



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

MONDAY

AUGUST 17, 2015

7:00 P.M.

Attending:

*Mayor David Ryder
Councilor Bill Shakespeare
Councilor Greg Sirois
Councilor Stephen Wilde
Councilor Dennis Marble
Councilor Terry McAvoy*

*Town Attorney Thomas Russell
Interim Town Manager Susan Lessard
Incoming Town Manager Angus Jennings
Town Clerk Denise Hodsdon*

Mayor Ryder called the meeting to order at 7:03 p.m.

A. PLEDGE OF ALLEGIANCE – Mayor Ryder led the Pledge of Allegiance.

Mayor Ryder introduced Incoming Town Manager Angus Jennings, who will officially start on August 24th.

B. CONSENT AGENDA – Motion by Councilor Marble, seconded by Councilor Sirois to accept the Consent Agenda. Unanimous vote in favor.

1. SIGNATURES

2. SECRETARY'S REPORTS

a. August 3, 2015 Meeting Minutes

3. COMMUNICATIONS

4. REPORTS

- a. Infrastructure Committee Minutes – 6/22/2015**
- b. Services Committee Minutes – 7/13/2015**
- c. Finance Committee Minutes – 7/20/2015**
- d. Monthly Department Reports – May & June 2015**

C. PUBLIC COMMENTS – None.

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS – None.

2. PUBLIC HEARINGS – None.

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. **Nomination Papers Available for Councilor At-Large and RSU #22 Board of Directors** – *Town Clerk Denise Hodsdon reminded everyone that nomination papers are available for the 3 At-Large Council seats and 2 seats on the RSU #22 Board of Directors. All terms are for 3 years. She also noted that the Town is in need of volunteers for membership on several Town boards and committees.*

4. UNFINISHED BUSINESS

- a. **Trackless Sidewalk Machine Replacement Proposal – Recommendation of Infrastructure and Finance Committees** – *Councilor Marble explained that funds to repair the existing Trackless sidewalk machine had been included in the 2016 Budget, however Public Works Director Sean Currier is recommending that the Town purchase a new machine rather than putting money into the old one. It was the recommendation of both the Infrastructure and Finance Committees to approve that purchase. Motion by Councilor Marble, seconded by Councilor Sirois to authorize a 2-year lease purchase for a new Trackless sidewalk machine with \$55,000 coming from the Public Works Equipment Replacement Reserve account this year and the second payment coming from Public Works Equipment Reserve account next year. Unanimous vote in favor.*
- b. **Goodwill Riders Snowmobile Club – Permission to Cross Land to Replace Bridge – Infrastructure Committee Recommendation** – *Motion by Councilor Marble, seconded by Councilor Sirois to authorize permission for Goodwill Riders Snowmobile Club to cross Town land to replace the bridge crossing Souadabscook Stream. Unanimous vote in favor.*
- c. **Audio/Visual/Cable TV Equipment Upgrade – Recommendation of Services and Finance Committees** – *Upon recommendation of the Services and Finance Committees, Councilor McAvoy moved and Councilor Sirois seconded to approve the purchase of audio/visual and Cable TV equipment from AV Corp in the amount of \$49,542.00 to be funded from Host Community Benefit account, to be repaid from the Time Warner PEG grant when the new contract is signed. Unanimous vote in favor.*

5. NEW BUSINESS

- a. **Zoning Ordinance Text Amendment – Article 7.2 Definitions – Building Height – Planning & Development Committee Recommendation to refer to Planning Board** – *Motion by Councilor Shakespeare, seconded by Councilor Marble to refer this item to the Planning Board. Unanimous vote in favor.*
- b. **Zoning Ordinance Text Amendment – Article 4.10 Home Occupation Permits – Planning & Development Committee**

D-5-a



To: Hampden Town Council
From: Dean Bennett, Director of Community and Economic Development
Subject: Building Height Definitions
Date: August 10, 2015

The Planning and Development Committee approved the attached Building Height Definition revision at their August 5, 2015 Meeting and voted (6-0) to send to the Town Council for forwarding to the Planning Board for review and comment.

The Code Enforcement Officer advised the Planning and Development Committee of the inconsistent definitions of Building Height contained within the MUBEC Code and the Zoning Ordinance.

This proposed revision will address the inconsistency.

8/17/2015- Council Referred to Planning Board

The Town of Hampden hereby ordains that the following amendments to the Zoning Ordinance be enacted.

Additions underlined

Delctions ~~striken~~

7.2. Definitions - In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

...

Building height: ~~The vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.~~ As defined by the current building code in effect in the Town of Hampden.

D-5-b



To: Hampden Town Council
From: Dean Bennett, Director of Community and Economic Development
Subject: Home Occupations
Date: August 10, 2015

The Planning and Development Committee approved the attached Home Occupation revisions at their August 5, 2015 Meeting and voted (6-0) to send to the Town Council for forwarding to the Planning Board for review and comment.

The Home Occupation provisions have been revised in order to provide an option to the Code Enforcement Officer to either to act upon the application or forward to the Planning Board for a public hearing and review process.

The intent of the revisions is to expedite review and approval of those applications that are consistent with the Home Occupation criteria and represent negligible change to the character of the area.

8/17/2015 - Council Referred to Planning Board

The Town of Hampden hereby ordains that the following amendments to the Zoning Ordinance be enacted.

Additions underlined

Deletions ~~stricken~~

4.10. Home Occupation Permits - A home occupation permit shall be granted to a person or corporation and is not granted to run with the land nor is the permit transferable to a subsequent owner or renter. Applicants shall demonstrate that they have adequate right, title and interest in a property in order to apply for a home occupation. Where home occupations are expressly prohibited by deed restriction, lease, subdivision covenant and or subdivision plan condition the Planning Board/Code Enforcement Officer shall find that the applicant lacks adequate right, title or interest to grant a home occupation permit. Application for a home occupation permit shall include a plan in accordance with *Article 4.1.9, Site Sketch*. If new construction is proposed the requirements of *Article 4.1., Site Plan Review* shall be met in addition to the requirements of *Article 4.10 Home Occupation Permits*. The Code Enforcement Officer shall determine, at his discretion, whether to act upon the application, or forward to the Planning Board for public hearing and subsequent consideration by the board. The applicant may request a Planning Board review upon submission. All home occupations shall be planned, operated and maintained according to the following standards: *(Amended: 03-21-05)*

4.10.1. Employees - A home occupation shall be conducted by a member or members of the immediate family occupying the dwelling unit. There shall be no more than one person employed who does not reside on the premises.

4.10.2. Incidental and Subordinate - To insure that the character of the neighborhood is not transformed from one which is primarily residential, the home occupation shall be clearly incidental and subordinate to the use of the dwelling place as a place of residence. The home occupation shall be carried on wholly within the principal residential or accessory structure on the premises. If carried on within the principal residential structure, it shall not occupy more than thirty (30%) percent of the floor area. If the home occupation is carried on within an accessory structure the total floor area dedicated to the home occupation use shall not exceed fifty (50%) percent of the total finished floor area of the principal residential structure. Home occupations shall not utilize outdoor storage or display. *(Amended: 02/06/84, 03-21-05)*

4.10.3. Appearance and Performance Standards - In no way shall the appearance of the structure or the premises be altered or the occupation within the residence be conducted such that the structure or premises differs from its residential character by use of colors, materials, premises layout, construction or lighting. Temporary garages, instant garages or portable garages constituted of a metal or wooden frame and a tarpaulin-like canvas or vinyl cover do not satisfy the requirements of this section. The proposed home occupation shall not be overtly evident from beyond the property line of the subject premises except for the presence of a sign and customer or client parking. Home occupations shall not cause

sound, noise, odors, dust, gas, fumes, smoke, light or other dangerous emissions discernable or detectable from beyond the property line of the subject property. In addition, no home occupation shall be allowed which creates a fire hazard to the premises or neighboring premises or which creates electrical interference such that it causes visual or audible interference in any radio or television receivers off the premises. The applicant shall demonstrate that the proposed home occupation will not interfere with the peaceful use and enjoyment of residential properties located in the area of the proposed use. (Amended: 03-21-05)

4.10.4. Signs and Advertising - Permitted: one (1) unlighted, unreflective sign no greater than four (4) square feet located on premises only. Off-premises Official Business Directional Signs, as defined in 23M.R.S.A. section 1903, are prohibited. Newspaper, radio, T.V. or telephone listing advertising may be used to the extent that *Articles 4.10.5 and 4.10.6* are not violated. (Amended: 11-05-90, 03-21-05)

4.10.5. Traffic and Parking - The proposed site layout shall provide for safe ingress and egress to and from public and private roads by providing adequate sight distances and minimal turning conflicts with roads and driveways Provision shall be made available for vehicles to turn around on the premises. Off-street parking which includes no more than three (3) spaces located in the front yard shall be provided for all expected customer/clients of the home occupation. No home occupation shall be approved or allowed to operate if it generates more than an average of ten (10) auto trips by customer/clients in any one day. (Amended: 03-21-05)

~~**4.10.6. Commercial Vehicles** - No commercial vehicles in excess of three-quarter (3/4) ton capacity shall be used by a home occupation for the delivery of materials to and from the premises and no commercial vehicles in excess of three-quarter (3/4) ton capacity shall be parked on or about the premises.~~

4.10.7. Utilities and Public Facilities - There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes. (Amended: 03-21-05)

4.10.8 Additional Conditions Necessary for Approval of Home Occupations. If in the judgment of the Planning Board/Code Enforcement Officer additional improvements or safeguards are necessary in order to make a proposed home occupation safe, sanitary or less intrusive in a neighborhood the Board/Officer may place conditions on the approval of the home occupation that further limit the operation of the business, provide for screening or bufferyards or improve traffic safety. (Amended: 03-21-05)

4.10.8. Alterations to Land and Buildings of Previously Approved Home Occupations. If additions or alterations have been constructed, or are proposed for construction to primary use residences or to accessory use buildings which in the opinion of the Code Enforcement Officer significantly alter a Planning Board/Code Enforcement Officer approved home occupation, the Code Enforcement Officer shall require that the home occupation use seek a revision from the permit issuing authority. In order to determine if the alterations or additions alter the approved Home Occupation the Code Enforcement Officer shall review the municipal documents on file including the minutes of the Board

meeting at which the Home Occupation was approved, and/or permit conditions stipulated by the Code Enforcement Officer. The Code Enforcement Officer shall not issue a building permit or certificate of compliance for such additions or alterations that have not received a Home Occupation permit approval unless the applicant surrender the home occupation permit and or conditional use/site plan home occupation use approval in writing. *(Amended: 03-21-05)*

4.10.9. Discontinuation and Abandonment of a Legacy Home Occupation. If a home occupation, created under the provisions of the Ordinance prior to January 1, 2005, has been discontinued or abandoned for a period of 12 months the home occupation use may not be re-established without first receiving a Home Occupation Permit under the provisions of *Article 4.10* of this ordinance. The Code Enforcement Officer shall have authority to issue a determination that the use has been discontinued or abandoned for a 12-month period. *(Amended: 03-21-05)*

Recommendation to refer to Planning Board – Motion by Councilor Shakespeare, seconded by Councilor Sirois to refer this item to the Planning Board. Unanimous vote in favor.

- c. Request to use Library Reserve Funds for Air Conditioning Repair – \$986.48 – Recommendation of Infrastructure and Finance Committees – Motion by Councilor Marble, seconded by Councilor Sirois to authorize the expenditure of \$986.48 from the Library Reserve account for repair of the air conditioner. Unanimous vote in favor.**
- d. Request to use Garage/Transfer Station Reserve Funds for Beneficial Use Permit for Catch Basin Cleaning - \$3500 – Recommendation of Infrastructure and Finance Committees – Councilor Marble reported that Public Works Director Sean Currier would like to apply for a Beneficial Use Permit to dispose of material removed from catch basins at the garage and has requested the funds be allocated from the Solid Waste/Municipal Garage reserve account in the amount of \$3500.00. Motion by Councilor Marble, seconded by Councilor Wilde to approve the request as recommended by both the Infrastructure Committee and Finance Committee. Unanimous vote in favor.**
- e. Request to use Garage Modification Reserve Funds for Town Garage DEP Compliance Items - \$5,000 – Recommendation of Infrastructure and Finance Committees – Councilor Marble reported that the Public Works Director has requested funds from the Garage Modification Reserve account, not to exceed \$5,000.00, for upgrades to bring the garage into compliance with current DEP regulations. The Infrastructure Committee and Finance Committee are recommending approval of the request. Motion by Councilor Marble, seconded by Councilor Wilde to approve the expenditure of \$5,000 from the Garage Modification Reserve account to meet DEP compliance. Unanimous vote in favor.**
- f. Set 2015/2016 Mil Rate – Motion by Councilor Wilde, seconded by Councilor Sirois to set the mil rate for 2015/2016 at \$17.50, the same as last year. Unanimous vote in favor.**

E. COMMITTEE REPORTS

Services Committee – Councilor McAvoy reported that the Committee discussed the replacement of the audio/visual and Cable TV equipment.
Infrastructure Committee – Councilor Marble reported that the Council had just acted upon most of the items discussed by the Infrastructure Committee at its last meeting.
Planning & Development Committee – Councilor Shakespeare reported that the committee met on August 5th and discussed the possible redesign and replacement of the municipal marina sign, reviewed final draft amendments to the Zoning Ordinance relative to home occupations and discussed the need for citizens to serve on several Town boards and committees. At its next meeting on August 19th, the Committee will review a draft Private Ways Ordinance.

Finance & Administration Committee – Mayor Ryder reported that in addition to items already discussed by the Council tonight, the Committee conducted initial interviews with candidates for Town Attorney to replace Attorney Russell.

- F. MANAGER'S REPORT** – Interim Manager Lessard reported that she had a great meeting with Incoming Manager Jennings today and she thought that the Council had made a great selection and the Town will benefit well with him as new Manager. She reported that the 2015/2016 tax bills will be going out Friday and tax liens for unpaid 2014/2015 taxes will be filed next week. She thanked Councilor Shakespeare and former Councilors Tom Brann and Janet Hughes for being the core group that saved Children's Day this year. She noted that there were many volunteers who stepped forward and many people who raised money, but these three really stepped up when there was a void. Councilor Shakespeare has provided a lot of photos of the event that will be compiled into a video and posted on the Town's Facebook page. She noted that due to the Labor Day holiday, the next regular Council meeting is scheduled for Tuesday, September 8th but asked if the Council would consider changing the date of the meeting to Tuesday, September 1st which would allow for the Council to act on the tax anticipation note a week earlier, which would be beneficial for the community. Motion by Councilor Sirois, seconded by Councilor Marble to change the date of the next Council meeting from September 8th to September 1st. Unanimous vote in favor.

G. COUNCILORS' COMMENTS

Councilor Sirois followed up on Interim Manager Lessard's comments regarding Children's Day. He was unable to attend, but thanked Councilor Shakespeare, Tom Brann and Janet Hughes for everything they did to organize the event. If it wasn't for their efforts it wouldn't have happened. He also thanked his fellow Council members and said it is nice to see that our meetings are very cordial and we seem to have hit our stride in moving this Town forward.

Councilor Shakespeare thanked Interim Manager Lessard and Councilor Sirois for their comments. He said he only played a small part in the whole thing. The initial thrust was provided by Janet Hughes and then others jumped on board. He was amazed at how many citizens came out to watch the parade and thought the kids all had a great time. He thanked all the volunteers and sponsors, especially Hamlin Marine who had donated the boat for the raffle.

Councilor Wilde thanked outgoing Manager Lessard and everyone who worked on the budget. He pointed out that not many communities are keeping their mil rate at the same amount this year. He commented that there are a lot of good things going on in this community right now and he is very proud to be here.

Councilor Marble echoed all of the comments about Children's Day. He thought the fireworks were very impressive and offered kudos to the organizers. He commented that Sue Lessard deserves a huge amount of credit from all of us who have been close to this work and been able to see what she was able to do. He said it means a lot that she has endorsed the positive choice the Council made in selecting Angus Jennings as Town Manager. He reiterated the need for citizens to invest a little of their time and volunteer to serve on the Town's various boards and committees.

Councilor McAvoy recalled that 2 or 3 months ago Hampden Children's Day was in distress and he was thankful to Bill Shakespeare, Tom Brann, Janet Hughes and a lot

of other people who stepped up and made it happen. With the extreme heat we have been experiencing, Councilor McAvoy asked that folks pay attention to their neighbors, especially those who may be more susceptible to heat, and to check on them once in a while. He reminded everyone to shop local and buy American.

Mayor Ryder thanked everyone involved with Children's Day and thought the fireworks were fantastic. He informed the public that starting some time the first of September the Town will be doing some wood harvesting in Dorothea Dix Park to clean out all deadwood and non-valuable wood and to create some walking trails. The park will be closed for two weeks and once the actual date is determined, it will be posted on the Town's website.

Incoming Manager Jennings expressed appreciation to Interim Manager Lessard for her very kind words, noting that he has big shoes to fill. He is glad to have her support and the support of the Council and the folks here at the Town Office. He is glad to be here officially as a member of the community and is looking forward to starting work next week.

H. ADJOURNMENT – *There being no further business, the meeting was adjourned at 7:33 pm.*



Denise Hodsdon
Town Clerk