Preservation Commission-referral from Planning & Development*
   b. *Nomination of Brittany Goetting to Historic Preservation Commission-referral from Planning & Development*
   c. *Nomination of Andrew Scott-to Planning Board as an alternate-referral from Planning & Development*

4. UNFINISHED BUSINESS

   a. *Status of Dangerous Building Order from April 19th, 2016 Public Hearing*

5. NEW BUSINESS

   a. *Vendors at Municipal Building – referral from Services Committee*
   b. *Amendment to Zoning Ordinance, threshold for Building Permit – referral to Planning Board recommended by Planning & Development Committee*
   c. *Amendment to Shoreland Zoning Ordinance – referral to Planning Board recommended by Planning & Development Committee*
   d. *Request for Municipal Building reserve funds in the amount of $550.00 to replace garage door opener*
   e. *Request for Marina reserve funds in the amount of up to $4,000.00 for channel markers, no wake buoys, mooring equipment*
   f. *Request for Streets/Roads reserve funds in the amount of up to $59,213.00 for 2016 paving projects.*
   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*

E. COMMITTEE REPORTS

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

G. COUNCILORS' COMMENTS

H. ADJOURNMENT

B-2-a

HAMPDEN TOWN COUNCIL

HAMPDEN MUNICIPAL BUILDING

MINUTES

MONDAY MAY 2, 2016 7:00 P.M.

- ***6:30 pm – Finance & Administration Committee Meeting***

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

Attending: Mayor Ryder
Councilor Sirois
Councilor McPike
Councilor Wilde
Councilor Marble
Councilor Cormier
Councilor McAvoy
Town Manager Angus Jennings
Town Clerk Paula Scott
Meghan Ireland and family
Citizens

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. April 19, 2016 Meeting Minutes

3. COMMUNICATIONS

a. Acknowledgement of receipt of Hampden's council action to retain fishing rights
b. Application for a renewal Victualer's license for Anglers Restaurant
c. Acknowledgement of trails improvement work by volunteers in the Outdoor Connections program
d. Information on the 11th Annual Stream Clean-up event May 7th

4. REPORTS

a. Planning & Development Committee Minutes – *April 6, 2016*
b. Infrastructure Committee Minutes – *March 28, 2016*
c. Finance & Administration Minutes – *April 4, 2016*

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

C. **PUBLIC COMMENTS** - *None*

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

a. **Presentation of award to Meghan Ireland of Reeds Brook Middle School – for her winning essay entitled "If I Led My Community…."** – *On behalf of Maine Municipal Association the sponsor of the essay contest, and the Town of Hampden, Mayor Ryder presented Meghan Ireland with a Certificate of Excellence and a $250.00 visa gift card for her winning essay.*

b. Announcement by Hampden Recreation and the Lura Hoit Memorial Pool staff introducing the online program registration system MyRec.com – *Manager Jennings recapped how the use of I T Computer Reserve funds were used to set up the on-line recreation registration program. Each resident can set up their own account and sign up for anything from swimming lessons, to facility rental, to other rec programs. The accounting process is going very well and there is an expected 60% participation going forward.*

2. **PUBLIC HEARINGS** - *None*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS - *None*

4. UNFINISHED BUSINESS

a. **Consideration of a request by the immediate prior owner for redemption of tax foreclosed property located at 1037 Kennebec Road and further identified as Map 1 Lot 56 of the Town of Hampden's tax maps**. – *Councilor Sirois reported that this was discussed at length in Finance & Administration committee with a general consensus to offer redemption of the property. Councilor Sirois made a motion, seconded by Councilor Wilde to sell back to the former owner, for all money due the Town of Hampden the property located at 1037 Kennebec Road and also identified as Map 1 Lot 56. Unanimous vote in favor.*

b. RSU 22 Budget Discussion and upcoming RSU 22 Board meeting on May 4th, 2016 – *Manager Jennings discussed the recent tracking of the RSU 22 budget by himself and other member*

managers. The Council was given a memo on his review from which he read. ***(Memo attached as Exhibit 4.b.1 to these minutes)*** *Discussion followed with councilors weighing in with concerns about the lack of correlation between the budget requests and the actual money spent, concerns about large contingency cushions not identified as such and the 23% increase in just 2 years. All councilors emphasized their support for quality education, with fiscal responsibility. The Council advised, by a unanimous show of hands, for the manager to continue pursuing and bringing forth answers and information regarding the school budget. The Council also encouraged residents to attend the RSU 22 Budget meeting to be held on May 4th at 6:00 at the Hampden Academy library.*

5. NEW BUSINESS

a. Application for a renewal liquor license for Anglers Restaurant *–Motion made by Councilor Sirois, seconded by Councilor McAvoy to approve the liquor license. Unanimous vote in favor.*

b. Amendments to the Zoning Ordinance regarding off-premise municipal signs – ***referral from Planning & Development Committee to Planning Board*** *– Councilor McPike reported on the additions made to 4.8.1 and discussion followed regarding off premise signs for businesses. Councilor McAvoy expressed concern regarding the broad scope in relationship to signs on private property. Manager Jennings acknowledged those concerns and stated that there is a public interest for the need to allow off premise signs, but it can be done without being vague. This will all be addressed in the ensuing Planning Board and committee meetings. Motion made by Councilor McPike, seconded by Councilor Wilde to refer to the Planning Board. Unanimous vote in favor.*

c. Amendments to the Zoning Ordinance regarding Accessory Apartments in Residential A District – ***referral from Planning & Development Committee to Planning Board*** *– Councilor McPike explained the intent of the changes as addressing a need to allow for accessory living space at a single family dwelling and to make it easier for families that may need to have a family member living at home in a separate living area, such as elderly parents returning home to live with grown children. At this time there is nothing on the books and the intent here is to address that. Motion made by Councilor McPike, seconded by Councilor McAvoy to refer changes to Residential A District, accessory structures in the Zoning Ordinance to the Planning Board. Unanimous vote in favor. At this point Councilor Marble stated for the record that this is one more*

instance where he could contest the need for three parking spaces at a single family dwelling and the emphasis is on family. He doesn't believe that this is comparable to private apartments and hopes that someone will review the parking aspect.

d. Town Manager's presentation of the proposed FY17 budget – *Manager Jennings addressed the Council and the public by stating that his Budget Message attempted to address some key points as follows: To internalize recurring expenses formerly paid from Host Community Benefit account, Preventing the Sewer Fund from draining the General Fund, Utilizing TIF revenue to offset the budget, and re-activating the Environmental Trust. For the budget to include a Capital program that will help with establishing a Capital plan. To evaluate the operational effects of the Skehan Center, to budget for parks and recreation maintenance, and to strategize the feasibility of a Community Center.* ***(The Proposed FY 17 budgets and message are attached to these minutes as Exhibit 5.d.1)*** *The various departments within the entire budget will be discussed at several budget workshops and will be posted to the website.* ***(Schedule of budget workshops attached to these minutes as Exhibit 5.d.2)***

E. **COMMITTEE REPORTS** –
Councilor Sirois reported that Finance & Administration Committee reviewed the foreclosed property process and made the recommendation that the Council acted on tonight, discussed the overview of the FY17 budget presented tonight.
Councilor McPike reported on the 4/20 Planning & Development meeting and discussions on the marina sign design, off premise signs, accessory apartments and the Shoreland Zone conformance update.
Councilor Marble reported on the Infrastructure Committee at which they considered the proposal from Pemco regarding LED streetlights. More research is needed on that. They considered a resident's request for a sidewalk crossing on Rte. 1-A, discussed private businesses selling food on town owned property and discussed the victualer's license process and requirements.
Councilor McAvoy reported that the next Services Committee meeting will be Monday the 9th.

F. **MANAGER'S REPORT** – *Manager Jennings reported that there is a meeting with the Farmers' Market representatives scheduled for May 3rd, they will again be starting the summer market on May 20th at the municipal office, work is continuing on the Harbor Ordinance as well as continuing work on the storm water process with a meeting scheduled for May 11th at 9:00 a.m.*

G. **COUNCILORS' COMMENTS** –

Councilor McAvoy - reminded everyone to shop local and buy American
Councilor Cormier – no comment
Councilor Marble - reminded everyone about the annual stream clean up to be held on Saturday May 7th, the Hot Stove meeting is going to be on the 21st. He encouraged everyone to attend the budget meetings and congratulated Meghan Ireland once again.
Councilor Wilde – Stated he wanted to echo Councilor Marble's comment about attending the budget meetings and stated that this budget is the most transparent budget in years.
Councilor McPike – Reported that at this time Fiberight has 68,000 ton committed, stated the last meeting covered odor and traffic and the agenda stayed on topic.
Councilor Sirois – no comment
Mayor Ryder – Thanked the Hannaford employees that volunteered to clean up the Dorothea Dix Park trails. He also thanked Ralph Arbo who has completed all of the picnic tables for park and rec locations. He also thanked all of the citizens that have stepped up to be on committees.

H. ADJOURNMENT – *There being no further business, Councilor McAvoy made a motion, seconded by Councilor Marble to adjourn at 8:25. Unanimous vote in favor.*

Respectfully submitted,

Paula A. Scott, CCM
Town Clerk

Exhibit 4-b-1

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

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

TO: Town Council
FROM: Angus Jennings, Town Manager
DATE: May 2, 2016
RE: RSU-22 Budget Review

The proposed RSU-22 budget for FY17 was included in the meeting packet, including changes that were recommended by the School Board's Budget Committee at their meeting on April 26.

As part of our ongoing review of the proposed budget, I have been working with the other Town Managers in the RSU-22 District to understand the proposal and, as part of that effort, we met with the School Administration in February and again last week. We also obtained from the District Accountant's office backup documentation regarding the non-personnel aspects of the budget. This represents about $10.4 million of the total proposed budget of $30.1 million.

It is my understanding that the Budget Committee has not - either this year or in past years - been provided (nor, apparently, requested) this backup accounting.

Our review of the backup documents reveals several oddities that we are still working to understand. While we have made efforts to clarify our understanding of these issues with the Administration and the School Board Budget Committee, the questions asked at last week's meeting were not answered with any specificity.

The oddities that I'm referring to are budget lines where either:

1. FY17 request significantly exceeds actual FY15 spending (and FY16 YTD spending doesn't appear to be on trajectory to support increase);
2. Proposed new line items; and
3. FY15 complete year and FY16 YTD shows no spending at all, yet proposed for continued funding in FY17.

Although this phenomenon affects many smaller accounts as well, an excerpt of accounts that stood out with significant discrepancies is on the following page.

Review of Backup to RSU-22 Proposed Budget

Account / Description	FY15 Budget	FY15 Actual	FY16 Budget	FY16 Expended YTD (4/4/16)	FY17 Requests	Difference: FY17 proposed to FY15 Actual
541000 Water & Sewer	$ 85,624.00	$ 47,001.11	$ 85,624.00	$ 32,102.46	$ 85,624.00	$ 38,622.89
542000 Trash Removal	$ 40,546.00	$ 22,383.97	$ 40,546.00	$ 15,667.37	$ 40,546.00	$ 18,162.03
542100 Snow Removal	$ 87,954.00	$ 69,452.45	$ 87,954.00	$ 52,257.15	$ 87,954.00	$ 18,501.55
543300 Software Repairs & Maintenance	$ 78,810.00	$ 92,743.55	$ 94,878.00	$ 123,201.72	$ 95,810.00	$ 3,066.45
550000 Purchased Svcs	$ 39,096.00	$ 25,943.98	$ 39,096.00	$ 24,097.88	$ 39,096.00	$ 13,152.02
552000 Insurance	$ 106,609.00	$ 88,876.00	$ 106,609.00	$ 92,443.00	$ 106,605.00	$ 17,729.00
561000 Instructional Supplies	$ 134,627.24	$ 101,275.98	$ 126,484.24	$ 83,450.90	$ 131,917.24	$ 30,641.26
561100 Equip, Instructional	$ 44,600.00	$ 26,187.32	$ 41,289.00	$ 20,734.39	$ 45,200.00	$ 19,012.68
561990 Copier Paper	$ 37,500.00	$ 27,781.98	$ 37,500.00	$ 20,989.60	$ 37,500.00	$ 9,718.02
562200 Electricity	$ 565,533.00	$ 530,043.48	$ 599,729.00	$ 354,987.94	$ 599,729.00	$ 69,685.52
562400 Fuel	$ 335,587.00	$ 317,254.36	$ 397,582.00	$ 194,720.52	$ 397,582.00	$ 80,327.64
562200 Gasoline	$ 199,725.00	$ 177,619.00	$ 227,725.00	$ 110,042.10	$ 227,725.00	$ 50,106.00
564000 Textbooks & Periodicals	$ 121,961.34	$ 111,639.78	$ 139,803.34	$ 113,530.01	$ 167,951.34	$ 56,311.56
565000 Tech-related Supplies	$ 77,273.00	$ 60,756.89	$ 76,988.00	$ 27,907.87	$ 76,988.00	$ 16,231.11
						$ 441,267.73

It is important to note that, while there are many accounts with budgeted but unexpended FY15 funds, there are other accounts that were overspent. Taking into account all unexpended and overexpended lines the non-personnel budget shows $224,935 in budgeted but unexpended funds in FY15.

When we asked the Administration how to understand these numbers, the general response we were given was that certain lines are over budgeted to provide contingency, which of course we understand. However, there did not appear to be any relationship between the actual contingency costs (i.e. teachers with long-term illness related absences compensated, in addition to paying subs) and the over-budgeted line items.

I believe this material raises questions about the relationship between how dollars are budgeted and how they are actually spent. It is also of concern that the transmittal of this backup information referred to the material as an "internal" document. This description of a public document is troubling as it reflects a lack of understanding of the Right-to-Know law.

Speaking based on what I've heard from other towns in the District, this Council, and based on my own work, it is important to make clear that, while some of the stated concerns about the School budget trends relate to the dollar amounts, an at-least-equal - and perhaps greater - concern is what appears to be a lack of true oversight of the budget by the Budget Committee (and, by extension, the School Board). Without oversight, there's no accountability. Without accountability, there's no way of knowing if the proposed cost increases are in fact needed.

Both I and this Council have a responsibility to understand how all public dollars are spent, and this is especially true as the Town has diminished public services over time in order to absorb non-town increases.

It is my hope that the School Board will see fit to take these issues into consideration in their review of the proposed FY17 Budget at their meeting this Wednesday May 6. I am hopeful, based on statements from the Administration and members of the School Board, that future budgeting will provide greater transparency. However, I also believe it is not unreasonable to expect the same during the current budget cycle.

I bring this to the Council’s attention to seek your advice and guidance regarding if or how you would like me to proceed.

DATE: May 1, 2016[1]

TO: Town Council

FROM: Angus Jennings, Town Manager

RE: Proposed FY17 Budgets: General Fund, Sewer Fund, Capital Program

Proposed FY17 Budget Message[2]

The contents of this proposed FY17 Budget are intended to be responsive to requirements of the Town Charter.

The following sections discuss specific policy objectives of the budget and notable items regarding the proposed budget.

Internalize recurring expenses formerly paid from Host Community Benefit Account

The current balance of the Host Community Benefit (HCB) Account is $236,586. However, while this amount appears in our Trio accounting software, there is not in fact this much cash on hand due to interfund transfers that have depleted the General Fund's cash reserves. As amounts due from the Sewer Fund are paid back over time, this account can again serve as a resource to either offset property taxes, or fund services or infrastructure that would not otherwise be funded.

At the February Goal Setting workshops, I established a goal for FY17 to budget for all items that have been paid from the HCB that remain policy priorities (or requirements). The following are the primary items which have been funded from the HCB in recent years are included in the proposed FY17 expense budget:

- Debt service: $108,097 (offset by $95,569 debt service budgeted and paid off in FY16)
- Engineering costs and local match of construction costs, Western Avenue sidewalk
- Stormwater management (consulting proposal received and pending in amount of approximately $30,000; actual proposed budget subject to continuing negotiations as well as opportunity to bring more contracted work in-house).
- Decorations: Veterans Day, Christmas Lights

[1] Town Charter Sec. 702.
[2] Town Charter Sec. 703.

Additional expenses paid out of the HCB in FY16, but which are not recurring costs, include the A/V improvements to the Council Chambers, the setting of survey pins to close out the Marina project, payment of the Town Manager's moving expenses as provided for in the approved employment contract, and the Natural Gas Feasibility Study (intended to be funded by TIF but funded through HCB due to 2014 TIF funding error).

Prevent Sewer Fund from being further drain on General Fund

As a result of changes to sewer rates adopted in February, it is projected that FY17 will be the first year in at least a decade that the Sewer Fund will not require interfund transfers in order to meet its current operating and capital costs. However, as noted in the proposed FY17 Sewer Budget, rates will be evaluated and will need to be further increased in order to both get current with past due amounts and to accelerate the multi-year payback to the General Fund.

TIF revenues can offset costs otherwise internal to taxpayer-funded budget

The terms of existing TIF agreements will result in roughly ½ of the proposed TIF budget being returned to the companies through Credit Enhancement Agreements with the balance of TIF funds – approximately $93,000 – available to support economic development and/or infrastructure activities defined as eligible within the specific TIF agreements. This will be discussed further within the budget meetings, and may allow for some expenses included in the proposed Budget, or others, to be funded through TIF.

Environmental Trust is resource for eligible expenses

Work is underway toward re-activating the Environmental Trust. It is hoped that some expenses included in the proposed Budget may be able to be funded through the Trust, such as related to stormwater management.

Capital Program

To my knowledge, the last time that a formal capital program was brought forward for Town Council review within the Budget process was 2008. It is clear that a great deal of effort was put toward this work at the time. However, the capital program was not implemented nor kept current over the years, presumably largely if not entirely as a result of the global economic recession beginning in late 2008 and the effect it had on Hampden and the overall economy.

This proposed budget includes a Capital Program which, while missing some details, is intended to provide a strong basis for the Town to finalize a capital plan. While a complete 5 or more year plan will not be achievable before the end of FY16, it is hoped that the Town Council will arrive at capital priorities to inform reserve funding to be included in the FY17 Budget.

Limit Interfund Transfers except to resolve short-term cash flow challenges

The Sewer Fund has been relying on regular interfund transfers from the General Fund for many years. (Excerpts of FY06-FY15 Audits included as an attachment to this Budget).

While further interfund transfers may be needed in the coming months, including in FY17, in order to maintain financial obligations, these have already created tremendous strain on the Town's cash flow, and have contributed to the need for borrowing through the TAN.

One of my goals with the FY17 Budget is to limit interfund transfers to situations where they are needed to resolve short-term cash flow challenges, but where the receiving fund can rely on future revenues to reimburse any future transfers in a reasonable amount of time.

Evaluate FY17 Budget and Operational Effects of Skehan Center on Recreation Department

The Town Council's Services Committee has directed me and the Recreation Director to prepare two alternate FY17 Budgets for the Recreation Department: one based on continuing the Town's lease of the Skehan Center; and the other based on terminating the lease.

In recent months, as a result of correspondence to the property owner at the direction of the Council, changes have been made to the building's parking, electrical and heating systems in an effort to bring the facility into compliance with the terms of the lease. Although these changes have not been in effect long enough – nor during the most expensive months for utilities costs – to provide updated information regarding facility operating costs, it is expected that these changes would result in reduced operating costs if we continue with the lease through FY17.

This proposed Budget includes both alternative scenarios, and these will be considered in detail within the Town Council's budget workshops and hearings. It is understood that, if changes are made, these would not likely take effect until midway through FY17 due to lead time associated with Recreation programming, marketing and registrations.

Budget for Maintenance of Public Parks and Recreational Facilities

The maintenance of public parks and recreational facilities generates personnel and cost impacts to the DPW that have not historically been budgeted. The proposed FY17 Budget includes a modest amount of funding to support direct expenses resulting from these services without compromising DPW's other responsibilities.

Pursue Community Consensus in FY17 regarding potential Community Center

Following on many discussions among the Council and its Committees, Town personnel, other Town Committees, and the public, I recommend that, during FY17, we work to establish a clear policy and financing strategy (if applicable) to implement consensus (or majority) policy objectives relative to the long-term facilities needs for Recreation, Pool, and the Library. It is not

proposed that any funds be committed toward any potential project during FY17, other than potential soft costs (i.e. survey, site analysis). However, given the importance of these issues to much of the community, I recommend that, beginning in Fall 2016, the Town Council lead a participatory public process to set out both challenges and opportunities associated with long-term facility needs.

Mil Rate

It is important to note that the budget hearing and adoption does not set the mil rate for the community. That is done in August after all the real estate, personal property, and exempt valuations are compiled by the Assessor. However, the Assessor will be involved with the budget process to provide the best estimates available regarding how the budget as approved by the Council will affect the mil rate.

Estimate Income[3] *(with comparative figures: FY15, FY16 YTD)*
Projections of revenues other than from property taxes are included in the attached table entitled "Revenue Accounts, Proposed FY17 and Budgeted / Actual FY15 and FY16 YTD." The following discussion relates to that table.

Property Tax Applicable to Increased Valuations
While the Assessor will not certify Assessed Values town-wide for some time, we have been working together closely to prepare estimates of new growth that will be subject to property and personal property taxation in FY17 and beyond. These estimates are based on close tracking of construction and permitting activity.

New Valuation Increases at the present time are estimated at $5,152,000 (not including TIF property valuation), which at the present mil rate of $17.50 per thousand would generate an additional $90,160. Up to $7,000,000 of personal property may become taxable at Emera, and is not subject to TIF. If so, at the present mil rate this would generate an additional $122,500.

I will work with the Assessor to continue to refine projected values and associated revenues during the FY17 budget process.

Excise Tax
Excise tax collections continue to increase and, year to date, we have collected 95% of the $1.6M included in the FY16 budget revenue projections. Excise tax receipts for FY17 are projected at $1,775,000. Actual collections in FY14 slightly exceeded this amount.

Changes to Homestead Act
Changes to the Homestead Act legislation increase the amount of value that is exempted from local taxation for participating properties. On 3/24/16 the Assessor estimated that these statutory changes can be expected to cost Hampden $69,562.50 above FY16 levels.

Municipal Revenue Sharing
Municipal Revenue Sharing, which had long been fully funded per Statute, has increasingly been "raided" by the State Legislature (source: Maine Municipal Association). In Hampden, Municipal Revenue Sharing fell from $800,000 (FY10) to $600,000 (FY13) to $348,000 (FY16).

Fortunately, for the first time in years, the State Treasurer reported in a letter dated 2/29/16 that Hampden would receive an increased amount of Municipal Revenue Sharing. FY17 Municipal Revenue Sharing is budgeted at $377,135.18.

[3] Town Charter Sec. 704.

Revenue Accounts, Proposed FY17 and Budgeted / Actual FY15 and FY16 YTD

As of May 1, 2016

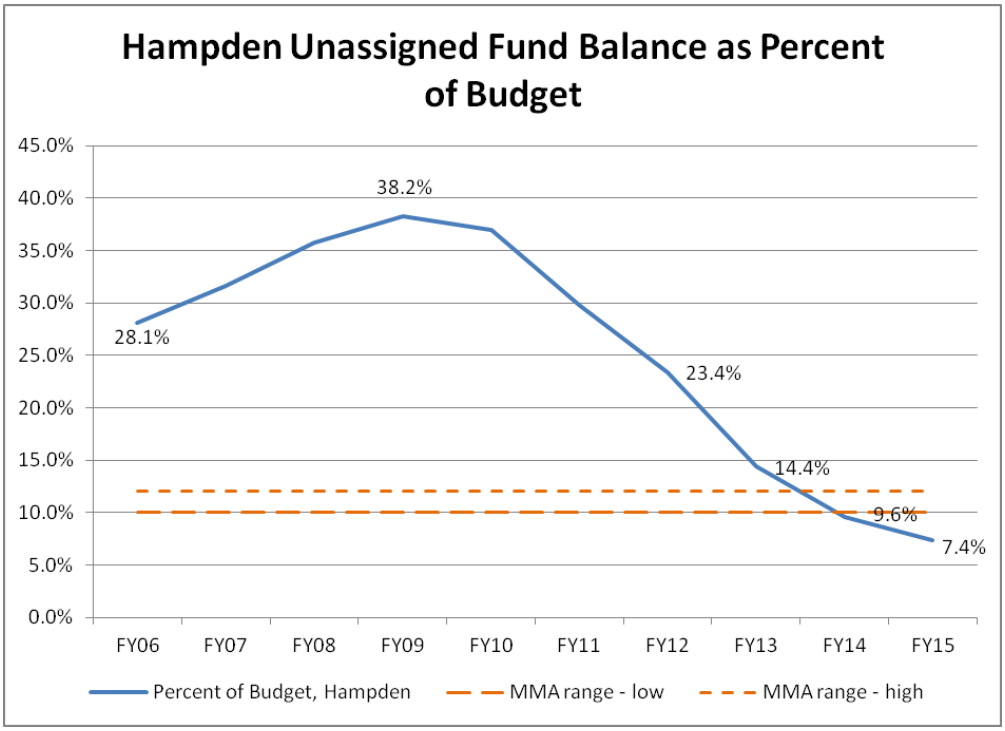
Account Number	Account Name	2014/2015 Adopted	2014/15 Received	Received minus Projected	2015/16 Adopted	2015/16 Received 4/30/16	2015/16 % Received	Received minus Projected	2016/2017 Proposed	2016/2017 Notes
01-03	Tax Interest	$ 9,000.00	$12,859.57	$3,859.57	$ 9,000.00	$ 8,146.54	91%	($853.46)	$9,000.00	
01-05	Lien Interest	$ 23,000.00	$21,910.14	($1,089.86)	$ 23,000.00	$ 21,900.79	95%	($1,099.21)	$23,000.00	
01-15	MV Excise Tax	$ 1,550,000.00	$1,776,652.32	$226,652.32	$ 1,600,000.00	$ 1,516,515.48	95%	($83,484.52)	$1,775,000.00	
01-17	Boat Excise	$ 9,000.00	$10,588.20	$1,588.20	$ 9,000.00	$ 5,015.00	56%	($3,985.00)	$10,500.00	*season just opened*
01-18	Agent Fees	$ 21,000.00	$20,981.00	($19.00)	$ 20,000.00	$ 17,830.00	89%	($2,170.00)	$20,500.00	
01-19	Clerk Fees	$ 12,500.00	$10,929.10	($1,570.90)	$ 12,500.00	$ 9,351.25	75%	($3,148.75)	$14,500.00	*Estimate based on improved collections dog registrations.*
01-23	Interest	$ 10,000.00	$15,248.97	$5,248.97	$ 10,000.00	$ 7,684.02	77%	($2,315.98)	$10,000.00	
01-25	Rental Income	$ 2,000.00	$1,100.00	($900.00)	$ 2,000.00	$ 6,250.00	313%	$4,250.00	$2,000.00	*Post Office*
01-27	Plumbing Fees	$ 6,500.00	($2,476.25)	($8,976.25)	$ 6,500.00	$ 7,072.50	109%	$572.50	$6,500.00	*Projected receipts $8,600 net of 25% to State*
01-29	CEO Fees	$ 15,000.00	$14,010.80	($989.20)	$ 15,000.00	$ 15,707.20	105%	$707.20	$17,500.00	*Proposed Fees Ordinance amendments would increase*
01-31	Planning Bd. Fees	$ 2,500.00	$685.00	($1,815.00)	$ 2,500.00	$ 1,610.00	64%	($890.00)	$1,700.00	
01-89	HRA - from ICMA			$0.00	$ 50,000.00		0%	($50,000.00)		
01-35	Cable TV Fee	$ 40,000.00	$35,582.17	($4,417.83)	$ 40,000.00	$ 38,892.71	97%	($1,107.29)	$39,000.00	
01-37	Fees/Permits	$ 1,000.00	$310.00	($690.00)	$ 1,000.00	$ 925.00	93%	($75.00)	$1,000.00	
01-41	HCB Revenue	$ -	$97.50	$97.50	$ -			$0.00	$0.00	
01-45	Service Fees	$ 15,000.00	$10,575.81	($4,424.19)	$ 15,000.00	$ 8,644.14	58%	($6,355.86)	$13,540.00	*Actual FY16 plus collection dba Hampden Meadows*
01-47	Business Pk. Rev.	$ -	$0.00	$0.00	$ -	$ 20,000.00		$20,000.00		
01-78	Sewer Income	$ 60,000.00	$60,000.00	$0.00	$ 60,000.00	$ -	0%	($60,000.00)	$160,000.00	*$60k for staff offset; $100k for partial interfund transfer payable*
01-79	Miscellaneous	$ 2,000.00	$1,126.90	($873.10)	$ 2,000.00	$ 506.02	25%	($1,493.98)		
01-81	Tree Growth	$ 2,000.00	$3,483.23	$1,483.23	$ 2,000.00	$ 175.32	9%	($1,824.68)	$3,400.00	*rec'd in Nov '15 for FY 15*
01-82	Vet's Reimburse.	$ 6,500.00	$6,809.00	$309.00	$ 6,500.00	$ -	0%	($6,500.00)	$6,700.00	*rec'd in Aug '15 for FY 15*
01-86	GA Reimburse.	$ 5,000.00	$3,940.48	($1,059.52)	$ 5,000.00	$ 261.25	5%	($4,738.75)	$5,000.00	*Half budgeted GA expense*
01-87	Snowmobile Reimb.	$ -	$2,654.62	$2,654.62		$ 687.72		$687.72	$2,654.00	*FY16 receipts net out payment to Goodwill Riders*
01-88	State Rev. Sharing	$ 333,785.00	$333,785.00	$0.00	$ 348,000.00	$ 290,041.01	83%	($57,958.99)	$377,135.18	*State Treasurer, 2/29/16*
01-99	Fund Balance	$ 400,000.00	$0.00	($400,000.00)	$ 200,000.00	$ -	0%	($200,000.00)	$0.00	*TM not recommending use of Fund Balance*
05-01	Animal Control Fee	$ 1,000.00	$1,926.00	$926.00	$ 1,000.00	$ 2,549.00	255%	$1,549.00	$2,500.00	
05-05	Ambulance Fees	$ 190,000.00	$232,929.13	$42,929.13	$ 200,000.00	$ 167,138.85	84%	($32,861.15)	$200,000.00	*On track to reach FY16 projected revenues*
05-15	Police Receipts	$ 2,500.00	$4,483.96	$1,983.96	$ 2,500.00	$ 1,458.48	58%	($1,041.52)	$2,500.00	
05-20	DEA/School Reim.	$ 120,000.00	$123,584.67	$3,584.67	$ 160,000.00	$ 121,647.77	76%	($38,352.23)	$150,000.00	
10-01	Cemetery Fees	$ 5,000.00	$1,100.00	($3,900.00)	$ 5,000.00	$ 4,475.00	90%	($525.00)	$4,500.00	
10-05	Sale of Lots	$ 4,000.00	$1,350.00	($2,650.00)	$ 4,000.00	$ 1,400.00	35%	($2,600.00)	$1,400.00	
10-07	Cemetery Res Use	$ 5,000.00	$5,000.00	$0.00	$ 5,000.00	$ -	0%	($5,000.00)	$5,000.00	*Cemetery reserve, $13,675*
15-01	Transfer Sta. Perm	$ 60,000.00	$27,490.00	($32,510.00)	$ 45,000.00	$ 30,000.00	67%	($15,000.00)	$30,000.00	
15-05	Recycling Income	$ 10,000.00	$12,184.87	$2,184.87	$ 12,000.00	$ 3,060.28	26%	($8,939.72)		
15-10	PERC Revenue	$ 90,000.00	$71,841.57	($18,158.43)	$ 85,000.00	$ 48,158.20	57%	($36,841.80)	$65,000.00	*used to pay MRC dues*
20-01	Library Fees	$ 7,000.00	$6,591.30	($408.70)	$ 7,000.00	$ 5,912.00	84%	($1,088.00)	$6,500.00	
25-01	Reserve Funds	$ 20,000.00		($20,000.00)	$ 20,000.00	$ -	0%	($20,000.00)	$20,000.00	
25-02	Transit Bonus	$ -		$0.00	$ -	$ -		$0.00	$0.00	
	Carried Balances	$ 100,000.00		($100,000.00)	$ 100,000.00	$ 100.00	0%	($99,900.00)		
	Totals	**$ 3,140,285.00**	**$ 2,829,335.06**	**($310,949.94)**	**$ 3,085,500.00**	**$ 2,363,115.53**		**($722,384.47)**	**$2,986,029.18**	

Year-End Fund Balances have fallen steadily in recent years

The Town's year-end Undesignated Fund Balance has fallen steadily in recent years. Audits from recent years show the following year-end fund balance:

Year-End Unassigned Fund Balance, Hampden General Fund					
FY	Amount	Annual Budget	Percent of Budget, Hampden	MMA range - low	MMA range - high
FY06	$ 2,925,911	$ 10,402,696	28.1%	10%	12%
FY07	$ 3,616,647	$ 11,429,957	31.6%	10%	12%
FY08	$ 4,202,573	$ 11,745,724	35.8%	10%	12%
FY09	$ 4,648,425	$ 12,157,302	38.2%	10%	12%
FY10	$ 4,522,569	$ 12,218,364	37.0%	10%	12%
FY11	$ 3,846,928	$ 12,890,999	29.8%	10%	12%
FY12	$ 3,111,351	$ 13,306,780	23.4%	10%	12%
FY13	$ 1,960,033	$ 13,634,978	14.4%	10%	12%
FY14	$ 1,329,466	$ 13,915,548	9.6%	10%	12%
FY15	$ 1,051,925	$ 14,197,568	7.4%	10%	12%

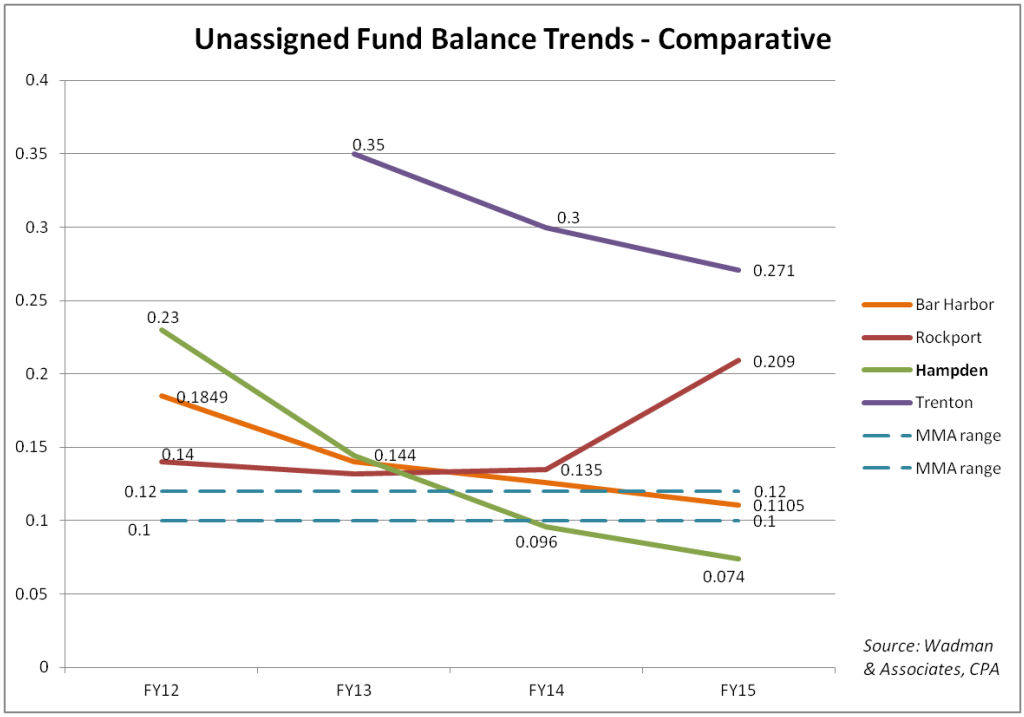
After enjoying an Unassigned Fund Balance above recommended levels for many years, Hampden first fell below MMA's recommended 10-12% range at year-end FY14 and fell further to 7.4% by year-end FY15. Because the approved FY16 budget included transfer of $200,000 from Fund Balance as part of its projections of non-tax revenues, the Unassigned Fund Balance will definitely fall below this level by year-end FY16.



Routine draw-downs of Fund Balances have directly reduced Property Tax Commitment
During this period of time, a significant contributing factor to the declining overall fund balances has been the Council's annual draw from the fund balance, within the budgeting process, in order to reduce the amount of the property tax commitment. Audits from recent years show the following "Beginning Fund Balance Used to Reduce Tax Commitment:"

- FY11 $332,500
- FY12 $455,000
- FY13 $661,350
- FY14 $550,000
- FY15 $500,000
- FY16 $200,000 (not in Audit – fiscal year still underway – but included in FY16 Budget)

Hampden's FY15 Unassigned Fund Balance does not compare favorably to other communities included in an analysis prepared by our independent Auditor Wadman & Associates, CPA:

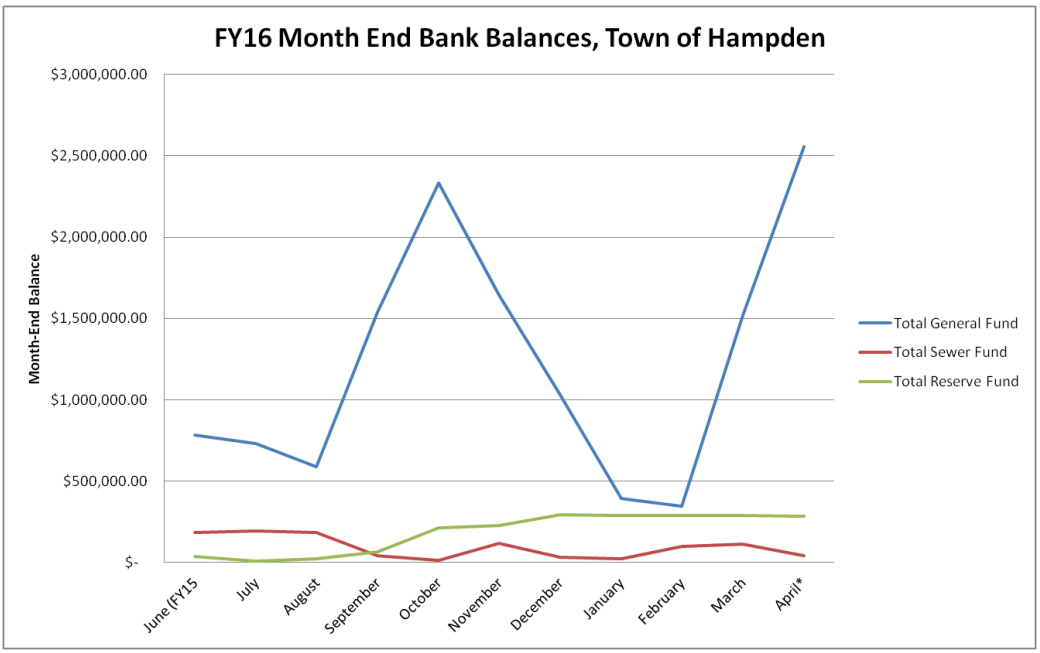


Further, it is important to note that amounts "owed" to the General Fund as a result of interfund transfers are included as General Fund assets in the Audit, and are therefore included in what's shown as the Unassigned Fund Balance. At year-end FY15, the General Fund showed Interfund Receivables of $656,545. Because these amounts due not represent actual cash on hand, the actual Unassigned Fund Balance – until interfund transfers are fully paid back – is significantly less than what is shown.

A long-time Town Manager colleague has advised me that, while the appropriate level of Unassigned Fund Balance recommended by MMA is sound, each community needs to

determine for themselves what level is appropriate. His advice was that the Unassigned Fund Balance should allow the municipality to pay its bills throughout the year, taking into account cash flow variations (since our primary revenue source – property tax – is received twice a year), without resort to borrowing.

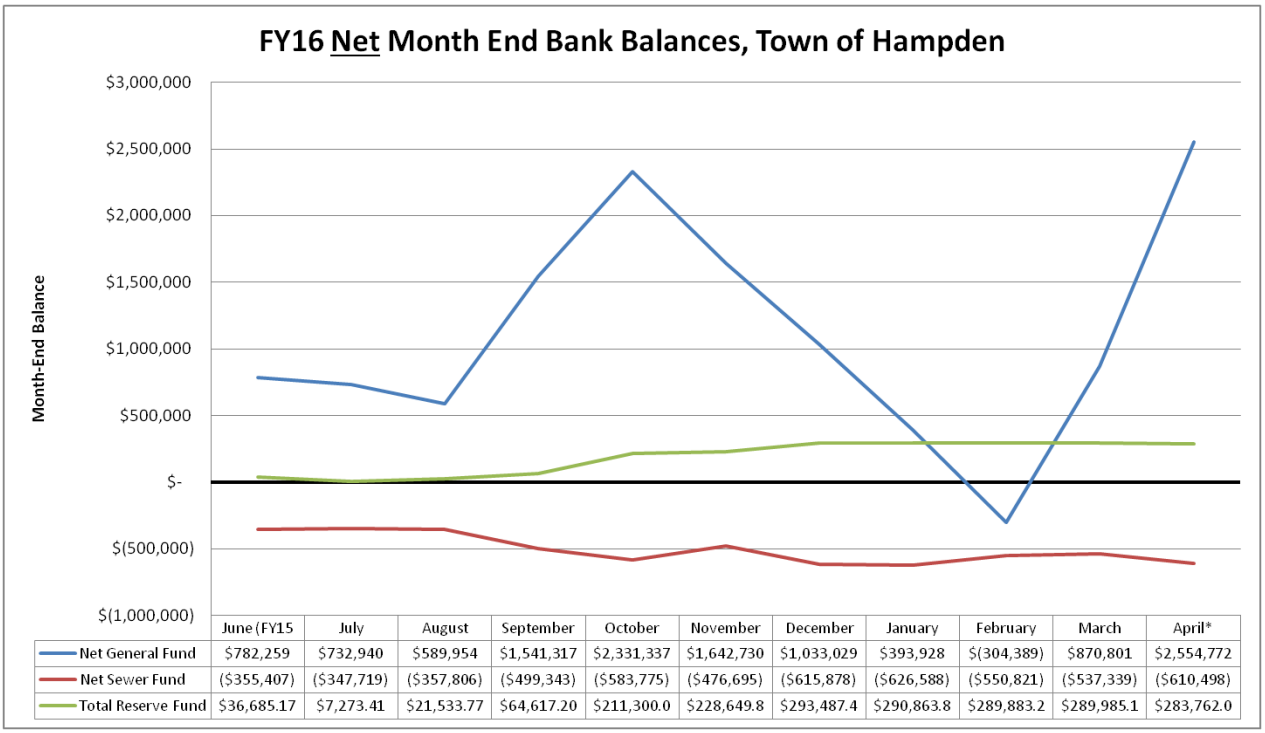
In FY16, the Town of Hampden issued a Tax Anticipation Note (TAN) for the first time (to my knowledge) in its history. The Town had to borrow in order to stay current on its obligations – not because of one or more major unforeseeable expenses, but because the Unassigned Fund Balance has fallen to a point where cash flow has become a real challenge. The following table and corresponding chart illustrate this point:



Month-End Bank Balances, Town of Hampden				
FY16	Total General Fund	Total Sewer Fund	Total Reserve Fund	*Notes*
June (FY15	$ 782,259.48	$ 186,258.92	$ 36,685.17	
July	$ 732,939.67	$ 193,947.38	$ 7,273.41	
August	$ 589,954.09	$ 183,860.06	$ 21,533.77	
September	$ 1,541,316.84	$ 42,322.91	$ 64,617.20	
October	$ 2,331,337.34	$ 12,890.95	$ 211,300.08	*Sewer Fund: Reflects transfer of $55,000, GF to SF, 10/14/15.*
November	$ 1,642,729.60	$ 119,970.57	$ 228,649.84	
December	$ 1,033,028.98	$ 30,788.41	$ 293,487.45	*Sewer Fund: Reflects transfer of $50,000, GF to SF, 12/14/15.*
January	$ 393,928.02	$ 25,077.73	$ 290,863.83	*Sewer Fund: Reflects transfer of $5,000, GF to SF, 1/14/16.*
February	$ 345,610.55	$ 100,844.99	$ 289,883.27	*General Fund: Reflects draw from TAN, $500,000 on 2/3/16 and $150,000 on 2/22/16.*
March	$ 1,520,801.40	$ 114,326.65	$ 289,985.12	
April*	$ 2,554,771.98	$ 41,167.64	$ 283,762.00	*General Fund: Reflects repayment of TAN, $650,882.63, on 4/7/16.*
May	$ -	$ -	$ -	
June	$ -	$ -	$ -	
* April balance as of 4/30/16 (online balances, not bank statement).				
Source: Bank Statements, Maine Savings FCU.				

As noted in the table on the preceding page, the General Fund account balances shown reflect two draws on the TAN in February 2016 totaling $650,000. (This amount was paid back in full, with accrued interest, in April). The Sewer Fund account balances shown reflect three interfund transfers from the General Fund in October, December and January totaling $110,000.

The following chart illustrates that, if not for the TAN, the month-end General Fund balance would have fallen into negative numbers in February; and that the Sewer Fund would have had a negative balance throughout the year but for the $541,666 in interfund payables at year-end FY15 in addition to the interfund transfers completed in FY16 year-to-date:



	June (FY15	July	August	September	October	November	December	January	February	March	April*
Net General Fund	$782,259	$732,940	$589,954	$1,541,317	$2,331,337	$1,642,730	$1,033,029	$393,928	$(304,389)	$870,801	$2,554,772
Net Sewer Fund	($355,407)	($347,719)	($357,806)	($499,343)	($583,775)	($476,695)	($615,878)	($626,588)	($550,821)	($537,339)	($610,498)
Total Reserve Fund	$36,685.17	$7,273.41	$21,533.77	$64,617.20	$211,300.0	$228,649.8	$293,487.4	$290,863.8	$289,883.2	$289,985.1	$283,762.0

Although I will continue to make efforts to avoid further General Fund to Sewer Fund interfund transfers until the sewer revenues increase to better cover operating and capital costs, it is necessary to preserve this option to avoid a scenario where the Sewer Fund simply could not pay its bills.

And, it is important to preserve an Unassigned Fund Balance in the event of future unforeseen costs that may arise.

For these reasons, I have not proposed transfer of funds from the Undesignated Fund Balance within the revenue projections in the FY17 budget. I do not recommend further draw-downs at this time. However, even without these revenues, the estimated non-property tax revenues are within $100,000 of what was included in the current FY16 budget.

Proposed Expenditures detailed by offices, departments & agencies[4] *(with comparative figures: FY15, FY16 YTD)*

Personnel Narrative

To be provided separately.

Personnel Costs

Police and Fire personnel are entitled to a 1% COLA in FY17 resulting from approved union contracts. Proposed personnel costs apply the same 1% COLA to other personnel, without step increases except for position reclassifications and changes discussed above. The 1% COLA may not apply evenly across the organization; the Town Manager proposes to retain discretion regarding pay increases for FY17 to allow for limited merit-based increases if appropriate.

Health Insurance Cost Increases

Health insurance costs increased 9.85% mid-year, affecting costs from January 1 to June 30. Proposed health insurance costs for FY17 incorporate a 10% increase from FY16 budgeting.

Cost savings, Heating Oil and Diesel

In December 2015, we locked in reduced pricing for heating oil and diesel effective May 1, 2016 through April 2017. FY17 budgeting is based on the following pricing:

- $1.659/gallon for heating oil (down from $2.188)
- $1.939/gallon for Diesel (down from $3.357)

Based on prior average usage, this is expected to generate the following savings:

Estimated FY17 savings, heating oil and diesel					
Facility	Gallons	Type	FY16 cost (est)	FY17 cost (est)	Est. savings
Library	1,776	heating	$ 3,885.89	$ 2,946.38	$ 939.50
Town Bldg	9,909	heating	$ 21,680.89	$ 16,439.03	$ 5,241.86
DPW	14,069	diesel	$ 46,929.96	$ 27,279.79	$ 19,650.17
Pool	11,926	heating	$ 26,094.09	$ 19,785.23	$ 6,308.85
Skehan	8,693	heating	$ 19,020.28	$ 14,421.69	$ 4,598.60
	46,373		$ 117,611.12	$ 80,872.13	
			Estimated savings:	$ 36,738.99	

[4] Town Charter Sec. 704(1).

Organizational Chart

Voters

Town Council

Town Council Committees
- Finance
- Services
- Infrastructure
- Planning & Development

Town Manager / Treasurer

Administration
- Accounting / Finance / Human Resources
- Town Clerk / Registrar of Voters / Dep. Tax Collector / Counter3
- Tax Collector / Dep. Clerk / Gen. Assistance / DMV Agent / Counter2
- Office Clerk / Dep. Reg. of Voters / Counter1
- Utility Billing Clerk / Office Mgr / Counter1

Planning/Dev
- Economic Dev. / Planning
- Assessing
- GIS/IT / Stormwater
- Administrative / Records (Code / Permitting, DPW)

Public Safety
- Admin
- Police
- Fire
- Code Enforcement
- Animal Control

Public Works
- Highways
- Solid Waste
- Sewer
- Cemeteries & Parks
- Harbor Master

Recreation

Pool

Library

Appointed by Town Manager

Cemetery Sexton

Addressing Officer (E911)

Town Forester

Appointed Boards, Commissions & Committees

Planning Board
Board of Zoning Appeals
Historic Preservation Commission
Conservation Commission
Harbor Committee
Board of Assessment Review
Personnel Appeals Board
Board of Registration
Library Board of Trustees
Pool Board of Trustees
Economic Development Committee
Tree Board

	Wage Scale 2016/2017				**Draft of 4-6-16**	
TOWN OF HAMPDEN			Annual Salary		COLA	1.0%
PAY SCALE			Hourly wage			
RANGE	A	B	C	D	E	F
1	$23,992	$25,191	$26,451	$27,773	$29,162	$30,620
	11.5344	12.1111	12.7167	13.3525	14.0201	14.7211
2	$25,191	$26,451	$27,773	$29,162	$30,620	$32,151
	12.1111	12.7167	13.3525	14.0201	14.7211	15.4572
3	$26,451	$27,773	$29,162	$30,620	$32,151	$33,759
	12.7167	13.3525	14.0201	14.7211	15.4572	16.2301
4	$27,773	$29,162	$30,620	$32,151	$33,759	$35,446
	13.3525	14.0201	14.7211	15.4572	16.2301	17.0416
5	$29,162	$30,620	$32,151	$33,759	$35,446	$37,219
	14.0201	14.7211	15.4572	16.2301	17.0416	17.8936
6	$30,620	$32,151	$33,759	$35,446	$37,219	$39,080
	14.7211	15.4572	16.2301	17.0416	17.8936	18.7883
7	$32,151	$33,759	$35,446	$37,219	$39,080	$41,034
	15.4572	16.2301	17.0416	17.8936	18.7883	19.7277
8	$33,759	$35,446	$37,219	$39,080	$41,034	$43,085
	16.2301	17.0416	17.8936	18.7883	19.7277	20.7141
9	$35,446	$37,219	$39,080	$41,034	$43,085	$45,240
	17.0416	17.8936	18.7883	19.7277	20.7141	21.7498
10	$37,219	$39,080	$41,034	$43,085	$45,240	$47,502
	17.8936	18.7883	19.7277	20.7141	21.7498	22.8373
11	$39,080	$41,034	$43,085	$45,240	$47,502	$49,877
	18.7883	19.7277	20.7141	21.7498	22.8373	23.9792
12	$41,034	$43,085	$45,240	$47,502	$49,877	$52,371
	19.7277	20.7141	21.7498	22.8373	23.9792	25.1781
13	$43,085	$45,240	$47,502	$49,877	$52,371	$54,989
	20.7141	21.7498	22.8373	23.9792	25.1781	26.4370
14	$45,240	$47,502	$49,877	$52,371	$54,989	$57,739
	21.7498	22.8373	23.9792	25.1781	26.4370	27.7589
15	$47,502	$49,877	$52,371	$54,989	$57,739	$60,625
	22.8373	23.9792	25.1781	26.4370	27.7589	29.1468
16	$49,877	$52,371	$54,989	$57,739	$60,625	$63,657
	23.9792	25.1781	26.4370	27.7589	29.1468	30.6042
17	$52,371	$54,989	$57,739	$60,625	$63,657	$66,840
	25.1781	26.4370	27.7589	29.1468	30.6042	32.1344
18	$54,989	$57,739	$60,625	$63,657	$66,840	$70,182
	26.4370	27.7589	29.1468	30.6042	32.1344	33.7411
19	$57,739	$60,625	$63,657	$66,840	$70,182	$73,691
	27.7589	29.1468	30.6042	32.1344	33.7411	35.4282
20	$60,625	$63,657	$66,840	$70,182	$73,691	$77,375
	29.1468	30.6042	32.1344	33.7411	35.4282	37.1996
21	$63,657	$66,840	$70,182	$73,691	$77,375	$81,244
	30.6042	32.1344	33.7411	35.4282	37.1996	39.0596
22	$66,840	$70,182	$73,691	$77,375	$81,244	$85,306
	32.1344	33.7411	35.4282	37.1996	39.0596	41.0125
23	$70,182	$73,691	$77,375	$81,244	$85,306	$89,571
	33.7411	35.4282	37.1996	39.0596	41.0125	43.0632
24	$73,691	$77,375	$81,244	$85,306	$89,571	$94,050
	35.4282	37.1996	39.0596	41.0125	43.0632	45.2163
25	$77,375	$81,244	$85,306	$89,571	$94,050	$98,752
	37.1996	39.0596	41.0125	43.0632	45.2163	47.4771

Streets and Roads FY16 Reserve Budget was fully depleted before FY16 began

The Town Council approved $100,000 in the FY16 budget for Streets and Roads. However, because of two invoices from Maine DOT received in the fourth quarter of FY15 (as the local match for Route 1A projects approved in FY12 and FY14) totaling approx. $122,000, the FY15 year-end deficit in that line item exceeded the $100,000 budgeted. I have therefore advised DPW Director Currier that no reserve funds will be available for Streets and Roads in the current fiscal year. Annual funding received from Maine DOT are allowing some work on streets and roads to go forward, but the work program will be planned based on a budget that is lower than standards in recent years.

The DPW Equipment Reserve Account also began FY16 in deficit (-$47,962).

Outside Agency Requests

To date, my office has received requests for FY17 funding from the American Red Cross, Eastern Area Agency on Aging, Community Health and Counseling Services, Hammond Street Senior Center, The Lifeflight Foundation, Spruce Run Womancare Alliance, and the Hampden Garden Club. Consistent with approved Budgets in recent years, the Town Manager proposed Budget has not included funding for these agencies. However, consistent with the Outside Agency Funding Request Policy adopted by the Council in 2012, “as part of the annual budget review process, the Hampden Town Council shall consider whether to include budget requests from non-profit NonMunicipal Organizations. This decision shall be made after the municipal budget, including school, and county costs, has been presented.”

Obligated Debt Service[5] *(with comparative figures: FY15, FY16 YTD)*

The debt service payments included in the proposed expense budget (account group 50-10) are based on the following outstanding obligations from prior capital projects:

Town of Hampden Debt Service Analysis, 4-30-16					Future Debt Service Obligations			
General Fund	Bond Series	Maturity Date	Remaining Balance (Year-End FY15)	FY16 Debt Service Due	FY17	FY18	FY19	FY20
2000 Road Construction & Line Extensions (Business Park)	2000 D	11/1/2020	$ 540,000	$ 117,282	$ 108,097	$ 90,000	$ 90,000	$ 90,000
2002 Fire Station	2001 D	11/1/2021	$ 590,100	$ 111,970	$ 107,653	$ 103,343	$ 99,039	$ 94,734
2006 Gravel Roads	2006 B	11/1/2015	$ 83,334	$ 84,167	$ -			
2011 Mayo Road Bond	2010 F	11/1/2030	$ 1,460,000	$ 123,822	$ 124,236	$ 121,056	$ 119,380	$ 117,581
			$ 2,673,434	$ 437,241	$ 339,986	$ 314,398	$ 308,419	$ 302,314

Sources:

Town of Hampden Financial Statements with Independent Auditor's Report, FY11, 13, 14 and 15.

Amortization Schedules, Outstanding Sewer Fund Debt.

Town of Hampden General Fund and Sewer Fund FY15 and FY16 budgets.

Debt Payment Schedule for 2000 D revised to reflect reduced payments per 1/8/16 letter from Maine Municipal Bond Bank.

Debt service for 2011 Mayo Road bond adjusted to reflect additional costs resulting from Federal Sequestration.

The proposed debt service payments take into account the following changes from FY16:

1. Debt service for the business park road and infrastructure (account 50-10-50-20), issued in 2000, is included in the proposed expense budget. These bond payments have been paid from the Host Community Benefit account since FY12.
2. The bond payment for the Mayo Road improvements will be $1,678 higher than had been projected in FY17 due to Federal budget sequestration.
3. The bonds for the paving of gravel roads were paid off in FY16 and are not included in the FY17 expense budget.

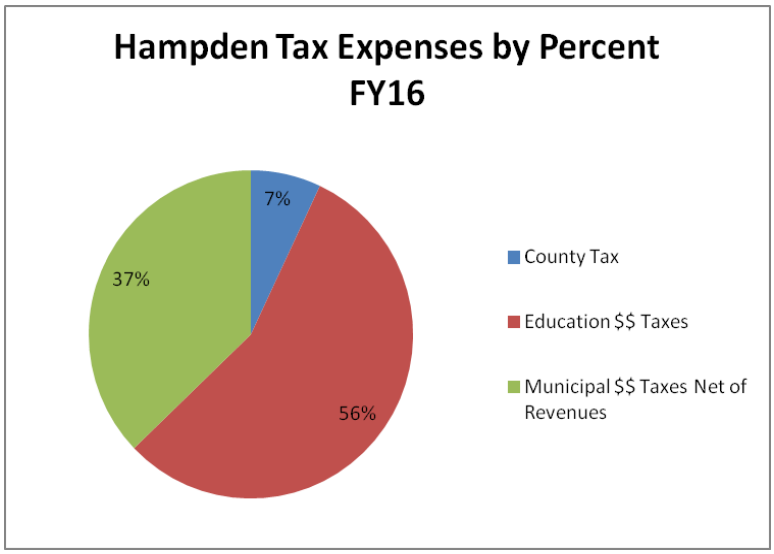
To inform future capital planning, it is worth noting that the next two bonds to be completely paid off will be the 2000 D bonds, which will be paid off in FY21, and the 2001 D bonds, which will be paid off in FY22. The 2010 F series bonds will not be paid off until FY31.

[5] Town Charter Sec. 704(2).

Hampden Portion of RSU-22 Budget

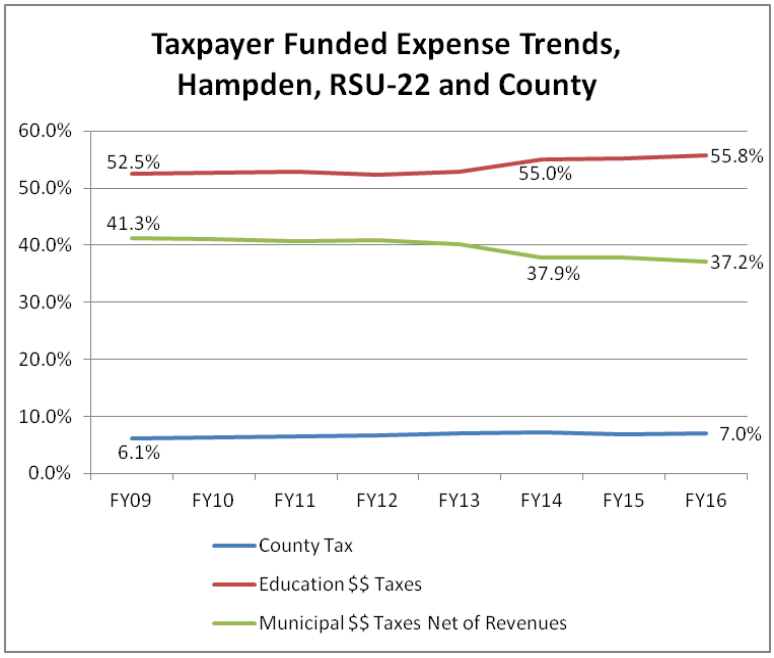
The RSU-22 Budget Committee voted on April 26, 2016 to recommend a proposed FY17 Budget that would result in assessments to the Town of Hampden of $6,308,862 (account 65-10-55-20). This is an increase of $178,288 (3.49%) from FY16 school assessments.

The RSU-22 School Board is expected to consider the proposed FY17 Budget at their meeting on Wednesday, May 4. The RSU-22 Budget Validation Referendum will take place on June 14.



Penobscot County Taxes

County taxes in FY17 (account 45-10-55-10) will be $792,557.54 based on a memo from Penobscot County on 2/2/16. This is an increase of $24,002 (3.12%) from FY16 county taxes.



FY17 Share of Expenses

For the past seven fiscal years, the rates of budget increases at RSU-22 and Penobscot County have exceeded taxpayer-funded municipal budget increases. Over this seven-year period, the share of the Town budget supported by property tax revenues (as opposed to other revenues) has fallen by 2.2% while the RSU-22 budget has increased by 22% and the Penobscot County budget has increased by 31%.

As a result, a greater percentage of each property tax dollar is going to RSU-22 and County taxes than was the case in past years, while the municipal percentage of property tax revenue has steadily decreased. The Town Manager proposed FY17 Town budget would increase some municipal costs in order to maintain or enhance the level of service we can provide.

Following the June 14 referendum vote on the RSU-22 Budget and Town Council approval of an overall FY17 Budget, these trend lines will be updated to reflect approved FY17 funding levels.

Proposed Budget: Hampden Sewer

Proposed Expenditures detailed by offices, departments & agencies[6] *(with comparative figures: FY15, FY16 YTD)*

Sewer Expense Budget				
	Expended	Expended	Budget	Budget Notes
'	2014/2015	2015/2016	2016/2017	FY17
		4/30/2016		
60 - SEWER				
10 - FUND 2				
01 - COMPENSATION				
05 - WAGES	$60,000.00		$60,000.00	Appropriation for contribution to public works/admin salary offset.
10 - SUPPLIES				
01 - SUPPLIES/OFFICE	$5.00			
05 - POSTAGE/SHIPPING	$6,388.95	$6,301.68	$6,000.00	Cost of sewer billing printing & postage 4 times per year.
20 - SUPPLIES/MATERIALS	$6,752.22	$4,234.12	$10,000.00	Cost of quarterly water readings; pump station or line repair supplies.
99 - MISC.	$0.00		$2,400.00	
15 - UTILITIES				
05 - ELECTRICITY	$33,811.47	$30,506.05	$34,000.00	Electric charges for pump stations.
10 - FUEL	$7,602.19	$6,078.82	$8,000.00	Fuel costs for pump stations.
20 - MAINTENANCE/REPAIRS				
53 - Repair	$0.00	$21,629.00	$52,000.00	Repair costs for pump stations and sewer lines.
30 - PROFESSIONAL SERVICES				
40 - LIENS/TRANSFERS	$3,972.00	$5,457.70	$4,000.00	Cost of lien placement and discharge for sewer liens.
60 - SEWER EXPENSES				
02 - TREATMENT SERVICE CHARGE	$318,745.73	$83,092.45	$262,494.00	Cost of projected FY17 sewer treatment by the City of Bangor.
04 - MAIN PUMP STATION CONTRAC	$73,795.57	$86,850.21	$43,878.00	Cost of the contract with Bangor for pump station maintenance.
10 - O&M CONTINGENCY		$2,509.12		Debt service obligations for sewer lines/projects.
16 - PRINC/INT FMHA	$91,701.56	$387,091.78	$ 381,465.35	Small projects that are above and beyond the routine repair costs.
22 - SPECIAL PROJ	$0.00	$13,636.69	$10,500.00	Repairs to the flusher truck.
24 - SEWER FLUSHER REPAIRS	$0.00			
2-211-01 DUE TO GENERAL FUND			$100,000.00	First year of multi-year payback.
2-220-00 CAPITAL COST RESERVE			$5,000.00	Token amount toward capital reserve.
	$602,774.69	$647,387.62	$979,737.35	

FY15 expenses paid (Trio) do not reflect FY15 charges either paid in FY16 or still outstanding.

[6] Town Charter Sec. 704(1).

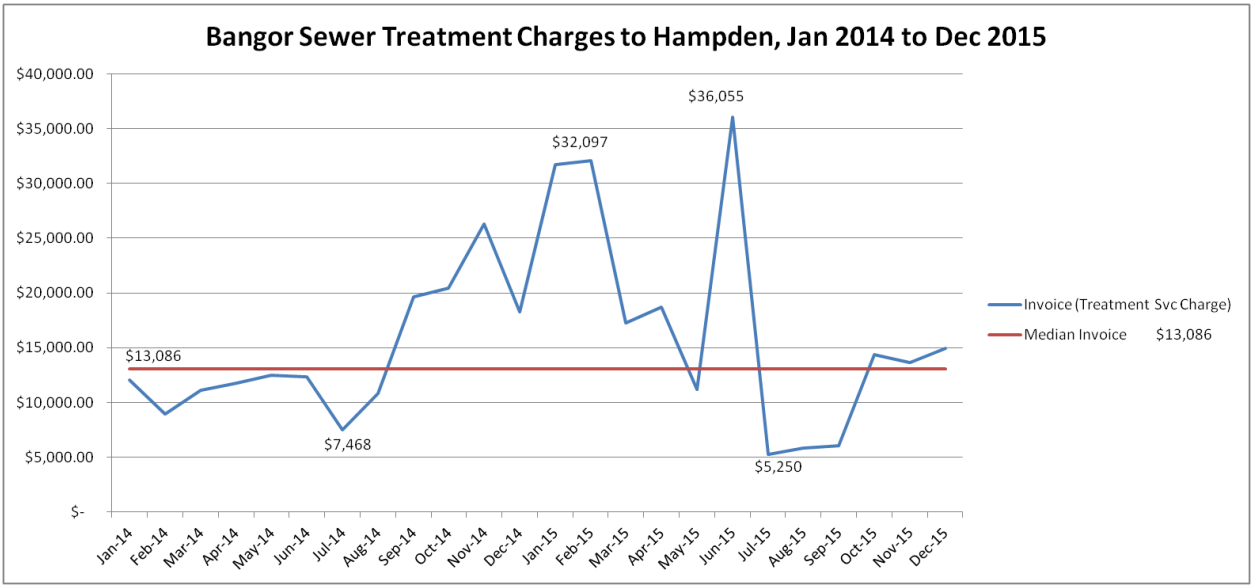
Notes regarding Sewer Expense Budget

With one exception, all expenses shown in the proposed FY17 Sewer Fund expense budget were presented at the Town Council's February 16, 2016 public hearing regarding sewer rates, and were the basis of the adopted rate revisions.

The only proposed expense line item that differs from what was previously presented is for Treatment Charges (account 60-10-60-02). The proposed expense budget in February applied a 5% increase to incurred costs during calendar year 2015. (Bangor has advised that a 5% increase is expected).

To take into account the fact that charges have been trending higher, the proposed FY17 budget includes estimated treatment costs of $262,494. This amount applies a 5% increase to the actual treatment charges during FY15.

Treatment charges have been a major variable in the Sewer Fund expense budget for the past few years. The following chart illustrates the major variability in per-month costs, and illustrates that the average monthly invoiced cost from January 2014 to December 2015 was $13,068.



At monthly median treatment charge of $13,086, annual costs would be estimated at $157,032. Proposed FY17 budgeted costs for this line item exceed this amount by about $100,000.

If actual FY17 costs are less than this proposed expense budget, this will leave additional revenues available to either a) pay overdue charges to Bangor (or financing of same); or b) pay pack interfund transfers to the General Fund.

Sewer Fund, Obligated Debt Service[7] (with comparative figures: FY15, FY16 YTD)
The debt service payments included in the proposed expense budget (account 60-10-60-16) are based on the following outstanding obligations from prior capital projects:

Sewer Fund	Bond Series	Maturity Date	Remaining Balance (Year-End FY15)	FY16 Debt Service Due	FY17	FY18	FY19
1996 Sewer SRF	1997 A	10/1/2017	$ 272,782	$ 96,348	$ 96,284	$ 96,217	
2006 Sewer Construction Bond	2006 C	11/1/2026	$ 868,424	$ 103,990	$ 107,675	$ 103,669	$ 99,495
2010 Route 1A Sewer Bond SRF	*2009 FS*	7/29/2029	$ 1,425,717	$ 108,537	$ 108,533	$ 108,526	$ 108,520
2014 Sewer Project	2014 A	11/1/2034	$ 902,050	$ 69,217	$ 68,973	$ 68,594	$ 68,066
			$ 3,468,973	$ 378,092	$ 381,465	$ 377,006	$ 276,082
Sources:							
Town of Hampden Financial Statements with Independent Auditor's Report, FY11, 13, 14 and 15.							
Amortization Schedules, Outstanding Sewer Fund Debt.							

To inform future capital planning, it is worth noting that the next bond to be completely paid off will be the 1997 A bonds, which will be paid off in FY18.

Anticipated New Debt Obligations in FY17
Based on the terms of the Interlocal Agreement between Bangor and Hampden, it is projected that the Hampden Sewer Fund will be responsible for 8.33% of the costs of improvement to the Biotower at the Bangor Wastewater Treatment Plant.

Bangor has estimated total project costs of approximately $4.3 to $4.5 million, which would result in a Hampden share of approximately $354,000. Bids on the project were due last week so, once a bid is awarded, better information will be available regarding these costs and their timing.

I have also had preliminary conversations with Bond Counsel regarding the likely need to finance the Sewer Fund's payment of amounts due and past due to the City of Bangor. In the coming months I will be working with the Bangor Finance Director to establish a timeline to get current, and will be working with Bond Counsel regarding how to make this happen.

[7] Town Charter Sec. 704(2).

Estimate Income[8] (with comparative figures: FY15, FY16 YTD)
The estimated income from sewer bills takes into account the revised rate structure that took effect in March 2016. New rates will apply to the 2016 second quarter bills to be mailed in July, so increased revenues will be realized throughout FY17.

Sewer Revenue Budget			
	2014/2015	2015/2016	2016/2017
Account	Received	Received	Budget
		4/30/2016	
60 - SEWER			
01 - SEWER BILLS	$546,375.68	$542,517.80	$ 943,844.96
03 - INTEREST ON SEWER BILLS	$1,923.80	$1,528.37	$1,735.00
05 - INTEREST/COSTS ON SEWER LIENS	$9,696.57	$869.38	$9,050.00
08 - ABATEMENTS	($14,003.43)	$0.00	
23 - INTEREST EARNED ON INVESTMENT	$1,234.30		$1,230.00
Final Totals	$545,226.92	$544,915.55	$955,859.96
Prior Surplus / (Deficit)	($57,547.77)	($102,472.07)	
	Projected Surplus / (Deficit)		($23,877.39)

Sewer Fund, Anticipated Net Surplus or Deficit and Proposed Method of Disposition[9]
Proposed sewer expenses of approximately $980,000 exceed projected revenues of approximately $956,000 by approximately $24,000.

Sewer rates are expected to be reviewed in FY17 (est. fall 2016). It is also likely that borrowing will be proposed at a November 2016 referendum in order to bring the Sewer Fund current with its outstanding obligations. Rates will be reviewed in light of actual and projected expenses.

In order to cover all of the proposed expenses in this budget, pay back charges currently due to the City of Bangor ($322,810 as of today), and exceed the amount paid back to the General Fund for prior interfund transfers ($651,666 as of today), sewer rates will need to be increased.

Potential New Funding Source
I have preliminary investigated the potential eligibility of the Hampden Sewer Fund to participate in the USDA Rural Development Program. This program offers both grants and favorable financing terms for capital projects, with specific programs set aside for sewer infrastructure. I plan to work with the USDA program office in Bangor to see how this can support our efforts.

[8] Town Charter Sec. 704.
[9] Town Charter Sec. 704(3).

Proposed Capital Program *(Expenditures detailed by offices, departments & agencies)*[10]

1. Summary of Contents[11]

   The attached Hampden Capital Planning Workbook includes known and potential capital costs and identified revenues as of May 1, 2016. Projects were provided by Department Heads, are programmed for State or Federal funding with required local matches, and/or were drawn from the Town's previous capital planning exercise in 2008. This will be a "living document" as we continue to refine this based on both improved information, and Town Council priorities, during the FY17 budget process and on an ongoing basis in the months and years ahead.

2. List of All Capital Improvement Proposed to be Undertaken (next 5 Fiscal Years) with supporting information as to the necessity for such improvements[12]

   Not all projects included in the attached Workbook are proposed to be undertaken within the next 5 fiscal years. However, the goal is to include all known and potential projects in one place. Supporting documentation is on file in the Town Manager's office and in the offices of other Department Heads. During FY17 we will work to assemble key supporting information and documentation into a single capital planning binder to be made available to the Town Council and to members of the public.

3. Cost Estimates, Methods of Financing and Recommended Time Schedules for Each Improvement[13]

   The cost estimates in the Workbook are based on the best information available at this time. For many projects, information sources and other information is noted. Additional work will be needed to advance this to a level where projected costs and revenues, including future debt service, are brought into balance.

4. Estimated Annual Operating and Maintenance Costs of Facilities to be Constructed or Acquired[14]

   Additional work will be needed to provide estimates of annual operating and facilities costs as more information becomes known about specific projects.

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[10] Town Charter Sec. 704(2).
[11] Town Charter Sec. 705(b)(1).
[12] Town Charter Sec. 705(b)(2).
[13] Town Charter Sec. 705(b)(3).
[14] Town Charter Sec. 705(b)(4).

Hampden Capital Program Planning Budget Worksheet

Draft of May 1, 2016

Sources of Funds	Total	FY16	FY17	FY18	FY19	FY20	Future (FY21 +)	Notes
Equity - Town appropriation	$ -							Subject to annual budgeting.
Equity - Town Reserve Funds (accrued)	$ -							Analysis underway to determine current available reserve funds by purpose.
Equity - Environmental Trust	$ -							Limited to allowed uses specified in the Hampden Environmental Trust, with expenditures subject to approval of Trustees and Town Council.
Proceeds from Bond Issues	$ -							
TIF Revenues	$ -							Limited to allowed uses specified in each TIF agreement. The large majority of funds projected to result from Emera TIF.
Conservation / Recreation Reserve Account	$ 69,365	$ 69,365						Funds authorized for specific uses by vote of the Town Council, spring 2016.
State Appropriation	$ -							
Federal Appropriation	$ -							
Grant proceeds	$ 50,000	$ 50,000						Stephen King grant for Library, FY15-16.
Connector Bus Reserve Account	$ 60,067							As of Dec 2015. Reserving for future use. Running old fleet, maintenance costs skyrocket. Adding $283/month to our reserve from what we pay.
Federal match for Bus purchase (@ 5%)	$ 6,300							Per Laurie Linscott. Federal match estimated based on purchase price ($126,600) for refurbished bus.
Proceeds from Impact Fee Ordinance (if enacted)	$ -							
Proceeds from Stormwater Utility (if enacted)	$ -							
Private Development Funding	$ -							
Total Project Sources:	$ 185,732	$ 119,365	$ -	$ -	$ -	$ -	$ -	

Uses of Funds	Total	FY16	FY17	FY18	FY19	FY20	Future (FY21 +)	Notes
Municipal								
Debt service payments on bonds issued	$ -							Unknown
Municipal Building roof replacement (front)	$ 55,000							
Revaluation (town-wide)	$ 350,000							$350-400k. K. Karter, 2/9/16. Outgoing TM recommended budgeting for this over a period of years. Per KK, the last official Reval was done in 1980. Would take 18+ months. Includes listing, measuring, inspection, photographs, sketching.
Sub-Total:	$ 405,000	$ -	$ -	$ -	$ -	$ -	$ -	
Playgrounds/Parks/Recreation								
Additional Field Space (multipurpose)	$ -							
Additional parking lot for Lura Hoit Complex (50 add'l spots needed)	$ -							
Resurfacing/Repair of Tennis Courts at VFW	$ 15,296	$ 15,296						Vermont Tennis, Ray Greenleaf. 10/7/15. Cost is for Guardian Membrane Repair method. Replacement costs for 2 tennis courts to rebuild est. at $95-110,000. See Services Committee meeting packet 1/11/16.
Resurfacing/Repair of Basketball Courts at VFW	$ 18,901	$ 18,901						Vermont Tennis, Ray Greenleaf. 10/7/15. Cost is for Guardian Membrane Repair method. Replacement costs for 3 basketball courts to rebuild est. at $130-150,000. See Services Committee meeting packet 1/11/16.
Addition of permanent bathroom and concession space at Outdoor Field Space	$ -							
Addition of outside storage space at Outdoor Field Space	$ -							
Facility Signage	$ -							
New facility. Recreation Center sized appropriately with needed parking, energy efficient, designed to meet program needs running concurrently, with service areas located at building entrance, meeting space, concessions, and exterior restrooms, ideally located within same complex as field space.	$ -							
Marina Ramp. Grinding butt joints. Paving 15,332 SF. Pave 600 SF with 4" of binder. Pave with 2' of modified mix. Excludes permitting.	$ 22,311	$ 22,311						Estimate from Wellman Paving 3/14/16. Will bid project.

Hampden Capital Program Planning Budget Worksheet								
Draft of May 1, 2016								
Skehan Center Items								
(Skehan Center) Additional parking, 60-70 additional spots needed	$ -							
(Skehan Center) permanent secure lobby office space	$ -							
(Skehan Center) Energy efficiency upgrades to building heating	$ -							
(Skehan Center) Upgrades for locker room water heating	$ -							
(Skehan Center) Facility Signage	$ -							
	$ -							
Sub-Total:	$ 56,508	$ 56,508	$ -	$ -	$ -	$ -	$ -	
Library								
All roof surfaces need to be replaced.	$ -							Grants are available to libraries—they are competitive and some not available every year. Have used grant funds to renovate circulation room and move children's room, added central air conditioning, installed System 2000 furnace and had exterior trim repaired, recaulked and repainted, painted interior of building and replaced all lighting with efficient LED bulbs. However, cannot depend only on grants for upkeep of facility.
Installation of LED lighting (King Grant supported)	$ 19,267	$ 19,267						
Heating in the far ends of the building (Community Room & Children's Room) is not ideal. These rooms have large blowers which are loud and not very efficient.	$ -							
All windows should be replaced as they are not efficient.	$ -							
Replacement of library doors.	$ -							May be partially or fully funded by proceeds from King Grant.
Town needs a good sized meeting space and I believe the Library is the logical place for that to be. There is space for the addition of a meeting room which, while attached to the library can be closed off, so people could use it without having access to the library.	$ -							This item duplicates potential new Community Center identified above.
Sub-Total:	$ 19,267	$ 19,267	$ -	$ -	$ -	$ -	$ -	
Lura Hoit Pool								
Pool Sand Filter (replaced 2006)	$ 20,000						$ 20,000	Est. needed in FY26
Plaster Re-surface (replaced 2006)	$ 32,000						$ 32,000	Est. needed in FY21
Boilers (replaced 2009)	$ 42,710						$ 42,710	Est. needed in FY24
Pool Pump (replaced 2007)	$ 2,600						$ 2,600	Est. needed in FY22
Air Handler (replaced 2012)	$ 172,000						$ 172,000	Est. needed in FY27
Metal Roof (replaced 2014)	$ 24,000						$ 24,000	Est. needed in 2039
Painting inside of pool area	$ 10,000							
	$ -							
Sub-Total:	$ 303,310	$ -	$ -	$ -	$ -	$ -	$ 293,310	
Police & Fire								
Fire Engine	$ 400,000						$ 400,000	Est. needed in FY23. Recommended for multi-year funding through reserve fund allocations and/or bond financing.
Air Bottles	$ 10,000					$ 10,000		Est. needed in FY20
Ambulance	$ 200,000						$ 200,000	Est. needed in FY26. Recommended for multi-year funding through reserve fund allocations and/or bond financing.
Thermal Imaging Camera	$ 10,000		$ 10,000					Est. needed FY16-18.
Handguns	$ 6,000				$ 6,000			Est. needed FY19-20.
Cardiac Monitor (2)	$ 80,000						$ 80,000	Est. needed in FY28
Pickup Truck	$ 40,000			$ 40,000				Est. needed FY18-20.
Sub-Total:	$ 746,000	$ -	$ 10,000	$ 40,000	$ 6,000	$ 10,000	$ 680,000	

Hampden Capital Program Planning Budget Worksheet								
Draft of May 1, 2016								
Public Works (non Sewer)								
Facilities								
New salt shed	$ 50,000							If Transfer Station goes away. If not would recommend new building, combined salt shed and equipment garage, out back.
Equipment garage	$ 70,000							If Transfer Station goes away. If not would recommend new building, combined salt shed and equipment garage, out back.
Roof repair at DPW Garage	$ 38,000							Would include insulation, and help with heating costs.
New DPW office in location of existing garage (swap shop)	$ 60,000							Would replace swap shop, and is contingent on Transfer Station going away. Would allow for an Admin support person to have a place to work.
LED lighting for DPW Garage	$ 6,347							Proposal from Hampden Electric 3/18/16. Would yield estimated electrical cost savings of $800/year.
Stormwater								
Stormwater - catch basins repair and maintenance. (423 within regulated urbanized area, including local and MDOT).								
Stormwater - outfalls repair and maintenance. (93 within regulated urbanized area).								
Stormwater - impaired watershed management plan, Shaw Brook	$ 40,000							This cost estimate assumes that Bangor will also contribute to cost. Potential funding source: Environmental Trust.
Stormwater - impaired watershed management plan, Sucker Brook	$ 40,000							This cost estimate assumes that Bangor will also contribute to cost. Potential funding source: Environmental Trust.
Transportation								
Western Ave. Sidewalk to Mayo Road	$ 38,336		$ 38,336					Federal Project: AC-STP-1940(100)X (1/26/16 Amendment #3). Total project cost: $191,680. Met with MDOT and W&C to review project on 1/22/16. Prior project payments (for engineering) have been paid from HCB account. Funds allocated 7/17/12.
Repaving Western Ave from Rte 1A to Mayo Road (BACTS project - 10% local match)								
Rebuild Schoolhouse Lane between Old County and 1A	$ 310,000							Project is estimated (by Sargent Corp) at $275,000 construction plus some engineering and inspection for a total budget figure of $310,000. Specs in email from SC to AJ 4/11/16.
Main Road North, 1.73 miles from Mountainview to Town Center. Reconstruction (complete reconstruction and removing the concrete base; or widening, closed drainage, sidewalk).	$ 465,000			$ 465,000				MaineDOT project #65291. Total project cost $4.65M. Town responsible for 10% local match. Anticipated to go to local referendum in November 2016.
Paving Main Road from Western Avenue to Kennebec Road	$ 56,673							
New Bus	$ 126,000							Hampden hasn't bought a bus in last 19-20+ years. New bus is $414,000. If we buy a used bus, have contract with MMA for ten, "like new" end of life overhaul, $126,000. Laurie Linscott also pursuing Federal grant; if successful would be 85/15% match for new Bus. Our reserves would almost cover.
Bridges and Culverts								
Sidney Boulevard failed culvert	$ 54,000							Would need to pre-cede work on 202 Sidewalk project, but the cost is not included in that project cost.
Culvert replacements	$ 35,000							4 culverts need replacement on Old County Road. One will be an entire project on its own and have to be done after August since it is part of Sucker Brook and DEP regulations will not allow it prior, one culvert would need to be done prior to paving and the other two could be done after if they were lined instead of replaced. *Finance Committee minutes 5/4/15.*
North Road Culvert	$ 18,000							ASAP
Manning Bridge #3366. Center pier is undermined. Girders are delaminating with thick rust flaking evident.	$ -							Letter from MDOT May 11, 2015. Considered by MDOT a Low Use or Redundant Bridge. If Town committed to funding 50% of project, and if compelling circumstances, can pursue State financial assistance.
Sawyer Bridge #0863. SW wing is tipping and has broken the corner weld. NE wing is also starting to fail. Floor plates are buckling and bouncing. Water is running under full length of structure.	$ -							Letter from MDOT May 11, 2015. Considered by MDOT a Low Use or Redundant Bridge. If Town committed to funding 50% of project, and if compelling circumstances, can pursue State financial assistance.
Sub-Total:	$ 1,407,356	$ -	$ 38,336	$ 465,000	$ -	$ -	$ -	

Hampden Capital Program Planning Budget Worksheet								
Draft of May 1, 2016								
Town Project Cost Sub-Total:	$ 2,937,441	$ 75,775	$ 48,336	$ 505,000	$ 6,000	$ 10,000	$ 973,310	
Program Administration @ 6.5% of Project Cost Sub-Total	$ 105,197	$ 4,925	$ 3,142	$ 32,825	$ 390	$ 650	$ 63,265	
Contingency @ 15% of Public Improvements	$ 242,763	$ 11,366	$ 7,250	$ 75,750	$ 900	$ 1,500	$ 145,997	
Sub-Total:	$ 347,961	$ 16,292	$ 10,392	$ 108,575	$ 1,290	$ 2,150	$ 209,262	
Total Town Gross Project Costs:	**$ 3,285,402**	**$ 92,067**	**$ 58,728**	**$ 613,575**	**$ 7,290**	**$ 12,150**	**$ 1,182,572**	
Sewer, Uses of Funds								
Debt service payments on bonds issued	$ -							Unknown
Bangor WWTP. Biomedia filters. Hampden share of total cost per Interlocal Agreement.	$ 354,000							Town responsible for portion of cost of pending upgrades to Bangor wastewater treatment plant. Estimate of Hampden share per Andy Ruzinski, April 2016.
CSO Tank Sealing (near HWD)	$ 35,000		$ 35,000					
CCTV and flushing system-wide	$ 300,000		$ 60,000	$ 60,000	$ 60,000	$ 60,000	$ 60,000	
Sewer Force Main (across 1A bridge over Souadabscook)	$ 2,700	$ 2,700						First year engineering costs only; construction costs to be provided. Costs would be included in local match portion of Rte 1A reconstruction (above).
Infiltration & Inflow, Mayo Road	$ -							After CCTV will have better idea what's needed here.
Infiltration & Inflow, The Terraces (off 1A)	$ -							After CCTV will have better idea what's needed here.
Bangor WWTP, concrete issues at secondary clarifier	$ 354,000							Cost. Est. $354,000 per email from A. Rudzinski 4/14/16.
	$ -							
	$ -							
	$ 1,045,700	$ 2,700	$ 95,000	$ 60,000	$ 60,000	$ 60,000	$ 60,000	
Sewer Project Cost Sub-Total:	$ 1,045,700	$ 2,700	$ 95,000	$ 60,000	$ 60,000	$ 60,000	$ 60,000	
Program Administration @ 6.5% of Project Cost Sub-Total	$ 21,951	$ 176	$ 6,175	$ 3,900	$ 3,900	$ 3,900	$ 3,900	
Contingency @ 15% of Public Improvements	$ 50,655	$ 405	$ 14,250	$ 9,000	$ 9,000	$ 9,000	$ 9,000	
Sub-Total:	$ 72,606	$ 581	$ 20,425	$ 12,900	$ 12,900	$ 12,900	$ 12,900	
Total Sewer Gross Project Costs:	**$ 1,118,306**	**$ 3,281**	**$ 115,425**	**$ 72,900**	**$ 72,900**	**$ 72,900**	**$ 72,900**	
RSU-22, Uses of Funds								
RSU 22 McGraw-Weatherbee internal circulation improvements	$ -							School Board voted to continue with design/engineering on 1/20/16; this will result in preparation of cost estimates. In correspondence 1/21/16, Rick Lyons doesn't anticipate referendum in June 2016; not sure about November 2016. Hampden share of total costs would be based on RSU-22 funding formula and allocation among Hampden, Newburgh, Winterport and Frankfort.
RSU 22 McGraw-Weatherbee expansion	$ -							
Sub-Total:	$ -	$ -	$ -	$ -	$ -	$ -	$ -	

Exhibit 5-d-2

TOWN OF HAMPDEN
PROPOSED 2016/17 BUDGET MEETING SCHEDULE

Budget discussions on Council meeting nights have typically been conducted after the regular agenda. Budget meetings on Committee meeting nights are scheduled at 7 p.m.

In consideration of Councilors' schedules we have attempted to schedule the budget meeting on nights that are already Council or committee meeting dates whenever possible. However, we have proposed a change to the May Planning & Development Committee meeting to take place on Tuesday instead of Wednesday; and one special meeting is proposed on Tuesday, May 31.

May 2, Monday (Council Meeting)	Town Manager Budget Presentation
May 9, Monday: (7 p.m. after Services)	Public Safety Police Fire Debt Service County Tax General Assistance Education The Bus
May 16, Monday: (Council Meeting)	Public Works Municipal Garage Solid Waste Buildings & Grounds Marina Non-Departmental Utilities Sewer Capital Program (working session)
May 17, <u>Tuesday</u>: (7 p.m. afterPlanning & Development)	Administration Communications Tax Collector Elections Town Council Municipal Building Revenues
May 23, Monday: (7 p.m. after Infrastructure)	Economic Development GIS/IT Assessor/Planning TIF
May 31, <u>Tuesday</u>: 6 p.m. Special Meeting	Library Recreation Lura Hoit Pool Reserves (based on Capital Program)

June 6, Monday: (Council Meeting)	**Budget Review – Post for Public Hearing**
June 20, Monday: (Council Hearing)	**FY17 Budget Adoption**

B-2-b

Hampden Town Council
FY17 Budget Workshop for May 9, 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
Public Safety Director Joe Rodgers
CEO Myles Block
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. **Public Safety – Account 05-10 proposed for $15,500.00**. Manager Jennings stated that this budget included personnel (proposed re-classification of the administrative assistant) and non-personnel expenses with an increase of 5.1%. Discussion followed with Councilors Marble and Wilde noting the increase in health insurance costs. Councilor Wilde stated that it might be in the town's best interest to look at other sources for health insurance besides MMA. Mayor Ryder asked Chief Rodgers if there have been any complaints with the insurance, to which he stated he had not heard of any. Manager Jennings stated that he has spoken with the administrator of the HRA who stated that the $75,000 set aside is an accurate amount and that our percentages are correct for an organization our size.

   b. **Police Account - 05-01 proposed for $111,500.00.** Manager Jennings stated that this budget showed an over-all decrease of .01%. Discussion followed regarding gas in the police and fire accounts. Chief Rodgers stated that this was a line item that he felt he could reduce due to the price of gas going down. Councilor Sirois questioned the Pet Control account and the cost of the Bucksport shelter. Chief

Rodgers stated that it is something we have no control over and that they bill us monthly and for animals that are taken there for a period of time but they are still less costly than the Humane Society. Councilor Marble questioned the cruiser replacement decrease. Manager Jennings explained how this line item was adjusted in the current budget to correctly reflect monies not properly carried forward in the FY14 and FY15 budgets. Councilor McAvoy questioned the contribution rate for ICMA and Maine PERS retirements. Manager Jennings explained that with ICMA the town contributes 8.4% but if the employee contributes an additional 2%, it goes up to 8.9% and the contribution rate is higher under Maine PERS. Councilor McAvoy asked if this was a contracted thing to which Chief Rodgers agreed. Councilor McAvoy further stated that non-contracted employees receive the same benefit as contracted employees. Manager Jennings stated that this benefit and contribution rates will be looked at. Town clerk stated that the contribution rates for both the ER and the EE are set by the legislature based upon actuarial studies and what is needed to fund the retirement pool. Discussion continued regarding benefits to employees and the process by which pay and benefits can be looked at and changed through the utilization of the Personnel Appeals board. Manager Jennings stated that there is an org chart for the first time presented in this budget that will help to accurately determine pay scale alignment. Councilor Sirois stated that as a manager of employees he does not believe that the employees are over-paid and that the benefits off set the wages. Mayor Ryder questioned the placement of reserve accounts discussion within the budget workshops. Manager Jennings stated that the reserve accounts, according to charter, are in conjunction with a Capitol plan.

c. **Fire – Account 05-05 Proposed for $80,960.00.** This budget shows an increase of 1.6%. Mayor Ryder asked if the increase in training was due to the need to bring on and train more on-call members. Chief Rodgers stated that it is primarily due to the need for small space confined rescue training. Councilor Marble asked about the increase in the maintenance and repair line item. Chief Rodgers stated this is due to having to send out mechanical work that cannot be done in house. Councilor McPike asked about the performance of the Tahoes vs. the Crown Vics. Chief Rodgers informed members that the SUVs work very well in the winter, they are heavier, and there have been no real maintenance issues.

d. **Debt Service – Account 50-10 Proposed for $339,985.89.** This budget shows an increase of 6.3%. Manager Jennings reported that the three outstanding bonds with payments due have been put back into the budget instead of paying from the Host Community Account.

e. **County Tax – Account 45-10 Proposed for $792,557.54.** This reflects a 3.1% increase as proposed by the County Commissioners. Councilor McAvoy asked what it is that the county provides for that amount of money. Chief Rodgers spoke to the fact that they house the jail, regional dispatching, the regional computer system, they provide patrol to assist communities, bridges, Penquis Cap ride program, the extension service to name a few. Manager Jennings also spoke of other areas of support such as the Register of Deeds, the Sheriff, and the District Attorney. It was noted that this is a budget that the town has no control over and it must be paid.

f. **General Assistance – Account 40-10 Proposed for $6,000.00.** This proposal reduced the budget by .40% to better reflect actual expense trends.

g. **Education – RSU 22 Assessment – Account 65-10-55-20 Proposed for $6,308,862.26.** Manager Jennings stated that this is an increase of 2.9% and is based upon the numbers currently under review by the RSU board. This includes warrant items as well as adult education which is a separate warrant article. Manager Jennings handed out the Maine statute that governs the required format for RSU budgets. There are 11 different sub categories called cost centers that must be separate warrant items and the proposed budget must correspond to those items. In the power point presentation, there seems to be nothing that corresponds with this requirement. Councilor Sirois questioned whether this would void the budget. Manager Jennings stated that the statute is straight forward but he would like to submit a memo to the board chair and request the breakdown of the information. Councilor Sirois stated that towns have a warrant process, but it appears as though there is no warrant process for expense review at the RSU. Councilor Wilde asked if information that has been requested falls under freedom of access of information, to which Manager Jennings confirmed. Discussion followed over the next RSU budget meeting on May 11th, and when the election is going to be, which is June 14th. Questions came from the audience about whether or not the Council is obligated to sign an election warrant if the

format is not correct. Manager Jennings deferred to the Clerk who stated that municipal officials always counter-sign the warrant but that if they felt it was not appropriately done, they probably shouldn't. She stated that she has never seen that happen and does not know the ramifications of that going forward. She then explained the change in school budget elections that happened somewhere around 2007 whereby we went from a vote at the polls on each article, with a dollar amount to a two-part process. The new method is to vote the budget numbers at a town meeting style election by show of hands. The second part is to then go to the polls and validate the action taken at the district budget meeting election. Voting at the polls is a simple yes/no vote with no numbers. Discussion ceased with reminders to attend the next budget meeting on May 11th at Hampden Academy.

h. **The Bus – Account 25-10 Proposed for $84,597.00.** This budget shows a 3.2% increase. Discussion followed regarding overhead, office and administration costs, ADA compliance and auditing and how Hampden's share is calculated. Councilor McAvoy made a motion, seconded by Councilor Cormier to reduce this budget by 2/3 to allow the Bus to continue for the 60 day notice and comment period only. More discussion followed. Councilor Marble stated that he is more interested in replacing the service, not eliminating it. Councilor McPike questioned how the towns in the region are classified for costs. Councilor Sirois stated that the town can take steps to research alternatives and if we stop it later, it will be a budget savings, and if there is a board that governs this, can Hampden get a seat on that board. Discussion ceased and the motion was brought to vote. Councilor McAvoy and Councilor Cormier voted in favor of the motion. Councilors Marble, Wilde, McPike, Sirois and Ryder voted in opposition. Motion fails.

3. Adjourn – There being nothing further, Councilor Marble made a motion to adjourn at 8:15, seconded by Councilor Wilde. Unanimous vote in favor.

Respectfully Submitted,

Paula A. Scott, Clerk

B-3-a

TOWN OF HAMPDEN

PUBLIC NOTICE

CANCELLATION OF FORECLOSED PROPERTY SALE
1037 KENNEBEC ROAD
HAMPDEN, MAINE

The Town of Hampden has cancelled the previously advertised sale of a foreclosed property located at 1037 Kennebec Road in Hampden, ME., by a vote of the Council on May 2, 2016. The Town will not be accepting bids on the subject property. For further information contact the Town Manager at 862-3034.

.

Posted: 05/03/2016

B-3-b

Welcome!
You are a chosen recipient for the *Hannaford Helps Reusable Bag Program.*

Dear Executive Director,

As an important local Cause in the community, Skehan Recreation Center has been chosen by the Hannaford Store Leadership as the next beneficiary for the *Hannaford Helps* Reusable Bag program! Let me share with you why this is great news:

For the month of June, Skehan Recreation Center will receive a $1 direct donation from each purchase of the blue *Hannaford Helps* Reusable Bag at the Hannaford store located at:

77 Western Avenue Hampden, ME

With Hannaford's long-standing history of supporting local communities, this program is designed to help bring funds to Causes like yours in support of all the work you do! The blue reusable bag with the good karma message sells for $2.29 and can be found at the reusable bag rack and various registers throughout the checkout area.

What's next? It's time to get the word out! Email your supporters, post to social media and share in your next newsletter! In partnership with Hannaford, Bags 4 My Cause has created a Cause Marketing Toolkit designed to make sharing the news as seamless and easy as possible.

Visit www.hannaford.bags4mycause.com for access to the Toolkit as well as a full explanation of the program, regularly updated bag sales, and donation facts/figures. Effective outreach will result in more *Hannaford Helps* Reusable Bag purchases, which equates to a larger total donation for you!

We would love to hear from you to confirm that you have received this exciting news! Feel free to send me an email and tell me a bit about your Cause and the work you do in the community. In the coming weeks, we will send program updates and information including ways to help in your outreach efforts.

Congratulations again for being chosen and we look forward to seeing your success with the *Hannaford Helps* Reusable Bag program at the Hannaford Store listed above, and the significant donations provided to Skehan Recreation Center!

Best Regards,

Kelly Morgan
Bags 4 My Cause
KellyM@Bags4MyCause.com
207.361.3391 X106

B-3-c

WWW.HAMPDENFARMERSMARKET.COM
FIND US ON FACEBOOK!

FRIDAYS 2-5:30PM
MAY 20 - OCT. 28

AT THE TOWN OFFICE PARKING LOT
106 WESTERN AVENUE

JOIN US IN CELEBRATING ALL THAT YOUR LOCAL FARMERS AND ARTISANS HAVE TO OFFER. BE SURE TO CHECK OUR WEBSITE FOR SPECIAL EVENTS!

NOW ACCEPTING SNAP/EBT

USE SNAP/EBT AND GET

BONUS

FRUITS AND VEGETABLES!

VISIT US AT THE WELCOME TENT FOR MORE DETAILS!

MAINE HARVEST BUCKS

wholesome wave

MAINE FEDERATION OF FARMERS' MARKETS

MEET YOUR VENDORS:

BIRCH HILL POTTERY AND SABI PRESS
BANGOR-HANDMADE POTTERY AND CARDS

BOYD BROOK FARMING
FRANKFORT-GRASS FED BEEF AND BAKED GOODS

CEDAR MILL FARM
EXETER-MIXED VEGGIES, HERBS, FLOWERS, FIBER

CITIZENS OF MAINE
HAMPDEN-FINE ART AND CRAFTS

CORSON FARMS
PITTSFIELD-MAPLE SYRUP AND MAPLE SYRUP PRODUCTS

FARM HOUSE COFFEE ROASTERS
WINTERPORT-LOCALLY ROASTED COFFEE

FIORE ARTISAN OLIVE OILS AND VINEGARS
BAR HARBOR-OLIVE OILS AND BALSAMIC VINEGARS

GENTLE MEADOW GOAT FARM
WINTERPORT-HOMESTEAD GOAT MILK SOAP

HEALD FARM
TROY-MIXED VEGGIES, SWEET CORN, POTATOES

HERITAGE FARM
WINTERPORT-PASTURE RAISED PORK, POULTRY, MUSHROOMS

ISLAND FARM KITCHEN
LEVANT-BAKED GOODS AND PREPARED FOODS

KENONA FARM
OSBORN-GOAT CHEESE, GOAT MILK FUDGE, BERRIES, PICKLES

MOODYTOWN GARDENS
PALMYRA-MIXED VEGGIES, PORK

MURPHY FAMILY FARM
FREEDOM-FRUITS, MIXED VEGGIES, PELTS

STRAWHOUSE BAKERY
OTIS-BAKED GOODS

WORCESTER'S WILD BLUEBERRIES
ORNEVILLE TWP-BLUEBERRIES AND OVER 15 PRODUCTS MADE FROM BLUEBERRIES!

ENTER TO WIN A BAG OF MARKET GOODIES!

NAME_____

PHONE#_____

E-MAIL_____

JUST FILL OUT THIS COUPON AND BRING TO MARKET!

B-3-d

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

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

May 4, 2016

Kimberly McLaughlin
McLaughlin's at the Marina
100 Marina Rd.
Hampden, Me. 04444

Dear Kimberly

Your application for renewal of your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

Paula A. Scott

Paula A. Scott, CCM
Town Clerk

Enclo

VICTUALER'S LICENSE CERTIFICATE

No. 16-12 ***MUNICIPALITY OF HAMPDEN, MAINE***

To all whom these presents may concern: Date: May 4, 2016

KNOW YE, that Kimberly McLaughlin, doing business as McLaughlin's at the Marina has been duly licensed as a Victualer at 100 Marina Rd in the Municipality of Hampden by said Municipality until May 5, 2017, and has paid to the Municipal Treasurer the fee of Fifty Dollars ($50.00).

Authorized Municipal Officer CODE ENFORCEMENT OFFICER

TOWN OF HAMPDEN, MAINE

APPLICATION FOR VICTUALER'S LICENSE

DATE: 4/1 PHONE NUMBER: 990-1111

NAME(S): Kimberly McLaughlin

ADDRESS: 100 Marina Rd

NAME OF BUSINESS: McLaughlin's At the Marina

LOCATION OF BUSINESS: 100 Marina Rd

SIGNATURE: Kimberly McLaughlin

****

(FOR TOWN USE ONLY)

*This facility has been inspected and meets ordinance criteria.

Code Enforcement Officer

Susan Lundstrom

Fire Inspector/Building Inspector

*All sewer user fees and personal property taxes are paid in full to date.

Tax Collector

Town Treasurer

****

Please return completed form to: **Town Clerk**
Town of Hampden
106 Western Avenue
Hampden, ME 04444

LICENSE FEE: $50.00 Date Received/Fee Paid: APR 04 2016 $50.00 – Victualer $125.00 – Liquor

TOWN OF HAMPDEN

TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 4/19/16

Public Hearing: Yes * No

[X] Application for Liquor License — Expires May 5th, 2016

[x] Application for Victualer's License

[ ] Application for Off-premises Catering

[ ] Application for Outdoor Wood-burning Furnace License

* Liquor license requires public hearing. Victualer's license does not.

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

ADDRESS: 108A Marina Rd Hampden PHONE: 974-9228

MAP/LOT: 028-017-A1 DATE: 4/4/16

DEPARTMENT REPORT:

NO ISSUES FOUND ON TOWN INSPECTION ON 4/28/16. SEE ATTACHED EMAIL FROM MAINE FMO, ITEMS 1-6 COMPLETE. OK TO ISSUE TOWN VICTUALER'S LICENSE

DATE: 4/28/16

BY: [signature]
Title: CEO

BY: [signature]
Title: FIRE INSP

Jason Lundstrom <jlundstrom@hampdenmaine.gov>

RE: Mclaughlins

2 messages

Nason, Richard C <Richard.C.Nason@maine.gov> Fri, Apr 22, 2016 at 8:50 AM
To: Kimberly McLaughlin <kimberlylmcl@gmail.com>
Cc: "Day, Gregory J" <Gregory.J.Day@maine.gov>, "McCarthy, Richard" <Richard.McCarthy@maine.gov>, "Jason Lundstrom (jlundstrom@hampdenmaine.gov)" <jlundstrom@hampdenmaine.gov>

Kim,
I had stopped by on Wednesday and met with Reid. We had discussed the deficiencies of the facility and the corrections that need to be madebefore our office could issue a Construction permit. I had ask about the sprinkler system since you had mentioned in an earlier email that you would be installing it in the fall, meaning last fall. I did not see that the sprinkler system had been installed. Reid told me that you had Maine Fire Protection look at the installation but that you did not have a large enough water line entering the building to accommodate a Full NFPA 13 Sprinkler System. We had discussed if a Maine Life Safety System could be installed for the building. I told Reid that I would go back to the office and discussed the situation with The Inspections Supervisor and Assistant Fire Marshal.
Our conditions to the installation of the reduced Protection of The Maine Life Safety Sprinkler System, our office would require the building be piped as a full NFPA 13 Sprinkler System with the water supply to be calculated based on The Maine Life Safety System and within a 5 year time period you would need to have the waterline up graded from the building back to the water main with a pipe sized to then accommodate the Full installation of the NFPA 13 system within the building
.
Please see below the list of deficiencies and the corrections that need to be made to the facility before we can issue a construction permit for the building.

1. Provide 3'-0 swinging door assemblies with panic hardware at sliding door location at first floor patio area. (Doors must swing in the direction of egress.)
2. Provide Exit signs at the above referenced doors.
3. Provide Emergency lighting at first floor patio area.
4. Provide Exit signs and emergency lighting at upper Deck area.
5. Provide Guards at upper deck at back next to building. (Provide a detail or written description of how these will be constructed)
6. Provide Hand Rails, at stair to 2nd floor Deck, that meet the requirements of 7.2.2.4.4 of NFPA 101, 2009 and as the submitted design from Carpenter Associates.
7. Provide sprinkler System as described above throughout the building.

Please provide written confirmation to the as to your agreement to correct and provide information on the above mention Items.

Please let me know if you have any questions.

Thank you,

Richard Nason CFPE CFI I
Plans Review Supervisor
Maine State Fire Marshals Office
45 Commerce Drive
Augusta, Maine 04333-0165
Office 207-626-3884
Fax 207 287-6251
richard.c.nason@maine.gov
http://www.maine.gov/dps/fmo/index.htm

This e-mail and any file attachments may be subject to the provisions of the Freedom of Access Act. The

B-3-e

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

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

TO: Niles Parker, Chair; School Board, RSU-22
FROM: Angus Jennings, Town Manager
DATE: May 11, 2016
RE: Comments for tonight's RSU-22 Board meeting

I am writing to thank you for your prompt responses to two requests for information my office sent since last week's School Board meeting.

On behalf of the Town Council, we requested a breakdown of proposed budget expenses into the cost centers prescribed by statute. Superintendent Lyons provided this information yesterday, and I understand that this will be part of whatever budget is acted upon by the School Board. This information will be helpful to inform public understanding of the proposed budget, as well as cost trends over time.

I also requested an updated report of year-to-date spending on non-personnel items to update the report previously provided, and to ensure that we're working with the latest information. This information was provided earlier this afternoon, and is appreciated.

I would also like to put in writing the remarks I presented last week, and to elaborate.

My interest in understanding the School Budget is inherent to my role as Town Manager, and Town Treasurer. Given what I've learned about the Town of Hampden's financial condition since beginning work here late August, my particular interest in this year's budget process comes from a sincere place of concern.

Rather than repeat the numbers here, I have attached excerpts of my Budget Message to the Town Council relating to the Town's Unassigned Fund Balance, trends, and an illustration (I hope) of why this matters.

Dating back to our first meeting, it has been suggested to me by the Administration that the Town is "sitting on" millions of dollars. As is now known to all, this is simply not true. In fact, as illustrated on the fourth page of the attachment, cash flow problems have become so acute that the Town now needs to borrow money in order to stay current with its obligations. By necessity, this will continue in FY17.

So we watch every dollar. And we recognize that every tax dollar we spend came out of the pocket of somebody who worked hard for that dollar. So, it was obviously of significant concern to receive backup accounting showing that certain amounts budgeted in the School Budget correspond neither to actual spending, nor to <u>anticipated</u>

spending (since the location of “contingency” amounts i.e. utilities, fuel, instructional supplies does not appear to correspond to actual events triggering need for contingent funds).

I was taught, in excellent public schools, that words matter. And numbers matter. The budget adopted by the School Board is its statement to the community of projected costs and revenues. The budget is a primary ingredient in setting the tax rate. The words and the numbers in the budget matter. Of course, budgeting for some items relies on “best guesses” based on all available information, and certainly this must take into account contingencies. However, this can be achieved with transparency. The report of actual FY15 spending and FY16 YTD spending illustrates that there has been some degree of insincerity in prior budgeting.

As I said last week, I am hopeful based on comments of several Board members that night – and by some members of the Board in the weeks leading up to last week’s meeting – that future budgeting will more accurately present projected expenses.

I am also hopeful that, drawing from the information we have provided these past few months, we will no longer hear assertions from the Administration that the Hampden coffers are flush with cash.

From a financial management standpoint, we have some rebuilding to do. The Town Council and I are focused on this work, and we know it will be a multi-year effort.

I am aware of others’ requests to the Board to remove specific items from the proposed budget. Certainly, any reduction to Hampden’s costs would be welcome. However, I do not presume to have knowledge of the District’s needs to support specific funding recommendations.

However, it is important to me, on behalf of Hampden’s taxpayers, that whatever actions you take are informed by a true and accurate understanding of Hampden’s resources, and the many challenges that compete for those resources. Economists often discuss opportunity cost: the value of every dollar spent is not simply what is purchased, but rather the value of any other item on which that dollar may have been spent. This is why it is so important to the integrity of government that decisions are informed by as broad an understanding as possible of needs, and unmet needs, throughout our communities.

I hope that this information will help the Board make sound decisions that recognize our shared interests in the health and well-being of the communities that comprise RSU-22.

Due to a hearing tonight at the Town Building I will be unable to stay for the duration of tonight’s meeting. If I am unable to present this memo in person I hope that you will consider the information presented, and that it is helpful.

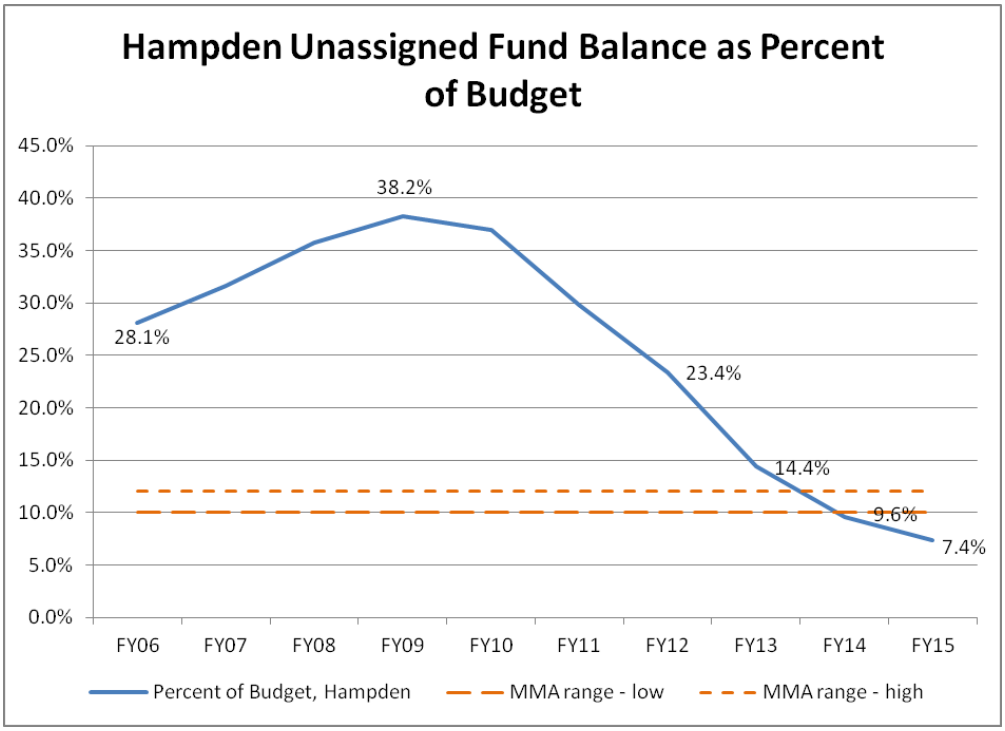
Attachment: Town of Hampden FY17 Budget Message, pp. 7-10

Year-End Fund Balances have fallen steadily in recent years

The Town's year-end Undesignated Fund Balance has fallen steadily in recent years. Audits from recent years show the following year-end fund balance:

Year-End Unassigned Fund Balance, Hampden General Fund					
FY	Amount	Annual Budget	Percent of Budget, Hampden	MMA range - low	MMA range - high
FY06	$ 2,925,911	$ 10,402,696	28.1%	10%	12%
FY07	$ 3,616,647	$ 11,429,957	31.6%	10%	12%
FY08	$ 4,202,573	$ 11,745,724	35.8%	10%	12%
FY09	$ 4,648,425	$ 12,157,302	38.2%	10%	12%
FY10	$ 4,522,569	$ 12,218,364	37.0%	10%	12%
FY11	$ 3,846,928	$ 12,890,999	29.8%	10%	12%
FY12	$ 3,111,351	$ 13,306,780	23.4%	10%	12%
FY13	$ 1,960,033	$ 13,634,978	14.4%	10%	12%
FY14	$ 1,329,466	$ 13,915,548	9.6%	10%	12%
FY15	$ 1,051,925	$ 14,197,568	7.4%	10%	12%

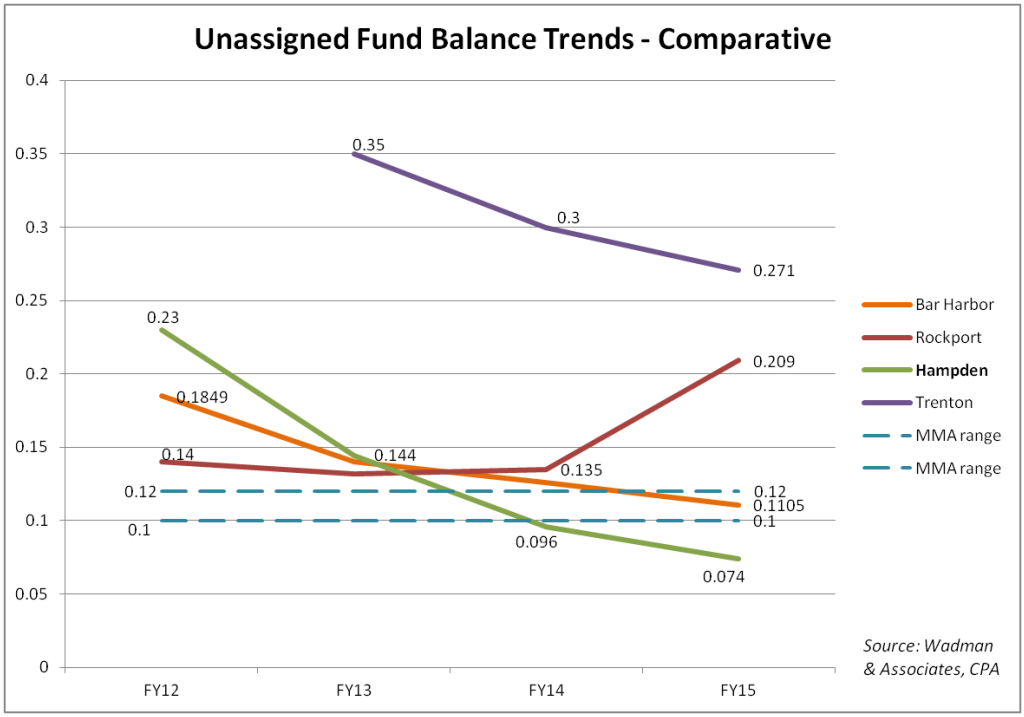
After enjoying an Unassigned Fund Balance above recommended levels for many years, Hampden first fell below MMA's recommended 10-12% range at year-end FY14 and fell further to 7.4% by year-end FY15. Because the approved FY16 budget included transfer of $200,000 from Fund Balance as part of its projections of non-tax revenues, the Unassigned Fund Balance will definitely fall below this level by year-end FY16.



Routine draw-downs of Fund Balances have directly reduced Property Tax Commitment
During this period of time, a significant contributing factor to the declining overall fund balances has been the Council's annual draw from the fund balance, within the budgeting process, in order to reduce the amount of the property tax commitment. Audits from recent years show the following "Beginning Fund Balance Used to Reduce Tax Commitment:"

- FY11 $332,500
- FY12 $455,000
- FY13 $661,350
- FY14 $550,000
- FY15 $500,000
- FY16 $200,000 (not in Audit – fiscal year still underway – but included in FY16 Budget)

Hampden's FY15 Unassigned Fund Balance does not compare favorably to other communities included in an analysis prepared by our independent Auditor Wadman & Associates, CPA:

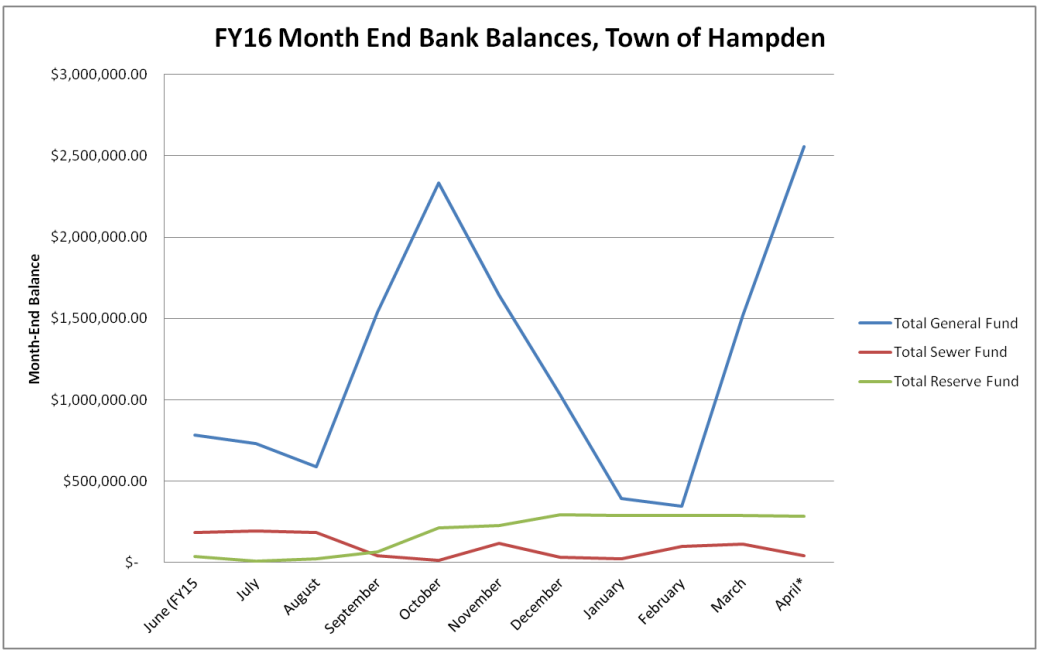


Further, it is important to note that amounts "owed" to the General Fund as a result of interfund transfers are included as General Fund assets in the Audit, and are therefore included in what's shown as the Unassigned Fund Balance. At year-end FY15, the General Fund showed Interfund Receivables of $656,545. Because these amounts due not represent actual cash on hand, the actual Unassigned Fund Balance – until interfund transfers are fully paid back – is significantly less than what is shown.

A long-time Town Manager colleague has advised me that, while the appropriate level of Unassigned Fund Balance recommended by MMA is sound, each community needs to

determine for themselves what level is appropriate. His advice was that the Unassigned Fund Balance should allow the municipality to pay its bills throughout the year, taking into account cash flow variations (since our primary revenue source – property tax – is received twice a year), without resort to borrowing.

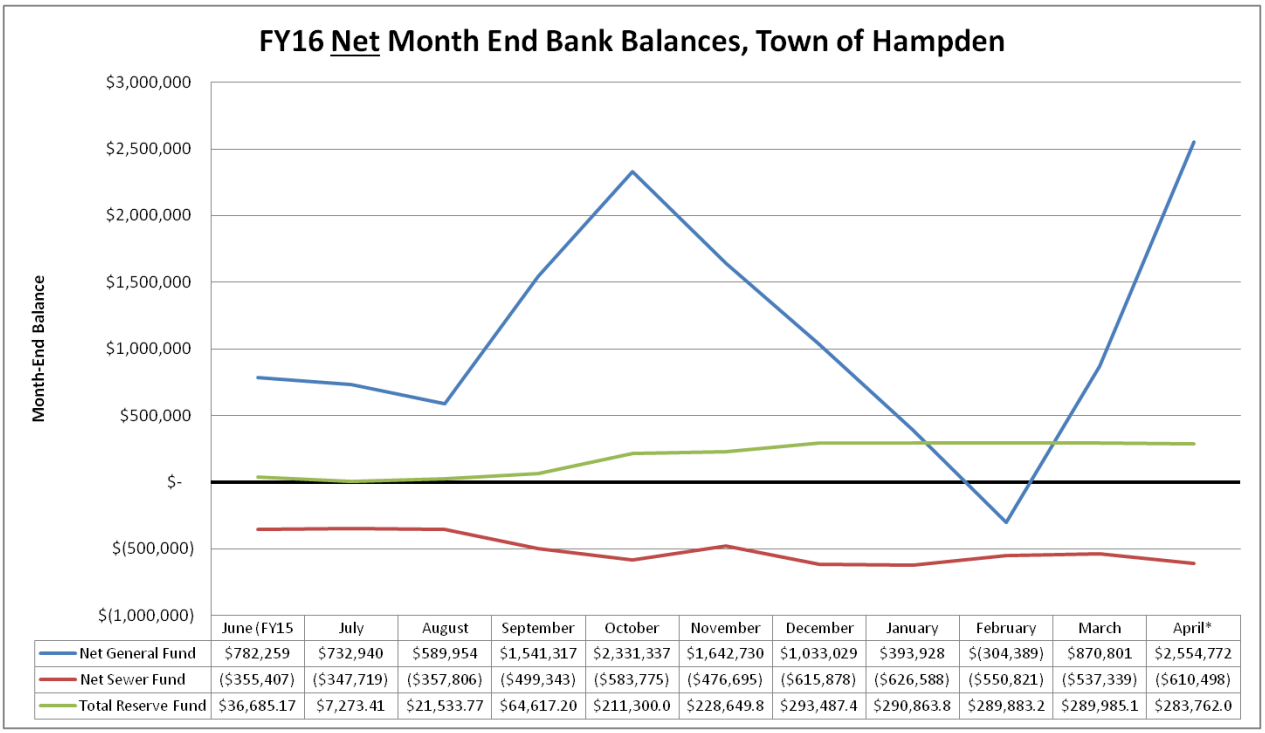
In FY16, the Town of Hampden issued a Tax Anticipation Note (TAN) for the first time (to my knowledge) in its history. The Town had to borrow in order to stay current on its obligations – not because of one or more major unforeseeable expenses, but because the Unassigned Fund Balance has fallen to a point where cash flow has become a real challenge. The following table and corresponding chart illustrate this point:



Month-End Bank Balances, Town of Hampden				
FY16	Total General Fund	Total Sewer Fund	Total Reserve Fund	*Notes*
June (FY15	$ 782,259.48	$ 186,258.92	$ 36,685.17	
July	$ 732,939.67	$ 193,947.38	$ 7,273.41	
August	$ 589,954.09	$ 183,860.06	$ 21,533.77	
September	$ 1,541,316.84	$ 42,322.91	$ 64,617.20	
October	$ 2,331,337.34	$ 12,890.95	$ 211,300.08	*Sewer Fund: Reflects transfer of $55,000, GF to SF, 10/14/15.*
November	$ 1,642,729.60	$ 119,970.57	$ 228,649.84	
December	$ 1,033,028.98	$ 30,788.41	$ 293,487.45	*Sewer Fund: Reflects transfer of $50,000, GF to SF, 12/14/15.*
January	$ 393,928.02	$ 25,077.73	$ 290,863.83	*Sewer Fund: Reflects transfer of $5,000, GF to SF, 1/14/16.*
February	$ 345,610.55	$ 100,844.99	$ 289,883.27	*General Fund: Reflects draw from TAN, $500,000 on 2/3/16 and $150,000 on 2/22/16.*
March	$ 1,520,801.40	$ 114,326.65	$ 289,985.12	
April*	$ 2,554,771.98	$ 41,167.64	$ 283,762.00	*General Fund: Reflects repayment of TAN, $650,882.63, on 4/7/16.*
May	$ -	$ -	$ -	
June	$ -	$ -	$ -	
* April balance as of 4/30/16 (online balances, not bank statement).				
Source: Bank Statements, Maine Savings FCU.				

As noted in the table on the preceding page, the General Fund account balances shown reflect two draws on the TAN in February 2016 totaling $650,000. (This amount was paid back in full, with accrued interest, in April). The Sewer Fund account balances shown reflect three interfund transfers from the General Fund in October, December and January totaling $110,000.

The following chart illustrates that, if not for the TAN, the month-end General Fund balance would have fallen into negative numbers in February; and that the Sewer Fund would have had a negative balance throughout the year but for the $541,666 in interfund payables at year-end FY15 in addition to the interfund transfers completed in FY16 year-to-date:



	June (FY15	July	August	September	October	November	December	January	February	March	April*
Net General Fund	$782,259	$732,940	$589,954	$1,541,317	$2,331,337	$1,642,730	$1,033,029	$393,928	$(304,389)	$870,801	$2,554,772
Net Sewer Fund	($355,407)	($347,719)	($357,806)	($499,343)	($583,775)	($476,695)	($615,878)	($626,588)	($550,821)	($537,339)	($610,498)
Total Reserve Fund	$36,685.17	$7,273.41	$21,533.77	$64,617.20	$211,300.0	$228,649.8	$293,487.4	$290,863.8	$289,883.2	$289,985.1	$283,762.0

Although I will continue to make efforts to avoid further General Fund to Sewer Fund interfund transfers until the sewer revenues increase to better cover operating and capital costs, it is necessary to preserve this option to avoid a scenario where the Sewer Fund simply could not pay its bills.

And, it is important to preserve an Unassigned Fund Balance in the event of future unforeseen costs that may arise.

For these reasons, I have not proposed transfer of funds from the Undesignated Fund Balance within the revenue projections in the FY17 budget. I do not recommend further draw-downs at this time. However, even without these revenues, the estimated non-property tax revenues are within $100,000 of what was included in the current FY16 budget.

B-3-f

Superintendent of Schools
RSU No. 22
24 Main Road North
Hampden, Maine 04444

Telephone (207) 862-3255 Fax (207) 862-2789

TO: Board of Directors
FROM: Richard A. Lyons, Superintendent of Schools
DATE: Wednesday, May 18, 2016

SUBJECT: **Board of Directors Meeting - 5:30 p.m.**
Hampden Academy

Please note time

AGENDA

I. Call of the Roll

II. Approval of Minutes of Regular Meeting of May 4 and the Special Meeting of May 11, 2016

III. Adjustment to Agenda

IV. Persons Desiring to Address the Board

V. Board Chair

VI. Personnel
A. Resignations (Exhibit)
B. Nominations - Transfers

VII. Superintendent of Schools
A. Reading of Essential Behaviors and Outcomes Proclamation
B. Presentation by School Health Coordinator - Maine Integrated Youth Health Survey (MIYHS) (Exhibit)
C. Calendar Events
D. Student Representative
E. Assistant Superintendent's Update

Please notify the Office of the Superintendent of Schools at 862-3255 at least 48 hours prior to the meeting if you require any assistance in order to fully participate in this meeting.

The meeting is filmed and will be available for public viewing.

VIII. Questions of Board Members

IX. Committee Reports

A. Finance Committee
B. Budget Committee
C. Athletic Committee
D. Building Committee
E. Negotiations Committee
F. Education Committee
G. Policy Committee
H. United Technologies Center Board
I. Behavioral Review Committee
J. Education Foundation
K. SPRPCE Board
L. Tibbetts Fund Committee

X. Policy Consideration
A. Discuss and act on second reading and adoption of Policy GCOA, Supervision and Evaluation of Professional Staff, and the accompanying Regulation, GCOA-R. (Exhibits)

XI. Old Business

XII. New Business
A. Discuss formulation of ad-hoc committee to discuss FY17 services for Veazie School Department
B. Discuss June 15 Board meeting
C. Discuss and act on Performance Evaluation and Professional Growth Model (Exhibit)

XIII. Communication and Correspondence
A. Set Meeting Dates

XIV. Executive Session

XV. Other Business
A. To see what action, if any, the Board wishes to take on business required by items that are part of this agenda.

XVI. Adjourn

Education enables all students to learn the skills, acquire the knowledge, and develop the attitudes necessary for them to reach their potential as citizens who can meet the challenges of a changing global society.
We believe that
- all citizens in our communities share the responsibility to educate our children and themselves,
- our schools are community support systems and should welcome and encourage all members of our communities to participate, and
- our schools will have a supportive and empowering atmosphere for all students and community members.

B4-a

Planning and Development Committee
April 20, 2016
6:00 PM
Conference Room
MINUTES

Attendees:

Committee	Staff
Ivan McPike-Chair	Angus Jennings, Manager
Stephen Wilde	Dean Bennett, Community Dev Dir (CDD)
Dennis Marble	Myles Block, Code Enforcement Officer
Terry McAvoy	
David Ryder	
Mark Cormier	

1. Approval of April 6, Minutes - Approved

2. Committee Applications: None

3. Updates:

4. Old Business:

   A. Marina Sign Design

   Manager Jennings indicated he had been in contact with Chip Kelly of the MDOT with regard to the placement of a municipal sign at the entrance to the Marina Road. He indicated he wanted to clarify to MDOT that the sign was primarily a municipal sign, with a minor portion of the sign being mention of the businesses at the marina. Consistently MDOT has responded that although municipal signs are exempt and don't require a permit, an off-premise business sign is not provided for in the statute.

   Manager Jennings wanted to continue efforts to determine the status of the road way and explore the potential for the sign being placed that falls under the realm of non-commercial speech. The promotion of the town's assets such as the boat launch and associated amenities enhances the recreational offerings of the community. An amendment to the sign regulations may be necessary to provide for such signs throughout the community.

Committee Action: Motion made and Seconded to draft amendments to the sign regulations that would allow for the placement of municipal signs that promote community assets and related amenities. Vote: 6-0.

B. Fees Ordinance Discussion

The Fee's Ordinance was discussed. Fees associated with the Harbor Ordinance, Zoning Ordinance, Subdivision Ordinance, Earth Moving and Signs were reviewed. Committee disagreed on the necessity of fees, amount of fees, and what costs were covered by tax dollars vs. costs covered by application and inspection fees.

Code Enforcement Officer Block presented recommended increases in various fee categories, noting that Hampden is considerably low compared to many surrounding communities.

Discussion primarily focused on subdivision, zoning, and inspection fees. Code Enforcement Officer noted that the codes require a minimum number of inspections be performed dependent upon the nature of the development. Current fees do not always cover actual costs or repeated inspections as may be necessary.

Committee will continued discussion on specific categories of Fee's at the next meeting.

5. New Business:

A. Shoreland Zoning Update Draft

Community Development Director (CDD) explained that the Draft Shoreland Zoning changes are proposed for consideration consistent with Hampden's obligation to stay current with the State Minimum Guidelines, which have again, been amended by the State of Maine.

CDD to identify and present those specific areas of the Ordinance that exceed the minimum requirements at the next meeting to facilitate Committee review.

B. Accessory Apartment Discussion

Community Development Director presented a list of criteria, for Committee discussion, taken from the Town of Freeport Zoning Ordinance that appeared very clear and concise. CDD asked the Committee for their comment on the criteria.

Committee indicated they were in favor of the concept with Chairperson McPike specifically pointing to the criteria that addressed parking requirements. The Committee agreed in support for the accessory apartment vs. in-law apartment due to the restriction and enforcement issues associated with the in-law apartment.

The Committee, indicating concern for timing of this concept, to the following action:

Committee Action: Motion made and seconded to refer the material to the Town Council for forwarding to the Planning Board for review and comment. Vote: 6-0

6. Citizens Initiatives: None
7. Public Comments: None
8. Committee Member Comments: None
9. Adjourn: 8:05pm

B-4-C

FINANCE & ADMINISTRATION COMMITTEE MEETING

Tuesday, April 19, 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 4, 2016 Meeting** – *There was a motion and a second to approve the April 4, 2016 minutes as written. Approved 7-0.*

2. **Review & Sign Warrants** – *Warrants were reviewed and signed by Committee members.*

3. **Old Business**

   a. **Sewer fund status update & financing options** – *Manager Jennings presented his most recent analysis of the Sewer Fund financial status including current and projected costs and revenues. He summarized his recent conversation with Bond Counsel regarding potential financing options to allow the Sewer Fund to get current with amounts due. Any financing would require voter approval through the referendum process unless the funding is within a single fiscal year – such as a Revenue Anticipation Note (similar to a Tax Anticipation Note). Councilor Marble said we're facing four issues: getting current with amounts due; maintaining current debt service obligations; having enough revenue to operate on an ongoing basis; and funding system maintenance and future improvements. Manager Jennings agreed. He will keep the Committee apprised on this issue, including regarding conversations with the City of Bangor regarding current amounts due and financing Hampden's share of capital improvements to the Bangor Wastewater Treatment Plant. He expects conversations to proceed in the coming months.*

4. **New Business**

a. **Mobile food vendors on public property** – *Manager Jennings discussed the request that has been received from a Hampden resident to set up an ice cream cart and sell ice cream one day a week at the Lura Hoit Pool site. He said there is no adopted policy on this matter, and referred to the Farmers' Market as the closest precedent he or staff is aware of. The Committee discussed the Farmers' Market, and it was agreed that their strong preference was that Hampden residents be allowed to participate in the Farmers' Market whether they're a member of the organization or not.*

   Manager Jennings said he needs direction regarding how to handle the pending ice cream cart request. Councilor McAvoy expressed concern that we don't have a public land use policy, and stated that he felt it would be inappropriate to allow private businesses the use of public property to sell products. He said if this is allowed, we will have a de facto unwritten policy and that additional requests can be expected.

   Councilor Sirois said he things the Farmers' Market provides a public service. Councilor Marble agreed with Councilor McAvoy that we need a policy, and that this is within the mission and spirit of local government. Mayor Ryder noted the concerns about parking at the Pool site. Manager Jennings agreed that we should have a written policy regarding licensing public land for these purposes, or not.

   Motion by Councilor Marble, seconded by Councilor McAvoy, to refer this matter to the Infrastructure Committee for further consideration of a draft concept/policy. Motion carried 7-0.

b. **Historic District Ordinance – Process for review** – *Manager Jennings explained that, under the Historic District Ordinance, certain actions are required by a Historic District Commission (HDC), such as issuance of a Certificate of Appropriateness for work within Hampden's Historic District. A HDC has not been active for many years, and he and the Town Clerk are actively pursuing volunteers to serve on a newly constituted HDC. In the event that a filing comes in before a HDC with quorum is duly appointed and sworn in, he asked the Committee whether they agreed that either the Council or a Committee of the Council could serve the HDC's role. After discussion, the Committee agreed that the Services Committee would be appropriate to serve in this role on an interim basis. Motion by Councilor McPike, seconded by Councilor McAvoy to refer this matter to the Services Committee. Approved 7-0.*

5. **Public Comment** – *None.*

6. **Committee Member Comments** – *None.*

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

Respectfully submitted –
Angus Jennings
Town Manager

B-4-d

SERVICES COMMITTEE MEETING
Monday, April 11, 2016

MINUTES

Attending:

Councilor Terry McAvoy, Chair
Mayor David Ryder
Councilor Ivan McPike
Town Manager Angus Jennings
Recreation Director Shelley Abbott
DPW Director Sean Currier
Danny and Carla Lafayette
Resident Peggy (with HHA, LLC)

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

1. **MINUTES – March 14, 2016** – *It was motioned and seconded to approve the minutes of the March 14, 2016 Services Committee meeting. Motion by Mayor Ryder, seconded by Councilor McAvoy to approve the minutes, approved 3-0.*

2. **OLD BUSINESS**

   a. **Correspondence regarding Skehan Center lease; discussion of next steps** – *Manager Jennings summarized his correspondence to Historic Hampden Academy, LLC and the response received. It was agreed that the items in the memo could be discussed one at a time, and the discussion began with parking.*

   Manager Jennings referred to the lease providing for 21 dedicated spaces available to the Skehan Center. Because all parties understand – and understood at the time of the lease – that this number is lower than the actual need at times, it is important to ensure that this number is available. He suggested that, while the building owner can't control parking of patrons of businesses, it would be reasonable to expect that employees of businesses would be notified of this dedicated parking for the Skehan Center.

   The discussion addressed the language in the lease regarding the installation of a new energy efficient boiler within 18 months of lease execution. Mr. Lafayette discussed the amount of investment that Hampden Properties LLC has made in the property since its acquisition, and said that the property is contributing property taxes for the first time in 200 years (since it was formerly publicly owned). He said that the furnace serving the Skehan Center is the newest in the building. He reported that, since receiving the letter from the Town Manager, changes have been made to separate the electrical to reflect the lease area division, and that the heat to the band room has been shut off.

Councilor McAvoy said his biggest concern regarding the electrical is whether we know which circuits we're paying for. Mr. Lafayette said that it would be very expensive for Emera to install separate services, but that an electrician was brought in to better divide the costs. He said he had thought that the electrical had already been separated.

On Councilor McAvoy's request, Director Abbott summarized how the water service charges are split.

Mr. and Mrs. Lafayette said they would like to see the Town's lease extended, but they did not wish for the Town to be part of a lease if it decides it would like to go in a different direction. Councilor McAvoy said he does not feel that the lease is worthwhile.

Manager Jennings said that there are clear benefits to the public from the Skehan Center, but that there are also costs, and that the Committee is working to evaluate both the costs and benefits.

3. **NEW BUSINESS**

   a. **Update on recent property damage and maintenance costs** – *Director Abbott reported to the Committee regarding recent damage to Recreation properties including storm and wind damage to the Ballfield Road fence and utility pole; damage to a Skehan Center LED light that was hit by a ball, and to the floor; and grub damage to the VFW fields. The costs of damage were summarized, as well as the status of claims filed with the Town's property & casualty insurance.*

   b. **Recreation Department Affiliated Programs: updates and discussion of expectations regarding property maintenance and municipal level of service** – *Manager Jennings provided background regarding the Recreation Department's guidelines for Affiliated Programs such as Bronco Travel Soccer, Little League, Children's Day, etc. He commended Director Abbott for her successful efforts to secure written agreements with all six Affiliated Programs this year, which is the first time all have signed. He said that there appear to be expectations on the part of one or more of the groups for a level of support and maintenance that is not presently budgeted on the Town side, and said that it will be helpful to continue to work toward establishing clear expectations among all parties.*

   Director Abbott reported that either she or the Assistant Director Jill McLaughlin attend the meetings of each of the six Affiliated Programs. She said that the loss of the Bouchard Fields has led to increased demand for use of the Pool soccer fields, and that this will erode that resource over time if not properly maintained.

Manager Jennings said that it is important for the Committee to be aware of the Affiliated Program guidelines and agreements since these programs are of interest to many community members and it's important to ensure that staff actions reflect the policy intent of the Council. Councilor McAvoy said that he would support more maintenance costs being absorbed by non-town groups that charge fees for participation and that benefit from these resources.

Councilor McPike said he supports whatever we can do to get kids active.

c. **Update on planning for Children's Day** – *Director Abbott reported that there have been a couple of organizing meetings held. Children's Day is scheduled for Saturday, August 20, and the theme for this year's event is Hampden Olympics. The next organizing meeting is scheduled for April 26 at 6PM at the Skehan Center.*

4. **PUBLIC COMMENTS** – *None.*

5. **COMMITTEE MEMBER COMMENTS** – *Councilor McAvoy requested that the Greater Penobscot Cable Consortium be included on the next agenda of the Services Committee.*

There being no further business, the meeting was adjourned at 8:03 PM.

Respectfully submitted –

Angus Jennings
Town Manager

D-2-a

TOWN OF HAMPDEN

PUBLIC NOTICE

TOWN OF HAMPDEN

PUBLIC NOTICE

Notice is hereby given that the Hampden Town Council will conduct a public hearing at 7:00 p.m. on Monday, May 16, 2016 at the Hampden Municipal Building Council Chambers, 106 Western Ave. to hear the following:

1. Application for a Special Amusement License received from Anglers, Inc. d/b/a Anglers Restaurant at 91 Coldbrook Road for a special event to be held May 21, 2016

Paula A. Scott
Town Clerk

Posted: 5/4/2016

TOWN OF HAMPDEN, MAINE

APPLICATION FOR SPECIAL AMUSEMENT LICENSE

DATE: 5/4/2016 PHONE NUMBER: 862-2121

NAME(S): Anglers Restaurant

ADDRESS: 91 Coldbrook Rd. Hampden, ME 04444

NAME OF BUSINESS: Anglers Restaurant

LOCATION OF BUSINESS: 91 Coldbrook Rd. Hampden, ME 04444

SIGNATURE: [signature]

****

(FOR TOWN USE ONLY)

*This facility has been inspected and meets ordinance criteria.

[signature]
Code Enforcement Officer

[signature]
Fire Inspector/Building Inspector

*All sewer user fees and personal property taxes are paid in full to date.

[signature]
Tax Collector

[signature]
Town Treasurer

****

Please return completed form to: **Town Clerk**
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Town of Hampden
RECEIVED
MAY 04 2016
Office of the
Town Clerk

LICENSE FEE: $125.00 Date Received/Fee Paid: MAY 04 2016 / $125.00
(Fee Includes Notice of Public Hearing)

Date of Event 5/21/2016

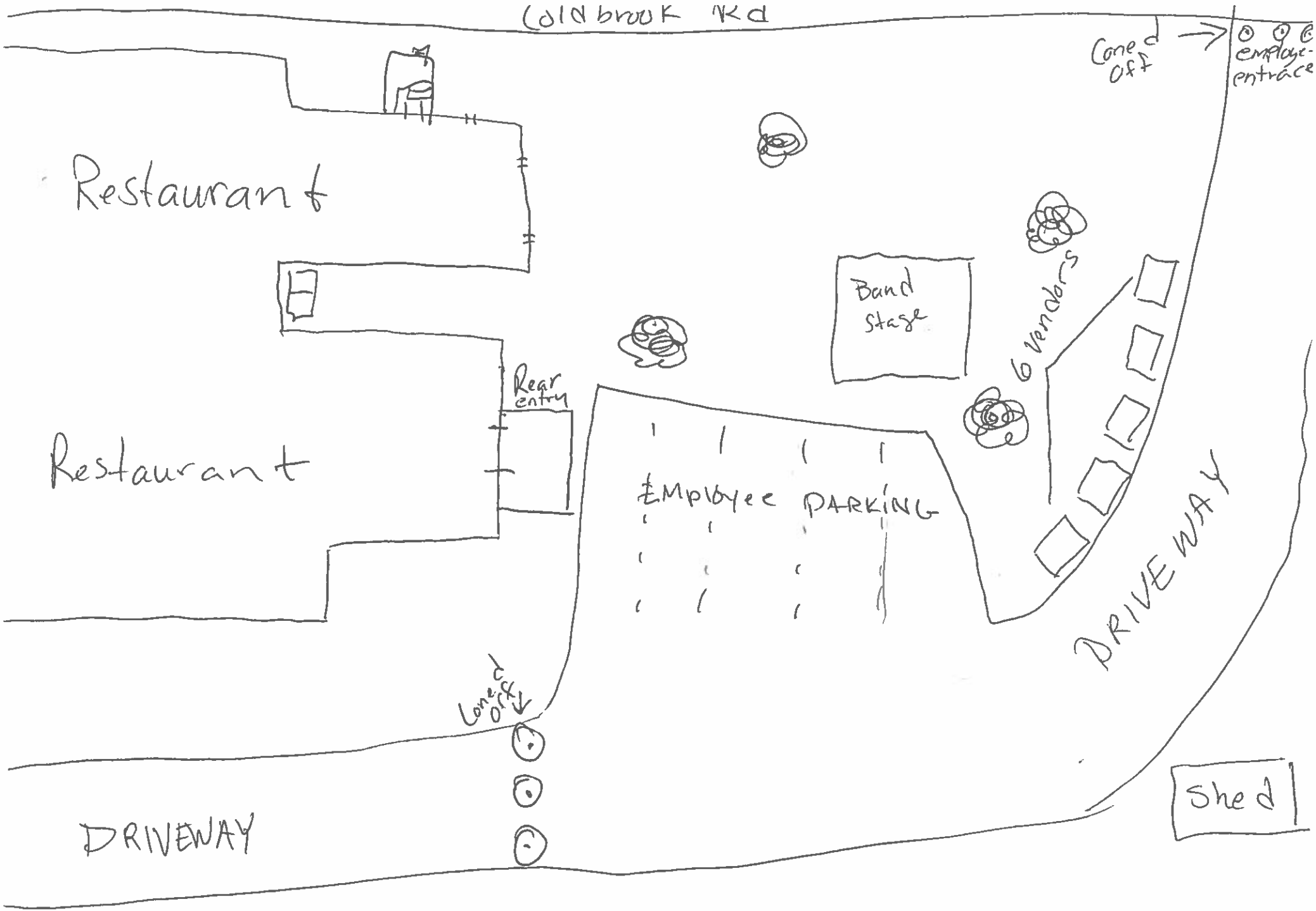
Location of Event: (Inside/Outside)
Outside behind Restaurant in employee parking area.

Describe Event in detail: 75-100ppl total. Motorcycle poker run visiting all 3 Angkors Locations. Event ends at Hampden with a band. about 6 vendors and a bunch of Motorcycles.

Do you hold a current liquor license? ✓ Yes ___ No Expiration date 5/19/2016
renewal liquor license has been approved by Council 5/2/16

Provide diagram of event arena/area:

See attached


Coldbrook Rd
Cone d off
employee entrance
Restaurant
Restaurant
Rear entry
Band stage
6 vendors
EMPLOYEE PARKING
DRIVEWAY
Cone d off
DRIVEWAY
Shed

TOWN OF HAMPDEN

TOWN CLERK'S OFFICE

MAY 1 6 2016

COMMENTS ON:

Date of Council Action: _____

Public Hearing: Yes X No____

[ ] Application for Liquor License

M 22 L 4

[ ] Application for Victualer's License

[ ] Application for Off-premises Catering

[ ] Application for Outdoor Wood-burning Furnace License

[X] Application for Special Amusement License

NAME: Angler's Restaurant (Business Name) Albert Hall (Individual)

ADDRESS: 91 Coldbrook Rd PHONE: 862.2121

MAP/LOT: M 22 L 4 DATE: 5/4/16

DEPARTMENT REPORT:

TOWN HAS OPTION TO INSPECT VENUE PRIOR TO THE EVENT ENSURE STATE & MUNICIPAL REQUIREMENTS ARE MET. CODE INSPECTED ANGLERS ON 4/22/16 FOR VICTUALERS & FOUND NO ISSUES WITH IN-DOOR AREA. CODE WILL ~~ST~~ INSPECT VENUE PRIOR TO EVENT IF NEEDED

DATE: 5/4/16 BY: _____ Title: CEO

BY: Susan Lindstrom Title:

Special Amusement License No. 16-1

Granted to:

Albert Hall

Premises Licensed:

Anglers Restaurant

Address:

91 Coldbrook Rd

Issued: 05/16/16 Expires: 05/16/17

Amount: $125.00

SPECIAL AMUSEMENT LICENSE CERTIFICATE

No. 16-1 ***MUNICIPALITY OF HAMPDEN, MAINE***

To all whom these presents may concern: Date: May 16, 2016

KNOW YE, that Albert Hall, doing business as Angler's Restaurant has been duly licensed for Special Amusement at 91 Coldbrook Rd in the Municipality of Hampden by said Municipality until May 16, 2017, and has paid to the Municipal Treasurer the fee of One Hundred Twenty-five Dollars ($125.00).

Authorized Municipal Officer CODE ENFORCEMENT OFFICER

PENDING

D-2-b

TOWN OF HAMPDEN

PUBLIC NOTICE

TOWN OF HAMPDEN, MAINE
PUBLIC HEARING NOTICE

TAKE NOTICE: The Town of Hampden hereby gives notice that the Town Council will conduct a public hearing at 7:00 p.m. on Monday May 16, 2016 at the Hampden Municipal Building, 106 Western Avenue, for the following purpose:

a. Proposed Fees Ordinance Amendment

Copies of the proposed ordinance amendment are available at the Town Office or online at www.hampdenmaine.gov.

Paula A. Scott
Town Clerk

.

Posted: 5/3/2016

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

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

TO: Town Council

FROM: Angus Jennings, Town Manager

DATE: May 13, 2016

RE: Continued Public Hearing, Fees Ordinance

On April 19, the Council opened a public hearing regarding the Fees Ordinance. That night, the Council voted to approve amendments to the following sections of the Fees Ordinance (each as detailed in that meeting's packet):

> Articles 1.8, 1.9, 1.14 (new), 2.3, 2.5, 2.7, 2.8, 2.13, 5.1, 5.2, 8.1, 8.3, 8.4, 8.6, 8.7, 8.10, 8.14, and 8.16.

The Council did not close the public hearing, but instead continued the hearing to re-convene on May 16. Since the April 19 hearing session, the Planning & Development Committee has recommended changes to the following sections of the Fees Ordinance (all of which were introduced at the April 19 hearing):

> Sec. 2.6 Harbor Ordinance
> Sec. 2.12.2 Minor Subdivision
> Sec. 2.12.4 Major Subdivision
> Sec. 2.16.2 Demolition/Earth Moving Permit Application
> Sec. 2.16.4 Certificate of Compliance Application
> Sec. 2.16.5 Additional Inspections
> Sec. 2.16.8 Zoning Board of Appeals Variance Application

Each of the recommended amendments is shown on the attached markup of the relevant sections of the Fees Ordinance with deletions in ~~strikethrough~~ and additions in <u>double underline</u>.

Other items considered by the Planning & Development Committee were tabled, and are still under consideration by that Committee.

It is recommended that the Council take action on the amendments referred by the Planning & Development Committee, and either continue the public hearing to a future date certain or close the hearing to re-advertise other amendments in the future.

2.6. Harbor Ordinance

2.6.1.	Overnight tie up to public float	~~$0.40 per ft. boat hull length.~~ N/A
2.6.2.	Private mooring	~~$25.00~~ $100.00 annual fee.

2.12. Subdivision Ordinance

2.12.1.	Subdivision Sketch Plan	No Charge
2.12.2.	Minor Subdivision *(Less than 5 lots and no public improvements).*	~~$35.00~~ 100.00 plus $20.00/~~lot~~ acre
2.12.3.	Minor Subdivision Review/Inspection Draw	not required.
2.12.4.	Major Subdivision Preliminary Plan *(Five or more lots and /or public improvements).*	~~$85.00~~ 150.00 plus $50.00/~~acre~~ lot plus $1,000.00 peer technical review draw account or in such greater amount as determined based on type of peer review needed (i.e. traffic, stormwater etc).

2.16. Zoning Ordinance

2.16.2.	Demolition/Earth Moving Permit Application	~~$25.00~~	
	2.16.2.1 Demolition/Earth Moving (residential-with sewer connection)		$100.00
	2.16.2.2 Demolition/Earth Moving (residential-no sewer connection)		$50.00
	2.16.2.3 Demolition/Earth Moving (commercial)		$150.00
2.16.4.	Certificate of Compliance Application *(Change of use, resumption of use, new use without building permit application)* ~~*The above application fees include all inspections required by Section 109 of the Town of Hampden Building Code.*~~	~~$50.00~~ $100.00	
2.16.5.	Additional ~~Final~~ Inspections *(If the town needs to perform additional inspections as a result of applicant deficiencies, each inspection will be charged prior to the inspection).*	~~$25.00~~ 35.00 per hour per inspector ~~up to 50% of cost of building permit~~	
2.16.8.	Zoning Board of Appeals Variance Application		
2.16.8.1.	General Variance	~~$100.00~~ $250.00	
2.16.8.2.	Dimensional Variance	~~$100.00~~ $250.00	
2.16.8.3.	Disability Variance	Free	
2.16.8.4.	Administrative Appeal Application	~~$100.00~~ $250.00	
2.16.8.5.	Cost for public notices and mailings	At cost	

D-3-a

Paula Scott <clerk@hampdenmaine.gov>

Board Appointments

1 message

Dean Bennett <economicdevelopment@hampdenmaine.gov> Thu, Apr 28, 2016 at 3:52 PM
To: williamsburgh6590@gmail.com, kristen.mcalpine@thefirst.com
Cc: Paula Scott <clerk@hampdenmaine.gov>, Angus Jennings <townmanager@hampdenmaine.gov>

Good Afternoon,

Thank you for your interest in serving on Hampden's Historic Preservation Commission. I wanted to let you know that on Tuesday, May 3rd, at 6:00pm in the Town Council Chambers, the Planning and Development Committee will be considering and acting upon your application. Although it is not necessary for you to attend, it is a nice opportunity to meet the Committee members and tell them a bit about yourself and your interest in the Commission.

The process will be for the Planning and Development Committee to act upon your application, presuming approval, they would then recommend to the full Town Council, your appointment to the Commission.

At the next Town Council Meeting, likely on Monday, May 16th, at 7:00pm, the Town Council will make the formal appointment to the Commission. It is not necessary for you to attend that meeting either however, the Council enjoys the opportunity to meet citizen volunteers who are willing to give of their time for our community.

Tuesday May 3rd: Planning and Development @ 6:00pm
Monday May 16th: Town Council Meeting @ 7:00pm

Thanks Again,
Dean

Dean L. Bennett
Director of Community and Economic Development
106 Western Avenue
Hampden, Maine 04444
207-862-3034

A reasonable effort will be made to respond to all emails received in a timely manner. Please note that all emails sent from or coming to this address are considered a public document and are subject to the State of Maine Freedom of Access Law.

COPY

Check One: ____ Initial Application
✓ Reappointment Application

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: McAlpine (LAST) Kristen (FIRST) L (MI)

ADDRESS: 10 Williams St. (STREET) Hampden (TOWN) 04444 (ZIP)

MAILING ADDRESS (if different): Same

TELEPHONE: (207) 852-2692 (HOME) (207) 974-5001 ext. 4126 (WORK)

EMAIL: Kristen.mcalpine@thefirst.com

OCCUPATION: Branch manager, First National Bank

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: HPC

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? _____

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

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

Town of Hampden
RECEIVED
APR 28 2016
Office of the Town Clerk

FOR TOWN USE ONLY

Date Application Received _____

COUNCIL COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

____ NEW APPT ____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____

Rev. 12/09

COPY

Check One: ✓ Initial Application
___ Reappointment Application

D-3-b

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMM

NAME: Goetting (LAST) Brittany (FIRST) P (MI)

ADDRESS: 549 Main Road North (STREET) Hampden (TOWN) 04444 (ZIP)

MAILING ADDRESS (if different): _____

TELEPHONE: 951-326-0361 (HOME) _____ (WORK)

EMAIL: williamsburg6590@gmail.com

OCCUPATION: University of Maine teaching assistant

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Historic Preservation Committee

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? As an academic and historian, I feel that I would be able to provide information about local history.

Are there any issues you feel this board or committee should address, or should continue to address? Preserving the historical integrity of buildings

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

Town of Hampden
RECEIVED
APR 27 2016

FOR TOWN USE ONLY Date Application Received: _____

COUNCIL COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

_____ NEW APPT _____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____

Rev. 12/09

Brittany Goetting
549 Main Road North, Hampden, Maine 04444/ (951) 326-0361/ brittany.cathey@maine.edu

Education

University of Maine, Orono
Ph.D. in History
Advisor: Liam Riordan
Expected Completion Date: May 2021

University of Maine, Orono
M.A. in History
Advisor: Liam Riordan
Thesis: "Jonathan Fisher of Blue Hill, Maine- One Thread in the Web of Early American Education, 1780-1830"
Completion Date: August 2015

University of California, San Diego
B.A. in History
Colloquium: "Anti-Colonialism in the Gospels of Mark, Luke and John"
Completion Date: June 2012

Mount San Jacinto Community College
Completion Date: June 2009

Awards

Mildred Thayer Scholarship, 2015-2016
Acadia Centre for Baptist and Anabaptist Studies Travel Grant, 2015
University of Maine Graduate Assistant Tuition Scholarship, 2013-2016
University of California San Diego Grant, 2010-2012
University of California San Diego Stout Scholarship, 2010-2011
University of California San Diego Provost Honors, 2009

Conferences

Concordia University 21st Annual Graduate Conference, History in the Making
Concordia University, March 2016
Paper: "'Bucking the Norm' Challenges to Conventional Educational Works through the Children's Primers of Jonathan Fisher of Blue Hill, Maine and Joseph Emerson of Beverly, Massachusetts"

Constructivist Design Conference on Education Improvement Group Liaison
Saint Lawrence University, July 2014, July 2015
Created online curriculum to be used by the Frederic Remington Art Museum in Ogdensburg, New York, monitored group workshops, and assisted in presentations

Teaching Experience

Teaching Assistant
University of Maine, Orono, Fall 2013-Spring 2016
HTY 106: European History from 1750 to the Present, HTY 103: American History to the Civil War, HTY 104: American History from the Civil War to the Present
Collaborated on curriculum and exam development. hosted discussion and review sessions, met with students upon request and graded all written work including exams.

Guest Lecturer
HTY 106: European History from 1750 to the Present, HTY 103: American History to the Civil War, HTY 104: American History from the Civil War to the Present,
Lectured on the events and importance concerning the Holocaust, mid-nineteenth century social reforms, Franklin D. Roosevelt's New Deal, Jacksonian Democracy, the aftermath of World War II, the aftermath of the American Revolution, and American nineteenth-century western expansion.

Publications

"Reverend Jonathan Fisher of Blue Hill: Education Renaissance Man", *Maine Memories Magazine*, July 2015

" Joseph Shanahan", "George McCready Price", and Charles Phillips" in *The World's Greatest Religious Leaders: How Religious Figures Helped Shape World History*, ABC-Clio, Expected Publication Date June 2016

Memberships

Maine Historical Society
April 2016- Present

Related Experience

University of Maine, History Graduate Student Association
Treasurer and Vice President
May 2014-Present
Developed workshops and advocated for policies pertinent to student development, maintained club funding, and collaborated with Undergraduate History Club

First Congregational Church of Brewer
Church Historian and Archivist
January 2015- Present
Organized and digitized church documents and artifacts dating back to 1795

COPY

Check One: ✓ Initial Application
___ Reappointment Application

D-3-C

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMIT

NAME: Scott (LAST) Andrew (FIRST) J. (MI)

ADDRESS: 5 Town Farm Rd. (STREET) Hampden (TOWN) 04444 (ZIP)

MAILING ADDRESS (if different): _____

TELEPHONE: 207-862-8141 (HOME) *Call First 207-299-5381 (cell) (WORK)

EMAIL: ASSCOTT@ROADRUNNER.COM

OCCUPATION: Contractor + Real Estate Investor

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Planning Board Alternate

SECOND CHOICE (OPTIONAL): Historical Preservation

How would your experience, education and/or occupation be a benefit to this board or committee?

20 years experience as a site work contractor, real estate investor, and distressed real estate rehab.

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

No

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

Town of Hampden
RECEIVED
APR 27 2016
Office of the Town Clerk

FOR TOWN USE ONLY

Date Application Received: _____

COUNCIL COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

____ NEW APPT ____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____

Rev. 12/09

D-4-a

Angus Jennings <townmanager@hampdenmaine.gov>

758 North Main Street

1 message

Angus Jennings <townmanager@hampdenmaine.gov> Wed, Apr 13, 2016 at 5:12 PM
To: james@butlersautobody.com
Cc: Myles Block <codeenforcement@hampdenmaine.gov>, Rosemary Bezanson <adminasst@hampdenmaine.gov>

Mr. Butler,

Following on our conversation last week, and your question regarding what nature of repairs would be needed to satisfy the Order issued by the Town Council on April 4, I have met with Code Enforcement staff.

I am not able to provide any direction beyond the language of the Order itself. However, at your option, it may be helpful if you and your engineer meet with the Code Enforcement Officer Myles Block. You can schedule an appointment with him directly or through Rosemary Bezanson in the Planning/Code office.

I tried to reach you by phone but your voicemail was full. Please confirm that you've received this message.

Thanks,
Angus

--

Angus Jennings
Town Manager

Town of Hampden
106 Western Avenue
Hampden, ME 04444
(207)-862-3034
townmanager@hampdenmaine.gov

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town Business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law. If you have received this message in error, please notify us immediately by return email. Thank you for your cooperation.

RUDMAN • WINCHELL

Edmond J. Bearor
E-Mail: ebearor@rudmanwinchell.com
Direct Dial: (207)992-2626

April 6, 2016

HAND DELIVERED
Penobscot County Sheriff's Office
Attn: Civil Process
P.O. Box 943
Bangor, ME 04402-0943

RE: James W. Butler, Jr. – 758 Main Street, Hampden, Maine – Notice of Hearing

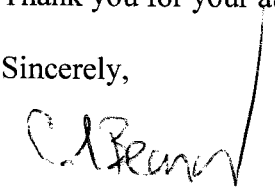
Dear Sheriff:

Enclosed is a copy of a Findings and Order. Please serve Mr. James Butler, Jr., with the copy of the Findings and Order at his place of employment located at 691 Main Road, North Hampden, Maine. Mr. Butler's work number is 947-5145.

Once you have completed service, please send me your Statement for Services rendered and I will submit payment to you promptly.

Thank you for your attention to this matter.

Sincerely,



Edmond J. Bearor
EJB/leb
Enclosure

{R1594922.2 57398-071585 }

FINDINGS AND ORDER

Pursuant to 17 M.R.S.A. §§ 2851-2859
DANGEROUS BUILDINGS

TO: **James W. Butler, Jr., 691 Main Road North, Hampden, Maine, 04444.**

On April 4, 2016 at 7:00 pm. at the Town of Hampden Municipal Building, Town Council Chambers, the Municipal Officers of the Town of Hampden, Maine held a hearing to determine whether the building/structure owned by you and located on land owned by James W. Butler, Jr., described as **758 Main Road North, Hampden, Maine and shown on Map 21, Lot 008**, of the current Tax Maps of the City of Hampden, Maine on file at the Town of Hampden Municipal Building, Assessor's Department at 106 Western Avenue, Hampden, Maine, is dangerous or a nuisance within the meaning of 17 M.R.S.A. § 2851. Notice of said hearing was duly served on said owner and all parties in interest on March 10, 2016. On March 21, 2016 at James W. Butler, Jr.'s request, the Council continued the matter to afford Mr. Butler additional time to assess the gravity of this proceeding. The following persons were present and testified:

Myles Block, Code Enforcement Officer, Jason Lundstrom, Fire Inspector, and James Butler, owner.

Based on their testimony and other evidence presented and made part of the record, the Municipal Officers find the following facts:

The building lacks a complete foundation, and there is documented photographic evidence of bowing walls, sagging roof, and skewed windows.

Based on the foregoing findings, the Municipal Officers conclude that said building/structure is dangerous or a nuisance because as described in 17 M.R.S.A. § 2851 due to the following:

It is structurally unsafe, unstable, and a danger to public safety because of inadequate maintenance and dilapidation.

THEREFORE, pursuant to 17 M.R.S.A. § 2851, you are hereby ORDERED to complete the following:

A proper application including a plan prepared by a professional structural engineer shall be submitted by the owner to the Code Enforcement Officer on or before May 4th, 2016 who shall act on a complete application within 14 days of receipt of such application. Within 60 days of the issuance of a permit by the CEO or such later date as may be mutually agreed upon by the CEO and the owner, the building must be structurally stable, no longer a dangerous structure as defined by 17 M.R.S.A. § 2851 and comply with the Town of Hampden's Building Code.

This decision may be appealed to Superior Court under the Maine Rules of Civil Procedure, Rule 80B. If this Order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake said abatement at municipal expense and recover all such expenses, including reasonable attorney's fees, by means of a special tax or civil action.

Dated: April 4th, 2016

By unanimous vote and on behalf of the Municipal Officers, Town of Hampden, Maine;

David Ryder, Mayor of the Town of Hampden

In witness whereof:

Angus Jennings, Town Manager

STATE OF MAINE
PENOBSCOT, ss.

April 4th, 2016

Personally appeared before me the above-named David Ryder and Angus Jennings and each acknowledged the foregoing instrument to be his/her free act and deed.

Paula A. Scott
Notary Public

Paula A. Scott
Notary Public - Maine
My Commission expires Feb. 22, 2021

D-5-a

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

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

TO: Town Council

FROM: Angus Jennings, Town Manager

DATE: May 13, 2016

RE: Hampden Farmers Market; other local vendors

At the May 9 meeting of the Services Committee, the Committee recommended by a vote of 5-1 (Councilor McAvoy opposed, Councilor Sirois absent) that the Town Council accept petitions of up to four local vendors to set up in the Municipal Building parking lot concurrent with the Hampden Farmers Market. Vendors would be required to provide the same insurance certificates that the Hampden Farmers Market needs to provide pursuant to its agreement, and the Town Manager would be responsible for establishing any other terms or agreements.

This recommendation is before the Council for consideration.

D-5-b

To: **Angus Jennings, Town Manager**
Paula Scott, Town Clerk

From: **Dean Bennett, Director of Community Development**

Date: **May 9, 2016**

Subject: **Zoning Amendment**

On May 3, 2016, the Council's Planning and Development Committee, unanimously approved the attached revisions to the Zoning Ordinance. The Committee voted to forward the draft to the full Town Council for forwarding to the Planning Board for review and comment.

Please schedule for an upcoming Town Council Meeting as appropriate.

ARTICLE 5 - ENFORCEMENT

(Amended: 6/ 3/02)

5.1. Administrative Officer - This Ordinance shall be enforced by a Code Enforcement Officer appointed by the Town Manager with confirmation by the Town Council.

5.2. Duties - The Code Enforcement Officer, in enforcing this Ordinance, shall be responsible for establishing reasonable procedures for enforcement, keeping all activities within the jurisdiction of this Ordinance under surveillance, issuing building and/or use permits where applicable, keeping public records of his proceeding and instituting or causing to be instituted any or all actions that might be appropriate for the enforcement of this Ordinance.

5.3. Permits - Application for a building permit and a certificate of compliance shall be made concurrently with the initial application.

5.3.1. Building Permits

5.3.1.1. Building Permit Required – Building Permits shall be required per the Maine Uniform Building and Energy Code as amended from time to time.~~An application shall be submitted to the Code Enforcement Officer for the following activities, and these activities shall not commence in the Town of Hampden without a permit being issued.~~

~~1. Construct or alter a structure.~~

~~2. Change of exterior dimensions of a existing structure;~~

~~3. Construct a sign or change the exterior dimensions of a sign;~~

~~4. Reconstruction of a disaster damaged or disaster destroyed structure.~~

5.3.1.2. No building permit shall be issued except in conformity with the provisions of this Ordinance.

5.3.1.3. Within fourteen (14) days of the filing of an application for a building permit, the Code Enforcement Officer shall approve or deny such application or shall refer the applicant to the planning board or the Board of Appeals. The decision shall be in writing and communicated directly to the applicant. In the case of a denial of an application, the decision shall include reasons for such. One (1) copy of the Code Enforcement Officer's decision shall be filed in the municipal office. (*Amended:09-18-06)*

5.3.1.4. No building permit for a building or structure on any lot shall be issued except to the owner of record thereof, or his authorized agent. The Code Enforcement Officer may require that any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, an on site soils survey, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure, and other such information as may be necessary to provide for the execution and enforcement of this Ordinance.

5.3.1.5. Applications for permits with their accompanying plans and building permits shall be

maintained as a permanent record by the Code Enforcement Officer.

5.3.1.6. A building permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within twelve (12) months of the date on which the permit is granted, or if the work or change is not substantially completed within two (2) years of the date on which the permit is granted.

5.3.1.7. No building permit, demolition permit, earth moving permit, sign permit or certificate of compliance shall be issued without payment of fees in accordance with the Town of Hampden Fees Ordinance. ***(Amended: 11-17-03)***

Any structure on which construction, including but not limited to foundation work, has begun before the issuance of a building permit will be assessed double the above described fees.

5.3.1.8. Building permits for structures to be located on subdivision lots shall not be issued by the Code Enforcement Officer until all improvements, including public utilities (sewer, water and electrical), roads and drainage facilities as approved by the Planning Board and required by town ordinances, are completed to the satisfaction of the Town designated engineering consultant and the road, if any, has been accepted by the Town Council as a town way. ***(Amended: 03-01-10)***

5.3.1.9. Wastewater Disposal Permit Required - No building permit shall be issued for any structure or use involving the construction, installation, or alteration of plumbing facilities unless either a subsurface wastewater disposal permit or sewer hook-on permit has been secured by the applicant or his authorized agent in conformance with the State of Maine Subsurface Wastewater Disposal Rules or the Town of Hampden Sewer Ordinance. ***(Amended: 03-01-10)***

5.3.2. Certificate of Compliance

5.3.2.1. No building or other structure for which a building permit is required shall be occupied or used until and unless a certificate of compliance has first been obtained from the Code Enforcement Officer and the Building Inspector. In addition, a certificate of compliance shall be required for the following activities undertaken in the Town of Hampden:

1. The change of use of a lot or structure;

2. The resumption of use in a structure which has been abandoned for the continuous period of one year;

3. The establishment of a new use of a lot or structure.

5.3.2.2. A Certificate of Compliance shall be issued only after the work on the building or structure is completed and the site has been stabilized. If a site plan approval has been obtained from the Planning Board then all of the improvements shown on the site plan, including off-site improvements, must be completed in accordance with the approved site plan.

5.3.2.3. It shall be unlawful to use or occupy or permit the use or occupancy of any land, building, structure or part thereof for which a building permit is required until a certificate of compliance is issued therefore by the Code Enforcement Officer and the Building Inspector and endorsed to the effect that the proposed use of the land, building, or structure conforms with the requirements of this Ordinance, any other codes or ordinances of the Town of Hampden, and with applicable state statutes or regulations.

5.3.2.4. After completion of the work permitted by the building permit, the applicant shall notify the Building Inspector, who with the Code Enforcement Officer, shall issue or deny the certificate of compliance within fifteen days. The Code Enforcement Officer and Building Inspector shall issue the

D-5-c

To: **Angus Jennings, Town Manager**
Paula Scott, Town Clerk

From: **Dean Bennett, Director of Community Development**

Date: **May 9, 2016**

Subject: **Shoreland Zoning**

On May 3, 2016, the Council's Planning and Development Committee, unanimously approved the attached revisions to the Shoreland Zoning Ordinance. The Committee voted to forward the draft to the full Town Council for forwarding to the Planning Board for review and comment.

Please schedule for an upcoming Town Council Meeting as appropriate.

TOWN OF HAMPDEN, MAINE
SHORELAND ZONING ORDINANCE

ADOPTED: Hampden Town Council, March 1, 2010
Effective Date:

AMENDED: Hampden Town Council, August 15, 2011 (DEP Approval September 9, 2011)
Effective Date: September 14, 2011

Article 17 Definitions

AMENDED: Hampden Town Council, July 14, 2014 (DEP Approval: September 3, 2014)
Effective Date:August 13, 2014

Article 4.B Sections 15 (O) and 15 (O 1)
Table 1 Land Uses in the Shoreland Zone
Article 13.A.~~(~~. (1) Resource Protection District
Article 15 O Timber ~~Harvesting (~~Harvesting (NOTE: Repealed January 1, 2013) Article 15 O 1 Timber Harvesting Statewide Standards
Article 17 Definitions

CERTIFIED BY:

_____
Denise Hodsdon, Town Clerk

Town Clerk
Affix Seal

Town of Hampden, Maine
Shoreland Zoning Ordinance
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NOTE: This document is based on Chapter 1000 Guidelines for Municipal Shoreland Zoning Ordinances.

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Town of Hampden, Maine
Shoreland Zoning Ordinance

NOTE: Words appearing in *italics* are defined terms that appear in Article 17 Definitions.

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1. **Purposes.** The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

2. **Authority.** This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (~~M.R.S.A~~M.R.S.~~.~~).

3. **Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river~~, the~~, the upland edge of a coastal wetland, including all areas affected by tidal action, the upland edge of a freshwater wetland, all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream and all land areas within 75 feet, horizontal distance, of the normal high-water line of certain local streams.

   NOTE: The Town of Hampden, Maine has opted to not govern docks, wharfs, piers or other extending or located below the shoreline. Such structures are subject to other regulatory bodies.

4. ~~**Effective Date**~~ **Effective Date of Ordinance and Ordinance Amendments.**

   ~~**A. Effective Date of Ordinance and Ordinance Amendments.** This Ordinance~~This Ordinance~~, which,~~ ~~was~~which was adopted by the Town of Hampden on _____March 1, 2010, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Town Clerk, shall be forwarded ~~to the~~to ~~Commissioner~~the ~~for~~Commissioner ~~approval~~for approval. ~~If the~~If ~~Commissioner~~the Commissioner ~~fails to~~fails ~~act~~to ~~on~~act ~~this~~on ~~Ordinance~~this ~~or~~Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

   Any application for a shoreland permit submitted to the Town of Hampden within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

   B. Sections 15(O) and 15(O-1). Deleted *Amended 7-14-2014, Effective Date 8-13-2014*

   C. Repeal of Prior Shoreland Zoning Provisions. Upon the effective date of this Ordinance pursuant to Section 4(A) above, Section 4.14 of the "Zoning Ordinance of the Town of Hampden, Maine" shall stand repealed. Provided, however, that said provisions of the Zoning Ordinance shall remain in effect for the prosecution of any violations thereof in existence as of the effective date of this Ordinance."

---

5. **Availability.** A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

6. **Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the Town of Hampden, the more restrictive provision shall control.

8. **Amendments.** This Ordinance may be amended by majority vote of the Town Council. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the Town of Hampden and shall not ~~be effective~~be ~~unless~~effective ~~approved~~unless ~~by~~approved ~~the~~by ~~Commissioner~~the Commissioner. ~~If the~~If ~~Commissioner~~the ~~fails~~Commissioner ~~to~~fails ~~act~~to ~~on~~act ~~any~~on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a shoreland permit submitted to the Town of Hampden within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

9. **Shoreland Districts and Shoreland Zoning Map**

   A. **Official Shoreland Zoning Map.** The shoreland zone areas to which this Ordinance is applicable are hereby divided into the following shoreland districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

      (1) Resource Protection also identified by the initials RP
      (2) Limited Residential also identified by the initials LR
      (3) General Development also identified by the initials GD
      (4) Stream Protection also identified by the initials SP
      (5) Local Stream Protection also identified by the initials LSP

   B. **Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2,000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

   C. **Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the municipal office.

   D. **Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

10. ~~Interpretation of~~Interpretation ~~Shoreland~~of ~~District~~Shoreland ~~Boundaries~~District Boundaries. Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, edge of pavement of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of shoreland district boundary lines, the Board of Appeals shall be the final authority as to location.

11. ~~Land Use~~Land ~~Requirements~~Use Requirements. ~~Except as~~Except ~~hereinafter~~as hereinafter specified, ~~no building~~no building, structure ~~or land~~or ~~shall~~land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

12. Non-conformance.

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that *non-*conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

(1) Transfer of Ownership. Non-conforming conditions may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or non-conforming lot, subject to the provisions of this Ordinance.

(2) Repair and Maintenance. This Ordinance allows, without a shoreland permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. Non-conforming Structures

(1) Expansions. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A non-conforming structure may be added to or expanded after obtaining a shoreland permit from the same permitting authority as that for a new structure, if such addition or expansion does not create an increase in non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

(a) Expansion of any portion of a structure within 25 feet of the normal high water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.

(b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high water line of a water body, tributary stream or upland edge of a wetland that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12 (C) (1).

~~(a) After January 1, 1989 if any portion of a *structure* is less than the required *shoreline setback* from the *shoreline*, that portion of the *structure* shall not be expanded, as measured in *floor area* or *volume of a structure*, by 30% or more, during the lifetime of the *structure*. If a replacement *structure* conforms with the requirements of Section 12(C)(3), and is less than the required *setback* from the *shoreline*, the replacement *structure* may not be expanded if the original *structure* existing on January 1, 1989 had been expanded by 30% in *floor area* and *volume of a structure* since that date.~~

(i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

(c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12 (C)(1) or Section 12 (C)(1)(a), above.

(i) For structures located less than 75 feet from the normal high water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

(ii) For structures located less than 100 feet from the normal high water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high water line of a water body, tributary stream of upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(I) and Section 12(C)(1)(c)(I), above.

(iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high water line of a water body, tributary stream, or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high water line of a waterbody, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C) (1) (b) (I) and Section 12(C) (1) (c) (I) above.

d. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

(2) Foundations. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12)(C).

~~(b) Whenever a new, enlarged, or replacement *foundation* is constructed under a *non-conforming structure*, the *structure* and new *foundation* must be placed such that the *shoreline setback* requirement is met to the greatest practical extent as determined by the Code Enforcement Officer, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed *foundation* does not extend beyond the exterior dimensions of the *structure*, except for *expansion* in conformity with Section 12(C)(1)(a) above, and the *foundation* does not cause the *structure* to be elevated by more than three (3) additional feet, as measured from the uphill side of the *structure* (from original ground level to the bottom of the first floor sill), it shall not be considered to be an *expansion* of the *structure*.~~

(~~2~~3) Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Code Enforcement Officer and provided that the applicant demonstrates that the present subsurface wastewater disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a replacement system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the *structure* to be more non-conforming.

In determining whether the building relocation meets the shoreline setback to the greatest practical extent, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the subsurface wastewater disposal system and other on-site soils suitable for subsurface wastewater disposal systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the shoreline setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation. In accordance with Section 15(S). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the shoreline than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the shoreline setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

(b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

(~~4~~3) Reconstruction or Replacement. Any non-conforming structure which is located less than the minimum required shoreline setback and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a shoreland permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the shoreline setback requirement to the greatest practical extent as determined by the Code Enforcement Officer in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to create an increase in non-conformity of a structure. If the reconstructed or replacement structure is less than the minimum required shoreline setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming ~~*floor area and volume*~~ footprint of the reconstructed or replaced structure at its new location. If the total ~~amount of floor area and volume~~ footprint of the original structure can be relocated or reconstructed beyond the minimum required shoreline setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the minimum shoreline setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section
12(C~~)~~) (~~2~~3) above.

Any non-conforming structure which is located less than the ~~mimimum~~minimum required shoreline setback and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a shoreland permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the shoreline setback to the greatest practical extent the Code Enforcement Officer shall consider, in addition to the criteria in Section 12(C)(~~2~~3) above, the physical condition and type of foundation present, if any.

(~~4~~5) **Change of Use of a Non-conforming Structure**. The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, local stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

(1) **Expansions**. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a shoreland permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)~~(a)~~ above.

(2) **Resumption Prohibited**. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the *structure* has been used or maintained for residential purposes during the preceding five (5) year period.

(3) **Change of Use**. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)~~()~~ (4) above.

E. Non-conforming Lots

(1) **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, minimum lot width and *shore frontage* can be met. Variances relating to shoreline setback or other requirements not involving lot area, minimum lot width or shore frontage shall be obtained by action of the Board of Appeals.

(2) **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 ~~M.R.S.A~~M.R.S.~~.~~ sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

(3) **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on December 16, 1991 and recorded in the registry of deeds if the lot is served by a municipal sanitary sewer or can accommodate a subsurface wastewater disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

(a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

(b) Any lots that do not meet the shore frontage and lot area requirements of Section 12(E~~)(~~) (3~~)(~~) (a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

13. Establishment of Shoreland Districts

A. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the General Development District need not be included within the Resource Protection District.

(1) Water bodies and Wetlands. Areas within 250 feet, horizontal distance, of the shoreline of wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of December 31, 2008. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river. ***Amended 7-14-2014, Effective Date 8-13-2014***

(2) Floodplains. Floodplains along rivers defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate ~~Maps s~~Maps ~~s~~. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps.

(3) Slopes. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

(4) Other Smaller Wetlands. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

(5) Bluffs and River Bank Erosion. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

B. Limited Residential District. The Limited Residential District includes those areas within 250 feet, horizontal distance, of the shoreline suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, Stream Protection District or Local Stream Protection District and areas which are used less intensively than those in the General Development District. Residential dwelling units and the land area within 100 feet of such residential dwelling units subject to shoreland zone regulations at the time of adoption of this ~~ordinance shall~~ordinance s h a l l be included in Limited Residential District. Such Limited Residential Districts shall be limited to the subject property only and not extend to neighboring properties.

~~C. (~~C. (Limited Commercial District). Deleted.

D. General Development District. The General Development District includes areas within the shoreland zone containing the following types of existing, intensively developed areas:

(1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

(a) Areas devoted to manufacturing, fabricating or other industrial activities;

(b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

(c) Areas devoted ~~to intensive~~to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

(2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

~~E. (~~E. (General Development II District). Deleted.

F. (Commercial Fisheries/Maritime Activities District). Deleted.

G. ~~Stream Protection~~Stream ~~District~~Protection District. ~~The Stream~~The ~~Protection~~Stream ~~District~~*Protection* ~~includes~~District ~~all~~includes ~~land~~all ~~areas~~land ~~within~~areas within seventy-five (75) feet, horizontal distance, of the shoreline of a stream exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the shoreline of a great pond, or river, or freshwater or coastal wetland. The three following waterways are streams: the portion of the West Branch Souadabscook Stream southwest of its confluence with Brown Brook, Brown Brook and Burnt Swamp Stream. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

NOTE: Shaw Brook is listed in error as a Local Stream when in fact and on the Shoreland Map it is in fact a jurisdictional Stream and is zoned Stream Protection and or General Development.

H. Local Stream Protection District. The Local Stream Protection District shall include all land areas within seventy-five (75) feet horizontal distance of the shoreline of the following local waterways including: Baker Brook (and two unnamed tributaries of Baker Brook), Cold Brook, Reeds Brook, Shaw Brook, Sucker Brook, and Weber Brook.

NOTE: Shaw Brook is listed in error as a Local Stream when in fact and on the Shoreland Map it is a jurisdictional Stream and is zoned Stream Protection and or General Development.

NOTE: Portions of theses brooks in association with jurisdictional wetlands, streams or rivers may be in Resource Protection, Limited Residential and General Commercial Districts.

14. Table of Land Uses. All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. ~~The district~~The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no shoreland permit required but the use must comply with all applicable land use standards.)
No - Prohibited
PB - Allowed with shoreland permit issued by the Planning Board.
CEO - ~~Allowed~~- Allowed with shoreland permit issued by the Code Enforcement Officer
LPI - Allowed with ~~shoreland~~shore land permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection
LR - Limited Residential
GD - General Development
SP - Stream Protection
LSP - Local Stream Protection

The following notes are applicable to the Land Uses Table on the following page:

NOTE: A person performing any of the following activities shall require ~~a permit~~a permit from the Department of Environmental Protection, pursuant to 38 ~~M.R.S.A~~M.R.S.. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.

NOTE: A person performing any activities in a Shoreland Area shall also be subject to the Town of Hampden, Maine Zoning Ordinance which also governs land use activities. The most restrictive standards shall apply.

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	***DISTRICT***				
	SP	LSP	RP	LR	GD
1. Non-intensive recreational uses not requiring *structures* such as hunting, fishing and hiking	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing *roads* and trails	yes	yes	yes	yes	yes
3. *Forest management activities Deleted*	-	-	-	-	-
4. *Timber harvesting Deleted*	-	-	-	-	-
5. Clearing or removal of *vegetation* for activities other than *timber harvesting*	CEO	CEO	CEO[1]	Yes[14]	Yes[14]
6. Fire prevention activities	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes
9. *Mineral exploration*	no	no	yes[2]	yes[2]	yes[2]
10. *Mineral extraction* including sand and gravel extraction	no	no	PB[3]	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes
12. *Emergency operations*	yes	yes	yes	yes	yes
13. Agriculture	yes	yes	PB	yes	yes
14. Aquaculture	PB	PB	PB	PB	yes
15. *Principal structures* and uses					
A. One and two *family* residential, including *driveways*	PB[4]	PB[4]	PB[9]	CEO	CEO
B. *Multi-unit residential*	no	no	no	PB	PB
C. Commercial	no[10]	no[10]	no[10]	no[10]	PB
D. *Industrial*	no	no	no	no	PB
E. Governmental and *institutional*	no	no	no	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB[4]	PB[4]	PB	CEO	CEO
16. *Structures* accessory to allowed uses	PB[4]	PB[4]	PB	CEO	yes
17. *Deleted*					
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
19. *Home occupations*	PB	PB	PB	PB	yes
20. Private *subsurface wastewater disposal systems* for allowed uses	LPI	LPI	LPI	LPI	LPI
21. Essential services	-	-	-	-	-
A. Roadside distribution lines (34.5kV and lower)	CEO[6]	CEO[6]	CEO[6]	yes[12]	yes[12]
B. Non-roadside or cross-country distribution lines involving ten poles or less in the *shoreland zone*	PB[6]	PB[6]	PB[6]	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the *shoreland zone*	PB[6]	PB[6]	PB[6]	PB	PB
D. Other *essential services*	PB[6]	PB[6]	PB[6]	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural *development*	PB	PB	PB	PB	CEO
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no	no[7]	PB	PB
26. *Road* construction	PB	PB	no[8]	PB	PB
27. Land Management Roads. *Deleted*	-	-	-	-	-
28. Parking facilities	no	no	no[7]	PB	PB
29. *Marinas*	PB	PB	no	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	CEO	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	PB	CEO	CEO
32. Signs	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO *shoreland permit*	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB *shoreland permit*	PB	PB	PB	PB	PB

[1]In RP not allowed within 75 feet horizontal distance, of the *normal high-water line* of *great ponds*, except to remove safety hazards.
[2]Requires *shoreland permit* from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
[3]In RP not allowed in areas so designated because of wildlife value.
[4]Provided that a variance from the *setback* requirement is obtained from the Board of Appeals.
[5]Reserved.
[6]See further restrictions in Section 15(L)(2).
[7]Except when area is zoned for resource protection due to floodplain criteria in which case a *shoreland permit* is required from the PB.
[8]Except as provided in Section 15(H)(4).
[9]Single *family* residential *structures* may be allowed by special exception only according to the provisions of Section 16(E),Single Family, Special Exceptions. Two-*family* residential *structures* are prohibited.
[10]Except for *commercial* uses otherwise listed in this Table, such as *marinas* and campgrounds, that are allowed in the respective district.
[11]Reserved. .
[12]*Shoreland permit* not required but must file a written "notice of intent to construct" with *CEO.*
[13]*Forest Management Activities Deleted.*
[14]*All clearing activities shall be supervised by a licensed forester.*

Amended 7-14-2014, Effective Date 8-13-2014

15. Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit Within the Shoreland Zone		
(i) Adjacent to Tidal Areas on well and septic	30,000	150
(ii) Adjacent to Non-Tidal Areas on well and septic	40,000	200
(iii) Adjacent to Tidal Areas on municipal sewer and water	18,000	125
(iv) Adjacent to Non-Tidal Areas on municipal sewer and water	18,000	125
(b) Governmental, Institutional, Commercial or Industrial per principal structure Within the Shoreland Zone		
(i) Adjacent to Tidal Areas,	40,000	200
(ii) Deleted.		
(iii) Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities ~~Within~~within the Shoreland Zone		
(i) Adjacent to Tidal and Non-Tidal Areas	40,000	200

(2) **Certain Land Not Included Toward Lot Area.** Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

(3) **Lots Bisected By Roads.** Lots 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 after September 22, 1971.

(4) **Minimum Lot Width.** The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

(5) **Group Developments.** If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use. (Please note that there are additional standards for group developments contained in the Zoning Ordinance).

B. Principal and Accessory Structures

(1) Shoreline Setback. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the shoreline which is the normal high-water line of great ponds and rivers that flow to great ponds, and seventy-five (75) feet, horizontal

distance, from the normal high-water line of other water bodies, tributary streams, local streams or the upland edge of a wetland. In the Resource Protection District the shoreline setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the shoreline setback requirements specified above shall apply.

Minimum Shoreline setback requirements

RP District except for specifically permitted structures	250 feet
Great Ponds	100 feet
Rivers that flow to Great Ponds	100 feet
Rivers	75 feet
Streams, Tributary Streams[1] and Local Streams	75 feet
Wetlands	75 feet
In addition:	
Unstable & Highly Unstable Coastal Bluffs	Required shoreline setback measured from top of bluff. (See section 15B(1)(c) below)

[1]NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

(a) **Exception for Water-Dependent Uses.** The shoreline setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water- dependent uses.

(b) deleted.

(c) **Coastal Bluff Setback.** For principal structures, the shoreline setbacks established in 15B(1) shall be measured in horizontal distance starting at and away from the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. The Maine Office of GIS Data ~~Catalog provides~~Catalog ~~a~~provides ~~data~~a ~~layer~~data ~~titled~~layer ~~"~~titled "coastal_bluff_hazards" (http://megis.maine.gov/catalog) which is also acceptable as source information for coastal bluffs. If the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located is in question, the applicant must at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement by the permitting official is not reached in regard to the location of the top of the bluff the applicant may appeal the matter to the Town of Hampden Board of Appeals.

(d) **Exception for Accessory Structures.** On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required shoreline setbacks, the code enforcement officer may issue a shoreland permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height of a structure, and shall be located as far from the shoreline as practical and shall meet all other applicable standards, including lot coverage and

vegetation clearing limitations. In no case shall the structure be located closer to the shoreline than the principal structure.

(2) Height. ~~*Principal*~~ or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential and Stream Protection Districts, shall not exceed thirty-five (35) feet in height of a structure. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

(3) Floodplain. All development located in the special Flood Hazard Area as depicted on Flood Insurance Rate Maps shall comply with the Town of Hampden Floodplain ~~Manangement~~Management Ordinance.

(4) Lot Coverage. ~~The total footprint area~~ With the exception of ~~all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof,~~ General Development Districts located ~~within the shoreland zone, including land area previously developed, except in the General Development District~~ adjacent to ~~tidal waters~~ coastal wetlands and rivers that do not flow to great ponds non-vegetated surfaces ~~where lot coverage~~ shall not exceed seventy (70) ~~percent~~percent of the portion of the lot within the shoreland zone.~~.~~

For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

(5) Retaining Walls. Retaining walls that are not necessary for erosion control shall meet the structure shoreline setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

(a) The site has been previously altered and an effective vegetated buffer does not exist;

(b) The wall(s) ~~is(~~is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, local stream or upland edge of a wetland;

(c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

(d) The total height of the wall(s), in the aggregate, are no more than 24 inches;

(e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, local streams and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as *recent floodplain soils*.

(f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

(g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, local stream or upland edge of a ~~wetland when~~wetland ~~a~~*when* ~~natural~~a natural buffer ~~area does~~area ~~not~~does ~~exist~~not exist. ~~The buffer~~The buffer ~~area must~~area ~~meet~~must ~~the~~meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;

(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

(v) A footpath not to exceed the standards in Section 15(P~~)(~~) (2~~)(~~) (a), may traverse the buffer;

(6) Structures For Shoreline Access. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a shoreland permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the *structure* is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 ~~M.R.S.A~~M.R.S.. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property. All applications for structures for shoreline access shall be accompanied by an engineering report that contains an analysis of soil conditions, addresses stormwater analysis for the installation area, contains installation details and necessary best management practices to assure stable soil conditions both during construction and thereafter.

C. Deleted.

D. Campgrounds. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

(1) Minimum Size. Campgrounds shall contain a minimum of five thousand (5,000) square feet ~~of land~~of land~~, not~~, ~~including~~not ~~roads~~including ~~and~~roads ~~driveways~~and driveways~~, for~~, ~~each~~for ~~site~~each site. ~~Land supporting~~Land ~~*wetland*~~supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

(2) Shoreline Setback. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, local streams, or the upland edge of a wetland.

E. Individual Private Campsites. Individual private campsites not associated with campgrounds

are allowed provided the following conditions are met:

(1) Minimum Size. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

(2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.

(~~2~~3) Shoreline Setback. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond or river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, local streams or the upland edge of a wetland.

(~~4~~3) Recreational Vehicles. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

(~~5~~4) Vegetation Clearing. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

(~~6~~5) Sewage Disposal Plan Required. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

(~~7~~6) After 120 Days. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface wastewater disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Prohibited Commercial and Industrial Uses. The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds, and rivers and streams which flow to great ponds:

(1) Auto washing facilities

(2) Auto or other vehicle service and/or repair operations, including body shops

(3) Chemical and bacteriological laboratories

(4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

(5) Commercial painting, wood preserving, and furniture stripping

(6) Dry cleaning establishments

(7) Electronic circuit assembly

(8) Laundromats, unless connected to a municipal sanitary sewer

(9) Metal plating, finishing, or polishing

(10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

(11) Photographic processing

(12) Printing

G. Parking Areas

(1) Shoreline Setback. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The shoreline setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline if the Planning Board finds that no other reasonable alternative exists further from the shoreline.

(2) Design. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream, local stream or wetland and where feasible, to retain all runoff on-site.

(3) ~~Compliance WithCompliance ZoningwithOrdinance~~Zoning Ordinance. ~~In determiningIn determining the appropriatethe appropriate size andsize minimumand minimum~~ number of proposed parking spaces, the parking layouts and handicap parking configurations shall comply with the Town of Hampden Zoning Ordinance standards contained in Article 4.7.

(a) Parking Space Exception: Parking spaces for a vehicle and attached boat trailer shall be forty (40) feet long.

(b)
Deleted.

H. Roads and Driveways. The following standards shall apply to the construction of roads and/or ~~drivewaysDriveways~~ and drainage systems, culverts and other related features.

(1) Shoreline Setback. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond or a river that flows to a great pond, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water-bodies, tributary streams, local stream or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water-body, tributary stream, local stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, local stream or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway shoreline setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H~~)(~~) (1) except for that portion of the road or driveway necessary for direct access ~~to~~with the structure.

(2) Existing Public Roads. Existing public roads may be expanded within the legal road right of way regardless of their shoreline setback from a water body, tributary stream~~, local~~, *local* stream or wetland.

(3) Deleted.

(4) Roads in the RP District. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a shoreland permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, local stream or upland edge of a wetland.

(5) Road Side Slope. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).

(6) Road Grades. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

(7) Drainage Buffers. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams, local streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, local stream or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

(8) Stormwater Management. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective ~~functioning,~~functioning and their inlet and outlet ends shall be stabilized with appropriate materials.

(9) Stormwater Maintenance. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I **Signs.** Conformance ~~With~~with Zoning Ordinance. Signs locations, size, configuration and lighting shall comply with the Town of Hampden Zoning Ordinance standards contained in Article 4.8.

J. Storm Water Runoff

(1) Stormwater Management. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

(2) Stormwater Maintenance. ~~Storm water~~Storm ~~runoff~~water ~~control~~runoff ~~systems~~control ~~shall~~systems ~~be~~shall ~~maintained~~be ~~as~~maintained as necessary to ensure proper functioning. Stormwater runoff control systems shall be in compliance with Department Chapter 500 and applicable Post-~~C~~construction Ordinance, Zoning Ordinance and Subdivision Ordinance standards.

K. Subsurface Wastewater Disposal Systems

(1) Subsurface Wastewater Disposal. All subsurface wastewater disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a replacement system and any associated fill extensions, shall not extend closer than seventy-five (75) feet,

horizontal distance, from the normal high-water line of a water body or the upland edge of *a* wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

L. Essential Services

(1) Expansions. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

(2) Limitations in the RP and SP Districts. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except ~~to provide~~to provide services ~~to a~~to ~~permitted~~a permitted ~~use within~~use within ~~said district~~said district, ~~or except~~or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

(3) Replacement. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a shoreland permit.

M. Mineral Exploration and Extraction. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A shoreland permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

~~NOTE: Mineral Exploration and Extraction are also regulated in the Town of Hampden, Maine Zoning Ordinance in Article 4.23.~~

Mineral extraction may be permitted under the following conditions:

(1) ~~A reclamation~~A reclamation plan shall ~~be filed~~be filed with, and approved, ~~by the~~by the Planning Board before a shoreland permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)~~(~~ (4) below.

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond or a river flowing to a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. ~~Minumim~~Minimum distances from property lines for extraction operations are established in the Hampden Zoning Ordinance in Article 4.23.

(3) (Significant River Segments). Deleted.

(4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

(a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

(b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.

(c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

(5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

(1) Manure Spreading. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 ~~M.R.S.A~~M.R.S.. sections 4201-4209).

(2) Manure Stockpiling. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or a river flowing to a great pond, or within seventy-five (75) feet horizontal distance, of other water-bodies, tributary streams, local stream or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

(3) Tillage Requiring Conservation Plan. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

(4) Tillage Shoreline Setbacks. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water-bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams, local streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

(5) Grazing Shoreline Setbacks. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, of other water-bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, local streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above shoreline setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.

O. Timber Harvesting. Deleted *Amended 7-14-2014, Effective Date 8-13-2014*

O-1. Timber Harvesting – Statewide Standards Deleted *Amended 7-14-2014, Effective Date 8-13-2014*

NOTE: Timber Harvesting in Shoreland Zones is now permitted through the Maine Forest Service and governed by MFS Rule - Chapter 21 Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting All Shoreland Districts are subject to this Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting section. Clearing or removal of vegetation for activities other than timber harvesting shall be supervised by a licensed forester. Supervision shall include marking of trees for cutting and written verification by the licensed forester post-cut stating that the cutting was in keeping with the original markings.

(1) Resource Protection Cutting Limits. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in areas as described in Section P(1), above, ~~and except to allow for the development of permitted uses,~~ within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, local stream or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

(a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

(b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 < 4 in.	1
4 < 8 in.	2
8 < 12 in.	4
12 in. or greater	8

Adjacent to other water-bodies, tributary streams, local streams and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

(4x1)+(2x2) + (3x4) + (2x8) = 36 points

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36- 24 =12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no *vegetation* removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have *vegetation* removed down to the minimum points required or as otherwise allowed by is Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

(c) In order to protect water quality and wildlife habitat, existing *vegetation* under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.

(d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

(e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, ~~diseased, unsafe, or~~ dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section Q, below, unless existing new tree growth is present.

(f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15.P(2).

Section 15(P)~~(~~ (2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

(3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a *river* flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, local streams or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development District.

Notwithstanding the general requirement that clearing and removal of vegetation be supervised by a licensed forester clearing for construction of a new single-family residence does not require supervision by a licensed forester if the home builder adheres to a maximum limit of 25% of the lot area in the shoreland zone or ten thousand (10,000) square feet, whichever is greater.

(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. ~~Erosion and Sedimentation Control~~Hazard Trees, Storm Damaged Trees, and Dead Tree Removal.

(1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer, if the following requirements are met:

(a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native trees species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

(b) Outside the shoreline buffer, when the removal of hazard trees exceeds forth (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and on

half (4.5) feet above the ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five)25) percent of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater , replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

(c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision, dead trees are those trees that contain no foliage during the growing season.

(d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

(e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

(2) Storm damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

(a) Within the shoreline buffer, when the removal of storm damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

(i) The area from which a storm damaged trees is removed does not result in new lawn areas, or other permanently cleared areas;

(ii) Stumps from the storm damaged trees may not be removed;

(iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

(iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

R. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

(1) The removal of vegetation that occurs at least once every two (2) weeks for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;

(2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Section 15(B) are not applicable;

(3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

(4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Section 15 (N) are complied with;

(5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 ~~M.R.S.A~~M.R.S.~~.~~ section 343-E, and that is located along:

(a) A coastal wetland; or

(b) A river that does not flow to a great pond classified as GPA pursuant to 38 ~~M.R.S.A~~M.R.S.~~.~~ section 465-A.

(6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

(a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

(b) Removal of vegetation within twenty (25) feet, horizontal distance from the shoreline occurs via hand tools; and

(c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program:

(7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

S. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non-native species of vegetation, or as a mechanism to allow for development that my otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegation must comply with the following requirements:

(1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

(2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.

(3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

(4) Revegetation activities must meet the following requirements for trees and saplings:

(a) All trees and saplings removed must be replaced with native noninvasive species;

(b) Replacement vegetation must at a minimum consist of saplings;

(c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

(d) No one species shall make up 50% or more of the number of trees and saplings planted;

(e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

(f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) year period.

(5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

(a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) in height as applicable;

(b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

(d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and

(e) Survival of planted woody vegetation and vegetation under three (3) feet in height must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five (5) years.

(6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:

(a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(b) Where necessary due to a lack of sufficient ground cover, an areas must be supplemented with a minimum for (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

(c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

. Erosion and Sedimentation Control

(1) All activities

~~(1) Filling, Grading and Excavation Requires *Shoreland Permit* and Plan. All activities~~ which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a shoreland permit shall also require a written soil erosion and sedimentation control plan. The plan must reference and conform to the Maine Erosion and Sedimentation Control Best Management Practices Handbook. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

(a) Mulching and revegetation of disturbed soil.

(b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

(c) Permanent stabilization structures such as retaining walls or riprap.

(2) Avoid Steep Slopes. In order to create the least potential for erosion, *development* shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

(3) Erosion and Sedimentation Control. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

(4) Stabilization. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

(a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

(b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

(c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

(5) ~~Drainageways~~Drainage ways. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. ~~Drainageways~~Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

U.~~R.~~ **Soils.** All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface wastewater disposal systems, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, ~~presence~~and presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

V~~S~~. **Water Quality.** No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream, local stream or wetland.

W~~T~~. **Archaeological Site.** Any proposed land use activity involving structural *development* or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

16. Administration

A. Administering Bodies and Agents

(1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

(2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A ~~M.R.S.A~~M.R.S.. section 2691.

(3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

B. Shoreland Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a shoreland permit, engage in any activity or use of land or structure requiring a shoreland permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued non-conforming use. A person who is issued a shoreland permit pursuant to this Ordinance shall have a copy of the shoreland permit on site while the work authorized by the shoreland permit is performed.

(1) ~~Exception Road~~Exception ~~Culvert~~Road ~~Replacement~~Culvert Replacement. ~~A~~ A ~~shoreland permit~~shore land ~~is~~permit ~~not~~*is* ~~required~~not ~~for~~required ~~the~~for the replacement of an existing road culvert as long as:

(a) The replacement culvert is not more than 25% longer than the culvert being replaced;

(b) The replacement culvert is not longer than 75 feet; and

(c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

(2) Exception Archaeological Excavations. A shoreland permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

(3) Other Permits May Be Required. Any shoreland permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Shoreland Permit Application

(1) Application and Plan Required. Every applicant for a shoreland permit shall submit a written application, including a scaled site plan, on a form provided by the Town of Hampden, to the ~~Code Enforcement~~Code Enforcement ~~Officer as~~Officer ~~indicated~~as ~~in~~indicated ~~Section~~in Section 14. Applications ~~for activities~~for ~~also~~activities also required to obtain a building permit under the Town of Hampden, Maine Zon~~in~~ing Ordinance may apply for said permit concurrent with a building permit. ~~Such a building permit shall substitute the required shoreland permit upon clear demonstration that all aspects of this ordinanceace have been satisfied.~~

At the time of application for a Shoreland Permit, applicant shall pay a fee in accordance with the

Town of Hampden Fees Ordinance.

(2) Legal Standing and Certification of Information. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a shoreland permit hereunder, certifying that the information in the application is complete and correct.

(3) Date Stamp Applications. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

(4) Plumbing and Subsurface Permits Required. If the property is not served by a municipal sanitary sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Local Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface wastewater disposal system.

(5) Other Information as Required. The Code Enforcement Officer and the Planning Board shall have the authority to require additional information which may reasonably be necessary for them to make their decision and inform the facts of the application.

D. Procedure for Administering Shoreland Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

(1) Will maintain safe and healthful conditions;

(2) Will not result in water pollution, erosion, or sedimentation to surface waters;

(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Deleted;

(8) Will avoid problems associated with floodplain development and use; and

(9) Is in conformance with the provisions of Section 15, Land Use Standards.

If a shoreland permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the Town.

E. Single Family Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepttting structure setback requirements, the Planning Board may approve a shoreland permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

(1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District or no later than July 1, 2009.

(3) All proposed buildings, subsurface wastewater disposal systems and other improvements are:

(a) Located on natural ground slopes of less than 20%; and

(b) Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with the Town of Hampden, Maine Floodplain Management Ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

(4) The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream, local stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the

proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Shoreland Permit. Shoreland permits~~ shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the shoreland permit, the applicant shall have one additional year to complete the project, at which time the shoreland permit shall expire~~. A Shoreland Permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within twelve (12) months of the date on which the permit is granted, or if the work or change is not substantially completed within two (2) years of the date on which the permit is granted.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting ~~to the~~to the validity and currency ~~of all~~of ~~local~~all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Appeals

(1) Powers and Duties of the Board of Appeals. A Board of Appeals is hereby established in accordance with the state law and the provisions of this Ordinance. The Board of Appeals shall be governed by the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The Board of Appeals shall have the following powers with regard to this Ordinance:

(a) Administrative Appeals: All administrative appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court. The Board of Appeals shall hear and decide administrative appeals. An administrative appeal is an appeal: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a shoreland permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

(b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance and the Town of Hampden Board of Appeals Ordinance.

(2) Variance Appeals. All variance appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions ~~of the~~of ~~Board~~the Board ~~of Appeals~~of Appeals and subsequent appeals to Superior Court. The Board of Appeals shall hear and decide variance appeals. A variance from the provisions of the Ordinance may only be granted by the Board of Appeals in accordance with the following conditions:

(a) Variances may be granted only from dimensional requirements including, but not limited to~~, minimum~~, *minimum* ~~lot width~~lot width~~, maximum~~, *maximum* ~~structure height~~structure height~~, percent~~, ~~of~~percent ~~lot~~of ~~coverage~~lot coverage, shoreline setback requirements, lot area, and shore frontage.

(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

(c) The Board shall not grant a variance unless it finds that:

(i) The proposed structure or use would meet the provisions of Section 15, Land Use Standards, except for the specific provision which has created the non-conformity and from which relief is sought; and

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

(d) Disability Variance. Notwithstanding Section 16(H~~)(~~) (2~~)(~~) (c~~)(~~) (ii) above, the Board of Appeals, or the Codes Enforcement Officer if authorized in accordance with 30-A ~~MRSA~~M.R.S. §4353-A may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

(e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

(f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals.

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the ~~record of the Planning Board proceedings are~~record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The *person* filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

(5) Appeal to Superior Court. Except as provided by 30-A ~~M.R.S.A~~M.R.S.~~.~~ section 2691(3)(F), any *aggrieved party* who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

(6) Reconsideration. In accordance with 30-A ~~M.R.S.A~~M.R.S.~~.~~ section 2691(3~~)(~~) (F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration ~~of a~~of ~~decision~~a decision ~~shall require~~shall require ~~a positive~~a positive ~~vote of~~vote ~~the~~of ~~majority~~the majority ~~of the~~of ~~Board~~the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement

(1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

(a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

(b) The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. ~~On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.~~

(3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, ~~M.R.S.A~~M.R.S.~~.~~ section 4452.

17. Definitions.

Accessory structure or use. "Accessory structure or use" means a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved party. "Aggrieved party" means an owner of land whose property is directly or indirectly affected by the granting or denial of a shoreland permit or variance under this Ordinance; a person whose land abuts land for which a shoreland permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such shoreland permit or variance.

Agriculture. "Agriculture" means the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green-house products. Agriculture does not include forest management and timber harvesting activities.

Aquaculture. "Aquaculture" means the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area. "Basal Area" means the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement. "Basement" means any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume of a structure below the existing ground level.

Boat Launching Facility. "Boat Launching Facility" ~~means a~~means a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Bureau of Forestry. "Bureau" means the State of Maine Department of Agriculture, Conservation and ~~'s~~ Bureau of Forestry

Campground. "Campground" means any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy. "Canopy" means the more or less continuous cover formed by tree crowns in a wooded area.

Coastal wetland. "Coastal wetland" means all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. The line defining the limits of the subject term is defined by the term shoreline.

Commercial use. "Commercial use" means the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Cross-sectional area. Deleted ***Amended 7-14-2014, Effective Date 8-13-2014***

DBH. Deleted ***Amended 7-14-2014, Effective Date 8-13-2014***

Development. "Development" means a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements. "Dimensional requirements" means numerical standards relating to spatial relationships including but not limited to shoreline setback, lot area, shore frontage and height of a structure.

Disability. "Disability" means any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Disruption of shoreline integrity. Deleted ***Amended 7-14-2014, Effective Date 8-13-2014***

Driveway. "Driveway" means a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

Emergency operations. "Emergency operations" means operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services. "Essential services" means gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a structure. "Expansion of a structure" means an increase in the ~~*floor area or volume*~~ footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of use. "Expansion of use" means the addition of one or more months to a use's operating season; or the use of more ~~*floor area*~~ *footprint of a structure* or ground area devoted to a particular use.

Family: Shall mean an individual occupying a single dwelling unit, or a group of two or more persons occupying a single dwelling unit and living together as a single housekeeping unit, including the sharing of common living, sleeping, cooking and eating facilities. When occupancy of a dwelling unit is by a group of two or more persons, the group of persons occupying the dwelling must either be:

a. Related by blood, adoption, domestic partnership, or marriage; or
b. Comprised of two persons who are not related by blood, domestic partnership, adoption or marriage, and any children related to either or both of them by blood, adoption or marriage;

c. Comprised of persons, whether or not related to each other by blood, domestic partnership, adoption or marriage, but not to exceed four unrelated persons. Family shall not include a group of unrelated persons occupying a boarding home, rooming house, hotel/motel, tourist home or inn.
d. A Community Living Arrangement as defined by Title 30-A, Section 4357-A.

Note: For the purposes hereof, the number of unrelated persons occupying a dwelling unit shall be calculated as follows: Any persons related by blood, adoption or marriage plus one unrelated person shall be considered to constitute a total of two unrelated persons, and each additional unrelated person shall be added to determine the total number of unrelated persons occupying the dwelling unit. By way of example, two or more related persons occupying a dwelling unit combined with two unrelated persons occupying the dwelling unit yields a total of three unrelated persons occupying the dwelling unit. ***(Amended 08-15-2011)***

Floodway. "Floodway" means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area. "Floor area" means the sum of the horizontal areas of the floor(s) of a *structure* enclosed by exterior walls~~, plus the horizontal area of any unenclosed portions of a *structure* such as porches and decks~~.

Footprint – the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Forest management activities. "Forest management activities" means timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads. All proposed forest management activities shall require a forest management plan prepared and submitted by a licensed forester.

~~*Forested wetland.* "Forested wetland" means a *freshwater wetland* dominated by *woody vegetation* that is six (6) meters tall (approximately twenty (20) feet) or taller.~~

Forest stand. "Forest stand" means a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Forested Wetland – a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet or taller.

Foundation. "Foundation" means the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland. "Freshwater wetland" means freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

~~1.~~ Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

~~2.~~ 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.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition. The line defining the limits of the subject term is defined by the term shoreline.

Functionally water-dependent uses. "Functionally water-dependent uses" means those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, ~~(excluding recreational boat storage buildings)~~ finfish and shellfish processing, fish related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, ~~retaining walls~~ shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

Great pond. "Great pond" means any inland body of water which in a natural state has a surface area in excess of ten acres. (Great pond in ~~is~~ Hampden, Maine includes Hermon Pond, Patten Pond, Hammond Pond and Ben Annis Pond). The line defining the limits of the subject term is defined by the term shoreline.

Ground cover. "Ground cover" means small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Harvest area. Deleted ***Amended 7-14-2014, Effective Date 8-13-2014***

Hazard Tree – a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricane –force winds; tornados; microburst's; or significant ice storm events. Hazard trees also include those trees that pose a serious an imminent risk to bank stability. A target is the areas where personal injury or property damage could occur if the tree or portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Height of a structure. "Height of a structure" means the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation. "Home occupation" means an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in non-conformity of a structure. " Increase in non-conformity of a structure" means any change in a structure or property which causes further deviation from the dimensional requirement(s) creating the non-conformity such as, but not limited to, reduction in shoreline setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional requirement or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase non-conformity. For example, there is no increase in non-conformity with the shoreline setback requirement for water-bodies, wetlands, local streams or tributary streams if the expansion extends no further into the required shoreline setback area than does any portion of the existing non-conforming structure. Hence, a structure may be expanded

laterally provided that the expansion extends no closer to the water body, tributary stream, local stream or wetland than the closest portion of the existing structure from that water body, tributary stream, local stream or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite. "Individual private campsite" means an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

Industrial. "Industrial" means the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional. "Institutional" means a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Land management road. Deleted *Amended 7-14-2014, Effective Date 8-13-2014*

Licensed forester "Licensed forester" means a forester licensed under 32 ~~M.R.S.A~~M.R.S.. Chapter 76.

Local stream. "Local stream" means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock. This definition does not include the term "stream" or tributary stream as defined elsewhere in this Ordinance, and in Hampden, Maine only applies to Baker Brook, Baker Brook Tributary 1 and Baker Brook Tributary 2, Cold Brook, Reeds Brook, Shaw Brook, Sucker Brook and Weber Brook.

NOTE: Shaw Brook is listed in error as a Local Stream when in fact and on the Shoreland Map it is in fact a jurisdictional Stream and is zoned Stream Protection and or General Development.

Lot area. "Lot area" means The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina. "Marina" means a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value. "Market value" means the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral exploration. "Mineral exploration" means hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction. "Mineral extraction" means any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width. "Minimum lot width" means the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Multi-unit residential. "Multi-unit residential" means a residential structure containing three (3) or more residential dwelling units.

Native. "Native" means indigenous to the local forests.

Non-conforming condition. "Non-conforming condition" means a non-conforming lot, non-conforming structure or non-conforming use in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot. "Non-conforming lot" means a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure. "Non-conforming structure" means a structure which does not meet any one or more of the following dimensional requirements; shoreline setback, height of a structure, ~~or~~ lot coverage or footprint, but in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use. "Non-conforming use" means use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Native Invasive Species of Vegetation. Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Normal high-water line (non-tidal waters). "Normal high-water line (non-tidal waters)" means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Outlet Stream – any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

Person. "Person" means an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland. Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland are divided into two categories:

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure. ~~"Principal structure" means~~ ~~a~~A structure ~~building~~ other than one which is used for purposes wholly incidental or ~~accessory to~~accessory *to* the use of another ~~building~~ structure or use on the same lot~~premises~~.

Principal use. "Principal use" means a use other than one which is wholly incidental or accessory to another use on the same lot~~premises~~.

Public facility. "Public facility" means any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils. "Recent floodplain soils" means the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational facility. "Recreation facility" means a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle. "Recreational vehicle" means a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system. "Replacement system" means a subsurface wastewater disposal system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential dwelling unit. "Residential dwelling unit" means a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residual basal area. Deleted ***Amended 7-14-2014, Effective Date 8-13-2014***

Residual stand Deleted ***Amended 7-14-2014, Effective Date 8-13-2014***

Riprap. "Riprap" means rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River. "River" means a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. The line defining the limits of the subject term is defined by the term *shoreline.* In Hampden, Maine "river" includes: Penobscot River, Souadabscook Stream and West Branch Souadabscook Stream beginning north at its confluence with Brown Brook.

Road. "Road" means a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Sapling- a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Seedling – a young tree species that is less than four and on half (4.5) feet in height above ground level.

Service drop. "Service drop" means any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service

   a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

   b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service

   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

   b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Shore frontage. "Shore frontage" means the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland permit. "Shoreland permit" means documented municipal authorization of any activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued non-conforming use requiring a permit within the shoreland area in accordance with this ordinance.

Shoreland zone. "Shoreland zone" means the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream and specified tributary streams.

NOTE: Shoreland zone also includes specified local streams as called out in 13H Local Stream Protection District.

Shoreline. "Shoreline" means the normal high-water line, or upland edge of a wetland whichever is greater.

Shoreline setback. "Shoreline setback" means ~~the required~~the required minimum horizontal distance from the
shoreline to the nearest part of a structure, road, parking space or other regulated object or area.

Significant River Segments. "Significant River Segments" means See Appendix B or 38 ~~M.R.S.A~~M.R.S.. section
437. (As of the date of adoption of this ordinance the Statute does not identify any Significant River Segments in Hampden, Maine).

Skid Road or Skid Trail. Deleted ***Amended 7-14-2014, Effective Date 8-13-2014***

Slash. Deleted ***Amended 7-14-2014, Effective Date 8-13-2014***

Storm Damaged Tree - a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Stream. "Stream" means a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent highest resolution version~~edition of~~ of the national hydrography dataset available from the ~~a~~ United States Geological Survey on the website of the United States Geological Survey or the national ~~7.5 minute series topographic map, or if not available, a 15 minute series topographic~~ map, to the point where the stream~~body of water~~ becomes a river or where the stream meets the shoreline zone of another water body or wetland. When a stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a waterbody or wetland and a channel forms downstream of a water body or wetland as an outlet, that channel is also a stream.~~flows to another water body or wetland within the shoreland~~

~~area.~~ In Hampden, Maine "stream" applies to Brown Brook, Burnt Swamp Stream and West Branch Souadabscook Stream southwest of its confluence with Brown Brook.

Structure. "Structure" means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected on or in the ground ~~together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with *service drops* as well as guying and guy anchors~~. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

Substantial start. "Substantial start" means completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface wastewater disposal system. "Subsurface wastewater disposal system" means any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 ~~M.R.S.A~~M.R.S.. section 414, any surface waste water disposal system, or municipal sanitary sewer system.

Sustained slope. "Sustained slope" means a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Tidal waters. "Tidal waters" means all waters affected by tidal action during the highest annual tide.

Timber harvesting. "Timber harvesting" means the cutting and removal of timber for the primary purpose of selling or processing forest products. Timber Harvesting does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Timber harvesting and related activities. Deleted ***Amended 7-14-2014, Effective Date 8-13-2014***

Tree – a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

Tributary stream. "Tributary stream" means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

NOTE: Tributary Stream does not include the term local stream which is defined elsewhere.

Upland edge of a wetland. "Upland edge of a wetland" means the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the ~~maximum spring~~ highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for ~~a duration~~duration sufficient to support wetland vegetation; or where the soils support the growth of wetland

vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) fee~~eet~~) tall or taller.

Vegetation. "Vegetation" means all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Velocity zone. "Velocity zone" means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Volume of a structure. "Volume of a structure" means the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body. "Water body" means any great pond, river or stream. Water body also includes local streams.

Water crossing. "Water crossing~~" means~~" means any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland. "Wetland" means a freshwater wetland or coastal wetland.

Windfirm. Deleted *Amended 7-14-2014, Effective Date 8-13-2014*

Woody vegetation. "Woody vegetation" means live trees or woody, non-herbaceous shrubs.

STATUTORY AUTHORITY: 38 ~~M.R.S.A~~M.R.S.~~.~~ Section 438~~-A(~~A (5)

D-5-d

MAIN OFFICE:
589 Main Road North
Hampden, Maine 04444
800-734-1401 pdqdoor.com

West Bath Rockport Waterville Houlton

Estimate

Date	Estimate #
5/3/2016	H118799

Submitted To:

Town of Hampden
106 Western Avenue
Hampden, ME 04444

Job Location:

Second Police Bay

Terms	Rep	Customer Phone	Fax # / Cell #	P.O. # / Job Name
NET 10	Cara	(207) 862-3337		

Qty	Description	Total
1	8587-8 Liftmaster MyQ 3/4HP Chain Drive Opener w/ I-Beam Rail w/ Remote Control, Wall Control & Safety Eyes (some vehicle built-in remote systems may require a signal repeater available at an additional charge)	550.00
1	This price is an installed price. Sales Tax Exempt	0.00

Additional charges will apply if we determine there is a presence of lead paint on existing doors/openings. Testing will be done on any residential building built prior to 1978.

Total $550.00

Trim boards must be installed prior to weatherstripping. Additional charge of $79.00 to install at a later date.

Additional charges will apply if garage floor is not poured at the time of installation.

All warranties are void if installation is required prior to roof and wall sheathing installation.

CUSTOMER IS RESPONSIBLE FOR ANY WIRING (IE. OUTLETS, HARDWIRING).

Quotes are good for 30 days. All prices are contingent upon site inspection.
*Signature below indicates that you accept the terms of the agreement. All unpaid balances in excess of 30 days will be subject to 1.5% per month late charge plus reasonable collection costs including court fees, service fees, and attorney's fees.

Printed Name: _____ Signature: _____

Hampden Phone #	Hampden Fax #	Hampden Toll Free #	Representative's Email Address
207-947-1899	207-947-1839	1-800-734-1401	

Estimate Submitted By:

Current Account Status

G 3-702-00 RESERVE ACCT / MUNIC BLD

-1,253.46 = Beg Bal	-14,273.74 = YTD Net	-15,521.93 = Balance
5.27 = Adjust	0.00 = YTD Enc	

Per	Jrnl	Check	Date	Vendor---------	Description--------	RCB / Type		Debits	Credits
07	0107		08/12/15		Beg Bal Adjustments	B	GJ	5.27	0.00
08	0151		08/27/15		July Reserve Ckg Int	R	GJ	0.00	0.01
08	0152		08/27/15		Res Int/FMV July	R	GJ	0.00	7.00
09	0248		09/24/15		09/24/2015 C/R	R	CR	0.00	20,000.00
04	0776	1795	04/06/16	00382 PENOBSCOT TE	WATER HEATER-BOILER	R	AP	2,317.27	0.00
05	0888	1797	05/11/16	00382 PENOBSCOT TE	A/C REPAIR-OFFICE,ROOFTOP	R	AP	1,158.65	0.00
05	0888	1797	05/11/16	00382 PENOBSCOT TE	RED LINK WIFI THERMOSTAT	R	AP	900.35	0.00
05	0888	1797	05/11/16	00382 PENOBSCOT TE	AIR BALANCE-OFFICE AREA	R	AP	1,357.00	0.00
						Totals-		**5,738.54**	**20,007.01**

Monthly Summary

	--Regular Entries--		--Balance Entries--	
Month	Debits	Credits	Debits	Credits
July	0.00	0.00	5.27	0.00
August	0.00	7.01	0.00	0.00
September	0.00	20,000.00	0.00	0.00
April	2,317.27	0.00	0.00	0.00
May	3,416.00	0.00	0.00	0.00
Totals	**5,733.27**	**20,007.01**	**5.27**	**0.00**

D-5-e

Angus Jennings <townmanager@hampdenmaine.gov>

Re: FW: Marking of channel at harbor / registering moorings

1 message

Peter Neal <pbneal@gmail.com> Fri, May 13, 2016 at 4:07 PM
To: Angus Jennings <townmanager@hampdenmaine.gov>

Hi Angus,

I will look this over this weekend and get back to you Monday morning.

Have a good weekend, Peter

Peter B. Neal, CFSP
Crosby & Neal
61 Main Street
Dexter, ME 04930
207.924.6890
pbneal@gmail.com
www.CrosbyNeal.com

On Fri, May 13, 2016 at 2:32 PM, Angus Jennings <townmanager@hampdenmaine.gov> wrote:

> Peter - thanks for your time on the phone. As we discussed, pricing for some items below. Based on my review of the jimbuoy website I think we need two each of the green model #425 and red model #426 but will need pricing to install, and including whatever other apparatus may be required (such as referred to in Dan's email).
>
> So, working budget is:
>
> | | |
> |---|---|
> | (2) No wake bouys, 49" tall | $ 700.00 |
> | (6) 200 lb mooring pads | 300.00 |
> | (12) 3/8" shackles | 60.00 |
> | 175' 3/8" mooring chain | 546.00 |
> | (2) green model #425 | ? |
> | (2) red model #426 | ? |
> | mooring stones / other? | ? |
>
> Any advice most welcome!
>
> Thank you very much,

Angus

On Thu, May 12, 2016 at 3:52 PM, Dan Higgins <dhiggins@hamlinsmarina.com> wrote:

Angus,

Below you can find an estimate for no wake buoys installed. If you can supply chain and mooring stones it would help on costs.

I would contact this supplier for the red and green channel markers. We'd need two of each

http://www.jimbuoy.com/pages/marine/regbuoy1.htm

Dan Higgins

General Manager

Hamlin's Marina

(207) 907-4385 ext. 101

From: Mark Hansen [mailto:mhansen@hamlinsmarina.com]
Sent: Thursday, May 12, 2016 3:07 PM
To: 'Dan Higgins' <dhiggins@hamlinsmarina.com>
Subject: RE: Marking of channel at harbor / registering moorings

Dan,

Here are prices on what I can get. I am not sure where to get channel markers at this time.

(2) No wake bouys, 49" tall	$ 700.00
(6) 200 lb mooring pads	300.00
(12) 3/8" shackles	60.00
175' 3/8" mooring chain	546.00

Total $ 1606.00

Mark Hansen

Parts Manager/Purchasing

Hamlin's Marina

100 Marina Rd

Hampden, ME 04849

mhansen@hamlinsmarina.com

207-907-4385 xt 123

Fax 207-941-8628

From: Dan Higgins [mailto:dhiggins@hamlinsmarina.com]
Sent: Thursday, May 12, 2016 10:34 AM
To: 'Reid Garrity' <rgarrity@hamlinsmarina.com>; Mark Hansen <mhansen@hamlinsmarina.com>
Subject: FW: Marking of channel at harbor / registering moorings

Mark,

The Town is attempting to be in compliance with their Harbor Ordinance. They would like us to mark a channel to the public ramp and put two large no wake buoys out. They are willing to cover the cost of the markers and moorings.

Can you please send me an itemized list of costs so they can get approval at their council meeting tonight:

They need:

(2) Red Channel Markers

(2) Green Channel Markers

(2) No Wake Buoys

Plus the tackle, chain, and stones to anchor.

Please send me a quote.

Thanks,

Dan

From: Angus Jennings [mailto:townmanager@hampdenmaine.gov]
Sent: Saturday, May 7, 2016 4:48 PM
To: Hamlins Marina <dhiggins@hamlinsmarina.com>
Cc: Sean Currier <publicworks@hampdenmaine.gov>; Paula Scott <clerk@hampdenmaine.gov>
Subject: Marking of channel at harbor / registering moorings

Hi Dan,

Sean Currier and I had a good conversation with one of your staff during our visit there Tuesday, and on Thursday I met with Kim McLaughlin and Jeff Rawcliffe and progress is being made on the sign issue. We also have a Sign Ordinance amendment in process to allow the type of off-site signage we've been discussing.

As you know, we're actively reviewing our Harbor Ordinance (online here) in order to bring current practice into alignment, and to evaluate potential changes. Until the Ordinance changes, we're making efforts to adhere to it.

The Ordinance provides that:

> The Main channel at the Hampden Marina shall extend in a southerly direction from the boat launching ramps approximately 400 feet to the main channel of the Penobscot River, to be marked by buoys from May 15th to October 15th of each year. The channel shall be kept clear for the passage of boats to the public landing float and the boat launching ramps.
>
> There shall be no anchoring allowed within 100 feet of the channel lines, and tenders or dinghies shall not be allowed to encroach into the area of the channel outlined by the channel buoys.

Since our Harbor Master doesn't have a boat, we're hoping that Hamlin's can mark the channel, as noted above, sometime on or before May 15 (next Sunday). Peter Neal, who we met with last week, has advised that Hamlin's has done this in the past, though not every year.

Current Account Status

G 3-773-00 RESERVE ACCT / MARINA

-14,344.38 = Beg Bal	-80.08 = YTD Net	-14,364.05 = Balance
60.41 = Adjust	0.00 = YTD Enc	

Per	Jrnl	Check	Date	Vendor---------	Description--------	RCB / Type		Debits	Credits
07	0107		08/12/15		Beg Bal Adjustments	B	GJ	60.41	0.00
08	0151		08/27/15		July Reserve Ckg Int	R	GJ	0.00	0.09
08	0152		08/27/15		Res Int/FMV July	R	GJ	0.00	79.99
						Totals-		**60.41**	**80.08**

Monthly Summary

	--Regular Entries--		--Balance Entries--	
Month	Debits	Credits	Debits	Credits
July	0.00	0.00	60.41	0.00
August	0.00	80.08	0.00	0.00
Totals	**0.00**	**80.08**	**60.41**	**0.00**

D-5-f

TOWN OF HAMPDEN

DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337 FAX 862-3910

May 13, 2016

To: Angus Jennings
From: Sean Currier
Subject: 2016 Road Paving

As you are well aware, our budget has not allowed for a typical paving year in FY16. Many Town's are borrowing funds this year to go above and beyond a typical year's paving budget due to the low cost of asphalt. Some years the cost per ton has been in the $80 and higher range and this year it is typically in the $65 range. This price, of course, will range with the size of the project and amount of tonnage out to bid.

Our budget has both a street construction and road resurface line item. Both are being utilized this year for road striping, sweeping and a small amount of paving. Due to our responsibilities for receiving funds from Local Road Assistance, we are obligated to undertake a minimum of $65,000 of road paving and maintenance this year. This is the bare minimum. With prices as low as they are, this would be the time to pave.

With the unfortunate budget shortfalls, the Town has significantly reduces the annual paving and increased the rotation term for road maintenance. Our previous 6-year paving rotation is closer to 10-year now. Many roads will start to fail if efforts are not increased.

I understand our financial capacity is reduced this year, so I would like to recommend a minimum of $30,000 from reserve funds (plus our existing balance of $52,019) to pave a small amount of streets. If the Council advises, I would like to increase the amount to take advantage of the low cost of asphalt this year. I welcome your recommendation for an amount to conduct paving activities.

Thank you for your consideration.

Sincerely,

Sean Currier

Current Account Status

G 3-761-00 RESERVE ACCT / ROADS/STREET

104,833.51 = Beg Bal	-164,644.45 = YTD Net	-59,213.24 = Balance
597.70 = Adjust	0.00 = YTD Enc	

Per	Jrnl	Check	Date	Vendor---------	Description--------	RCB / Type		Debits	Credits
07	0107		08/12/15		Beg Bal Adjustments	B	GJ	597.70	0.00
08	0151		08/27/15		July Reserve Ckg Int	R	GJ	0.63	0.00
08	0152		08/27/15		Res Int/FMV July	R	GJ	590.41	0.00
10	0270		10/01/15		10/01/2015 C/R	R	CR	0.00	100,000.00
10	0321	1785	10/21/15	00099 BANGOR, CITY	REPAIR SCHOOL FLASHER	R	AP	110.02	0.00
10	0321	1787	10/21/15	00000 MARLIN CONTR	FLASH BOARD CIRCUIT	R	AP	651.00	0.00
11	0358		11/03/15		11/03/2015 C/R	R	CR	0.00	380.51
12	0438		12/02/15		12/02/2015 C/R	R	CR	0.00	65,616.00
						Totals-		**1,949.76**	**165,996.51**

Monthly Summary

	--Regular Entries--		--Balance Entries--	
Month	Debits	Credits	Debits	Credits
July	0.00	0.00	597.70	0.00
August	591.04	0.00	0.00	0.00
October	761.02	100,000.00	0.00	0.00
November	0.00	380.51	0.00	0.00
December	0.00	65,616.00	0.00	0.00
Totals	**1,352.06**	**165,996.51**	**597.70**	**0.00**