



HAMPDEN TOWN COUNCIL  
HAMPDEN MUNICIPAL BUILDING  
AGENDA

MONDAY

JULY 14, 2014

6:00 P.M.

- A. PLEDGE OF ALLEGIANCE
- B. CONSENT AGENDA
  - 1. SIGNATURES
  - 2. SECRETARY'S REPORTS
  - 3. COMMUNICATIONS
    - a. Circle K #7057 – Victualers License Renewal
  - 4. REPORTS
    - a. Finance Committee Minutes – 6/2/2014
    - b. Bangor Humane Society – Stray Animal Report – May 2014
    - c. Infrastructure Committee Minutes – 5/27/2014
- C. PUBLIC COMMENTS
- D. POLICY AGENDA
  - 1. NEWS, PRESENTATIONS & AWARDS
  - 2. PUBLIC HEARINGS
    - a. Shoreland Zoning Ordinance Text Amendment re Resource Protection
    - b. Shoreland Zoning Ordinance Map Amendment
    - c. Shoreland Zoning Ordinance Text Amendment re Timber Harvest
    - d. Zoning Ordinance Text Amendment re Business B District
    - e. Zoning Ordinance Map Amendment, Western Avenue
    - f. Subdivision Ordinance Text re Open Space
    - g. Proposed Amendment to Council Compensation Ordinance

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

- h. Application for Victualers License received from Jin Rong Chen d/b/a Nealley's Corner Store at 1230 Kennebec Road

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

4. UNFINISHED BUSINESS

- a. Acceptance of Safety Enhancement Grant
- b. Route 1A Sidewalk Repair – Use of Streets & Roads Reserve Funds – Recommendation of Infrastructure & Finance Committees
- c. Annual Salt Contract – Infrastructure Committee Recommendation
- d. Elm Street East Culvert Bid Award and Use of Streets & Roads Reserve Funds – Recommendation of Infrastructure & Finance Committees

5. NEW BUSINESS

- a. Wheelden Heights Road Closure to Non-resident Traffic on 7/19/14 from 12:00 to 6:00 pm – Infrastructure Committee Recommendation
- b. Emergency Street Signs – Use of Grant Funds – Recommendation of Infrastructure and Finance Committees
- c. Littlefield Avenue Paving & Reclamation – Award to Wellman Paving and Use of Streets & Roads Reserve Funds – Recommendations of Infrastructure & Finance Committees
- d. Local Road Assistance Program – 2014/15 Funds Acceptance – Finance Committee Recommendation
- e. Executive Session Pursuant to 1 MRS §405(6)(E) – Discussion of legal rights and responsibilities related to potential litigation regarding a land use issue

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



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

B-3-a

June 19, 2014

Hazel Tompkins  
Circle K #7057  
P O Box 224  
Hampden, ME 04444

Dear Hazel:

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,

Denise Hodsdon, CMC  
Town Clerk

Enc

VICTUALER'S LICENSE CERTIFICATE	
No. <u>11</u>	<b>MUNICIPALITY OF HAMPDEN, MAINE</b>
To all whom these presents may concern:	Date: <u>June 19</u> , 2014
<b>KNOW YE</b> , that <u>Mac's Convenience Stores, LLC</u> ,	
doing business as <u>Circle K #7057</u>	
has been duly licensed as a Victualer at <u>63 Main Road North</u>	
in the Municipality of Hampden by said Municipality until <u>July 8</u> , 2015,	
and has paid the fee of Fifty Dollars (\$50.00).	
	 Authorized Municipal Officer      CODE ENFORCEMENT OFFICER

**FINANCE & ADMINISTRATION COMMITTEE MINUTES**

Monday, June 2, 2014

## Attending:

Mayor Carol Duprey	Councilor Ivan McPike
Councilor William Shakespeare	Councilor Greg Sirois
Councilor Tom Brann	Town Manager Susan Lessard
Councilor Jean Lawlis	
Councilor David Ryder	

The meeting was opened at 6 p.m. by Mayor Duprey.

1. Meeting Minutes
  - a. May 19, 2014 – Motion by Councilor McPike, seconded by Councilor Ryder to approve the minutes. All in favor.
2. Review & Sign Warrants – Warrants for the payments of bills were reviewed and approved and signed by Committee members.
3. Old Business - None
4. New Business
  - a. Proposed Council Compensation Ordinance Amendment – Councilor Sirois – Motion by Councilor Sirois, seconded by Councilor McPike to recommend that this item be forwarded to the council for public hearing. Councilor Brann objected to the procedure used to introduce this proposal and did not believe that it should have been on the agenda for the subsequent Council meeting. He considered the change between this proposal and the \$0 funded proposal heard previously to be virtually identical and a means to circumvent the rules regarding reconsideration. The Town Attorney had provided an opinion that the change in the compensation amount was enough to make it a new ordinance. Vote on the motion – 4 in favor (Ryder, McPike, Sirois & Duprey); 3 opposed (Lawlis, Brann & Shakespeare) - motion carried.
  - b. Charter Review – Article IV Town Manager – The Town Attorney provided a review of this section of the charter and did not find any items that were in conflict with state law. Committee members did not cite any other changes that they wished to consider.
5. Public Comment - None
6. Committee Member Comments – None

Motion by Councilor McPike, seconded by Councilor Ryder to adjourn at 6:15 p.m.  
Meeting adjourned.

Respectfully submitted,

Susan Lessard  
Town Manager

**Bangor Humane Society**  
 693 Mt. Hope Avenue  
 Bangor ME 04401

B-4-b

Town of Hampden  
 Attn: Susan Lessard  
 106 Western Avenue  
 Hampden ME 04444

**Stray Animal Statistics, May 2014**

Type Of Animal	Stray Animals Released To BHS By Owners	# Animals Received	# Animals In Holding From Previous Months	# Adopted	# Euthanized	# Reclaimed	# Animals Currently In Holding
<b>Dog</b>	0	1	1	0	0	1	1
<b>Puppy</b>	0	0	0	0	0	0	0
<b>Cat</b>	0	0	0	0	0	0	0
<b>Kitten</b>	0	0	0	0	0	0	0
<b>Other</b>	0	0	0	0	0	0	0

Reasons for Euthanasia

DOGS	0	
PUPPIES	0	
CATS	0	
KITTENS	0	

Animals Returned to Owner

Owner's Name	Address	Impound Fee	Animal	License Info	Reclaim Date
Heather Mitchell	42 Main Rd. S., hampden, ME 04444	0	Lab X	Temp Issued	5-12-14

May 2014

0	animals brought to us by private citizens
0	animals brought to us by the ACO
1	animals brought to us by the police department

B-4-c

## INFRASTRUCTURE COMMITTEE MEETING

Tuesday, May 27, 2014

### Attending:

Chairman David Ryder	Councilor Jean Lawlis
Councilor William Shakespeare	Resident Terry McAvoy
Councilor Tom Brann	Public Works Director Chip Swan
Councilor Greg Sirois	Town Manager Sue Lessard
Councilor Ivan McPike	

The meeting was opened at 6:03 p.m. by Chairman Ryder.

1. MINUTES OF 4/28/2014 – The minutes of the 4/28/14 meeting were reviewed and approved as presented.
2. OLD BUSINESS
  - A. Update – Western Avenue to Mayo Road Sidewalk – The Public Works Director reported that the State would be putting this sidewalk project out to bid in the Spring of 2015 for construction in 2015. They have asked for some updated information from Woodard & Curran, the engineering firm that prepared the initial sidewalk plan.
  - B. Route 1A Sidewalk – Possible Alternatives – The Public Works Director explained an option for paving the sidewalk on Route 1A between Kennebec Road and Western Avenue since the bids received for the whole project were too high. The proposal would be to split the project into two sections and combine them with the road paving program over the next two years. Committee members also discussed the possibility of doing a shim coat over the sidewalk and not replacing the curbing, and repairing just the worst sections in this year and paving in future years as suggested by the Public Works Director. Work involving curbing cannot happen in this season because of the work being done by the State on Route 1A from Kennebec to Western Avenue. The Public Works director will survey the sidewalk and make repairs to the badly broken sections in this year.
3. NEW BUSINESS
  - A. Municipal Building Flooring Repairs - This item will be discussed at the June meeting when more information is available.
  - B. Little League Request to Move Batting Cages – The Town Manager presented a letter from Recreation Director Shelley Abbott, who had written on behalf of the Little League program. The request is to relocate the batting cages at the VFW field to a location between the basketball and tennis courts to allow for more parking along the road next to the ballfield and improve safety. Motion by Councilor McPike, seconded by Councilor Lawlis to recommend approval of the project to the full Council. Unanimous vote in favor.
4. PUBLIC COMMENTS - None
5. COMMITTEE MEMBER COMMENTS – Councilor Sirois noted that the basketball hoops at the VFW complex were in very bad condition. Councilor Brann indicated that he had had questions regarding why the Town does not use the tree on the

corner of the Municipal Building as a Christmas tree instead of purchasing one. The Manager replied that in years past the tree really was not large or developed enough to decorate. She indicated that the Town would look to the use of that tree for the next holiday season. Councilor Lawlis reported that the Farmer's Market appeared to be doing well for its first 'market' of the season. Councilor Ryder asked where the Town was with the project to put gravel along the edge of the municipal building parking lot on the Post Office side to add space that was discussed at an earlier committee meeting. Other Committee members offered that that project had been dropped when it was determined that the Town Office was going to be closed on Fridays and the Farmer's Market was going to operate in the front parking lot. The Town Manager will review the tape of that meeting to determine exactly what was supposed to happen in regard to the gravel placement.

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Susan Lessard  
Town Manager



D-2-a

**TO: Hampden Town Council**  
**FROM: Robert Osborne, Town Planner**  
**SUBJECT: Draft Shoreland Zoning Ordinance Text Amendment Resource Protection District**  
**DATE: June 5, 2014**

These draft Shoreland Zoning Text Amendments concern modifications to the Resource Protection District that are a companion piece to the proposed map amendments changing Resource Protection District to Limited Residential District for five local jurisdictional wetlands. This item originates from the Planning Board and addresses a change that is needed in order to make the noted map amendments. The Board held a public hearing on the item at their April 9, 2014 meeting and referred it to their Ordinance Committee meeting on April 23, 2014 and then made an "ought to pass" recommendation at the subsequent May 14, 2014 meeting.

There were no proponents or opponents to this item at the Planning Board Public Hearing on April 9, 2014.

This amendment also reflects comments from the Maine Department of Environmental Protection.

All shoreland zoning amendments must be approved by the DEP prior to them taking effect locally.

## TOWN OF HAMPDEN

### Draft

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

Additions are underlined

Deletions are ~~strikethrough~~

### 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.

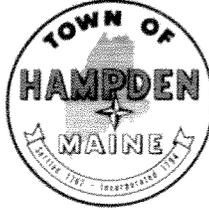
- (1) Water bodies and Wetlands. Areas within 250 feet, horizontal distance, of the *shoreline* of ~~*freshwater wetlands* and *wetlands*~~ associated with *great ponds* and *rivers*, (~~depicted on the Town of Hampden Fresh Water Wetlands Map prepared by the DEP and dated 1989~~) which have Wetland Identification Number: 118, 123, 136, 137, 138, 139, 147, 148, 149, 153 and 157 are rated as 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 May 1, 2006. 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*.
- (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. 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.



**TO: Hampden Town Council**  
**FROM: Robert Osborne, Town Planner**  
**SUBJECT: Draft Shoreland Zoning Ordinance Map Amendment**  
**DATE: June 5, 2014**

The Town Council referred these draft Shoreland Zoning Map Amendments to the Planning Board for public hearing and recommendation. The Board held a public hearing on the item at their April 9, 2014 meeting, sent it to their Ordinance Committee for its April 23, 2014 meeting and then made an "ought to pass" recommendation at their May 14, 2014 meeting.

The Planning Board heard from both proponents and opponents of the map amendments. Jim Kiser was a supporter of the proposed amendments noting that the changes are consistent with recent changes in the statute and Chapter 1000. Several residents questioned why the Town would change the ordinance to allow additional development in sensitive environmental areas.

The purpose of these draft Shoreland Zoning Ordinance Map amendments is to acknowledge that the State of Maine no longer requires that areas adjacent to jurisdictional wetlands with moderate and high value waterfowl habitat are no longer required to be zoned Resource Protection but rather they may be Limited Residential. The draft Shoreland Zoning Ordinance Map amendments also further defines portions of the edge of three jurisdictional wetlands by a licensed wetland delineator. The revised location requires that the Shoreland Zoning map both change the edge of the waterbody as well as remove area that is no longer subject to shoreland zoning.

1. Wetland involved is on Kennebec Road. This jurisdictional wetland is between Back Winterport Road and Monroe Road (and is the headwater of Baker Brook). Land area within 250 feet of this jurisdictional wetland to be changed from Resource Protection to Limited Residential.
2. Wetland involved is on Kennebec Road. This jurisdictional wetland is between Wessnette Drive and Emerald Drive on Brown Brook. Land area within 250 feet of this jurisdictional wetland to be changed from Resource Protection to Limited Residential.
3. Wetland involved is on Back Winterport Road near the railroad crossing. Land area within 250 feet of the jurisdictional wetland to be changed from Resource Protection to Limited Residential. (NOTE: Per DEP the forested wetland portion of this shoreland zone must remain Resource Protection District).
4. Wetland involved is on Carmel Road South near Kennebec Road located on Brown

Brook. Land area within 250 feet of the jurisdictional wetland to be changed from Resource Protection to Limited Residential.

5. Wetland involved is on Patterson Road (near Ichabod Lane) located on Webber Brook. Land area within 250 feet of the jurisdictional wetland to be changed from Resource Protection to Limited Residential.
6. Wetland involved is on Meadow Road at Patterson Road located on Brown Brook. This change is the result of new information about the extent of the jurisdictional wetland area from a licensed wetland delineator. The result of the new delineation is to reduce the size of the jurisdictional wetland and to also reduce the area subject to shoreland zoning. The zoning designation remains Limited Residential District.
7. Wetland involved is on Patterson Road (near Ichabod Lane) located on Webber Brook. Land area. This change is the result of new information about the extent of the jurisdictional wetland area from a licensed wetland delineator. The result of the new delineation is to move the edge of the jurisdictional wetland on two land parcels and to also modestly move the area subject to shoreland zoning. The zoning designation remains Limited Residential.
8. Wetland involved is on Kennebec Road. This jurisdictional wetland is between Back Winterport Road and Monroe Road (and is the headwater of Baker Brook). This change is the result of new information about the extent of the jurisdictional wetland area from a licensed wetland delineator. The result of the new delineation is to move the edge of the jurisdictional wetland and to also modestly move the area subject to shoreland zoning. The zoning designation is subject to the changes proposed in item 1 as well.

This amendment also reflects comments from the Maine Department of Environmental Protection.

All shoreland zoning amendments must be approved by the DEP prior to them taking effect locally.

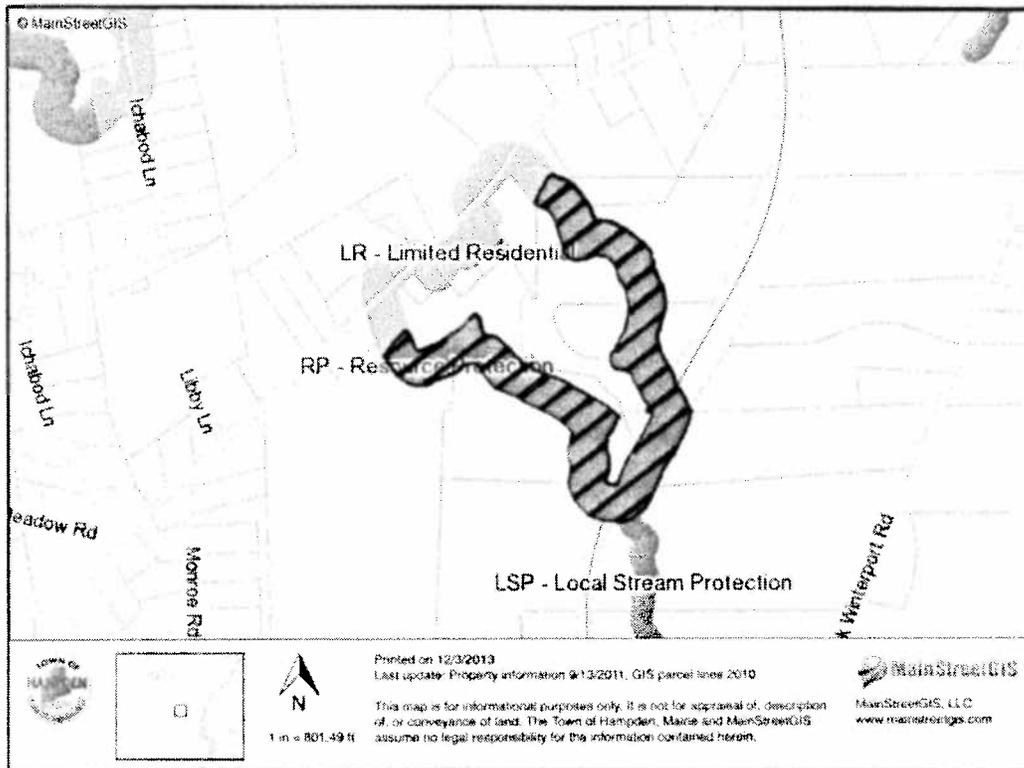
# TOWN OF HAMPDEN Draft

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

1. Wetland involved is on Kennebec Road. This jurisdictional wetland is between Back Winterport Road and Monroe Road (and is the headwater of Baker Brook). Land area within 250 feet of this jurisdictional wetland to be changed from Resource Protection to Limited Residential.

Town of Hampden, Maine - Web GIS Maps and Property Information

<http://www.mainstreetmaps.com/cgi-bin/V/gis.exe>



Resource Protection to Limited Residential District

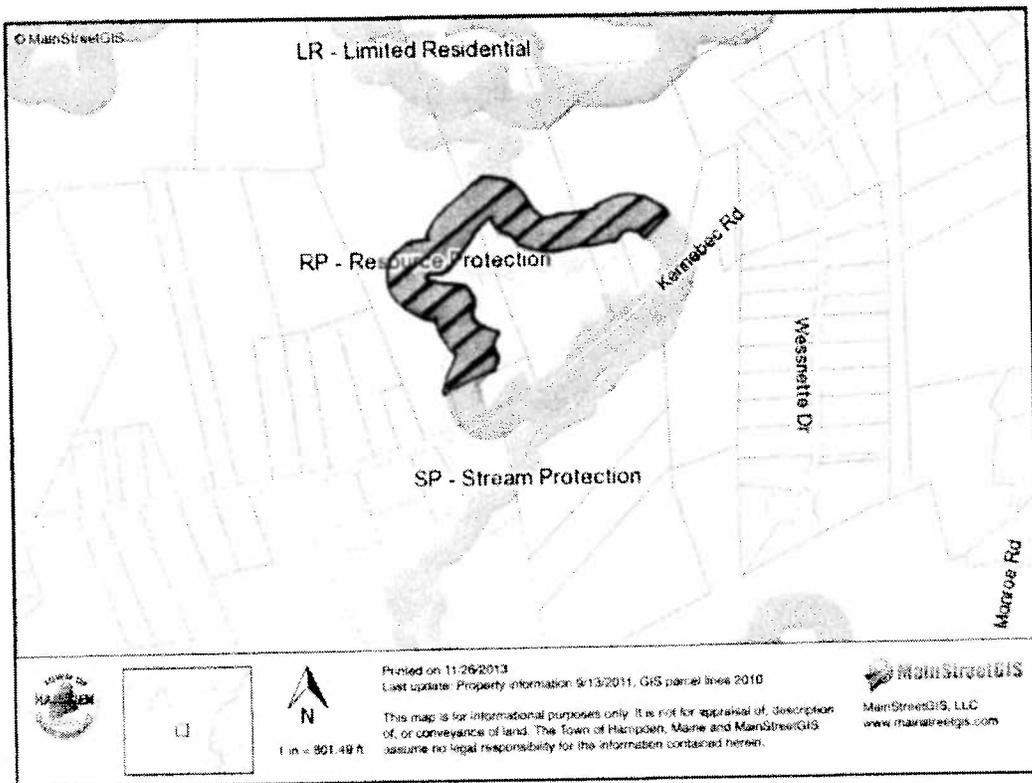
# TOWN OF HAMPDEN Draft

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

2. Wetland involved is on Kennebec Road. This jurisdictional wetland is between Wessnette Drive and Emerald Drive on Brown Brook. Land area within 250 feet of this jurisdictional wetland to be changed from Resource Protection to Limited Residential.

Town of Hampden, Maine - Web GIS Maps and Property Information

<http://www.mainstreetmaps.com/cgi-bin/Y/gis.exe>



Resource Protection to Limited Residential District

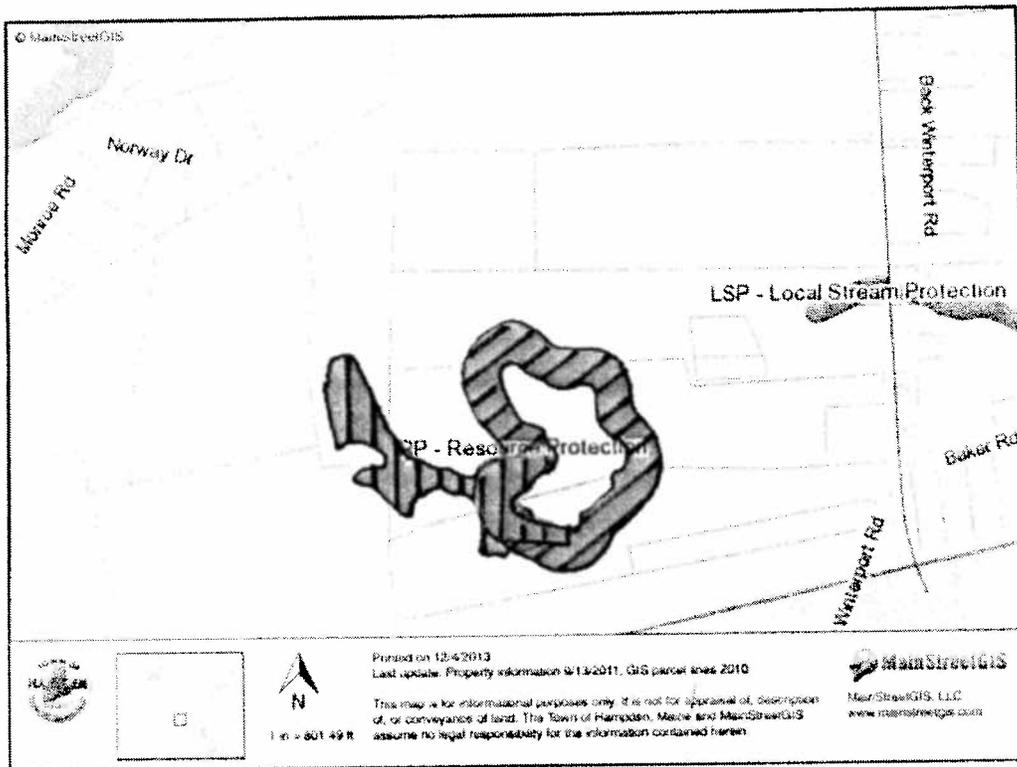
# TOWN OF HAMPDEN Draft

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

3. Wetland involved is on Back Winterport Road near the railroad crossing. Land area within 250 feet of the jurisdictional wetland to be changed from Resource Protection to Limited Residential.

town of Hampden, Maine - Web GIS Maps and Property Information

<http://www.maineetmaps.com/cgi-bin/Y/gis.exe>



Resource Protection



Resource Protection to Limited Res.

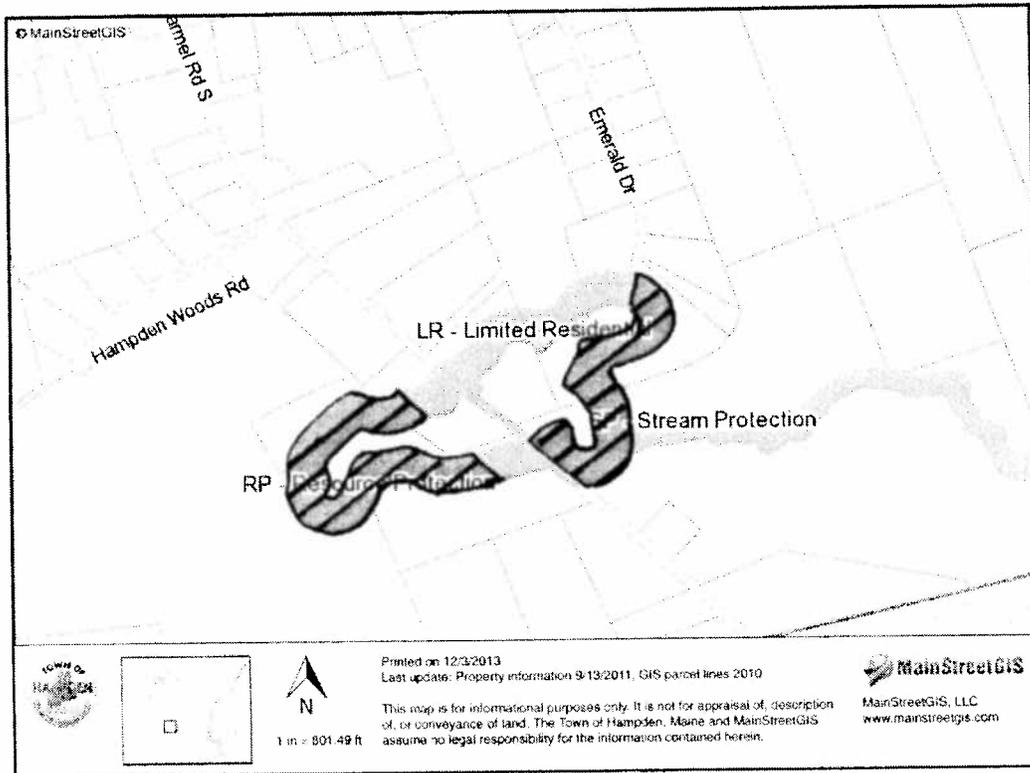
**TOWN OF HAMPDEN**  
**Draft**

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

- 4. Wetland involved is on Carmel Road South near Kennebec Road located on Brown Brook. Land area within 250 feet of the jurisdictional wetland to be changed from Resource Protection to Limited Residential.

Town of Hampden, Maine - Web GIS Maps and Property Information

<http://www.mainstreetmaps.com/cgi-bin/Ygis.exe>



Resource Protection to Limited Residential District

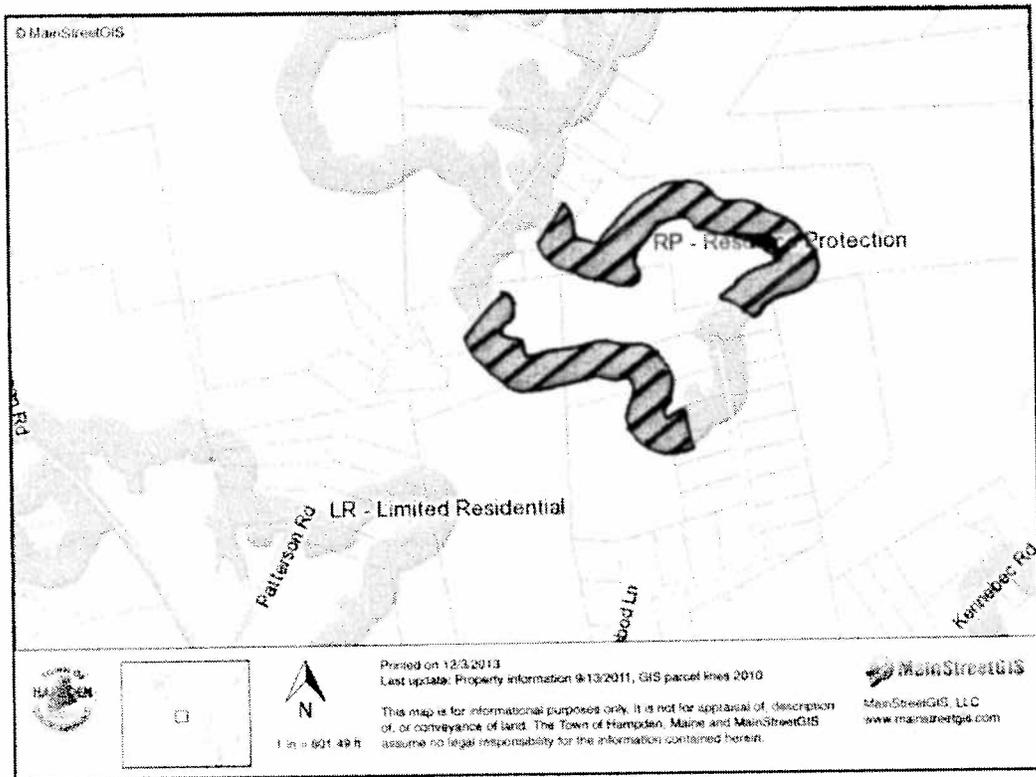
# TOWN OF HAMPDEN Draft

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

5. Wetland involved is on Patterson Road (near Ichabod Lane) located on Webber Brook. Land area within 250 feet of the jurisdictional wetland to be changed from Resource Protection to Limited Residential.

Town of Hampden, Maine - Web GIS Maps and Property Information

<http://www.mainstreetmaps.com/cgi-bin/Y/gis.exe>



Resource Protection to Limited Residential District

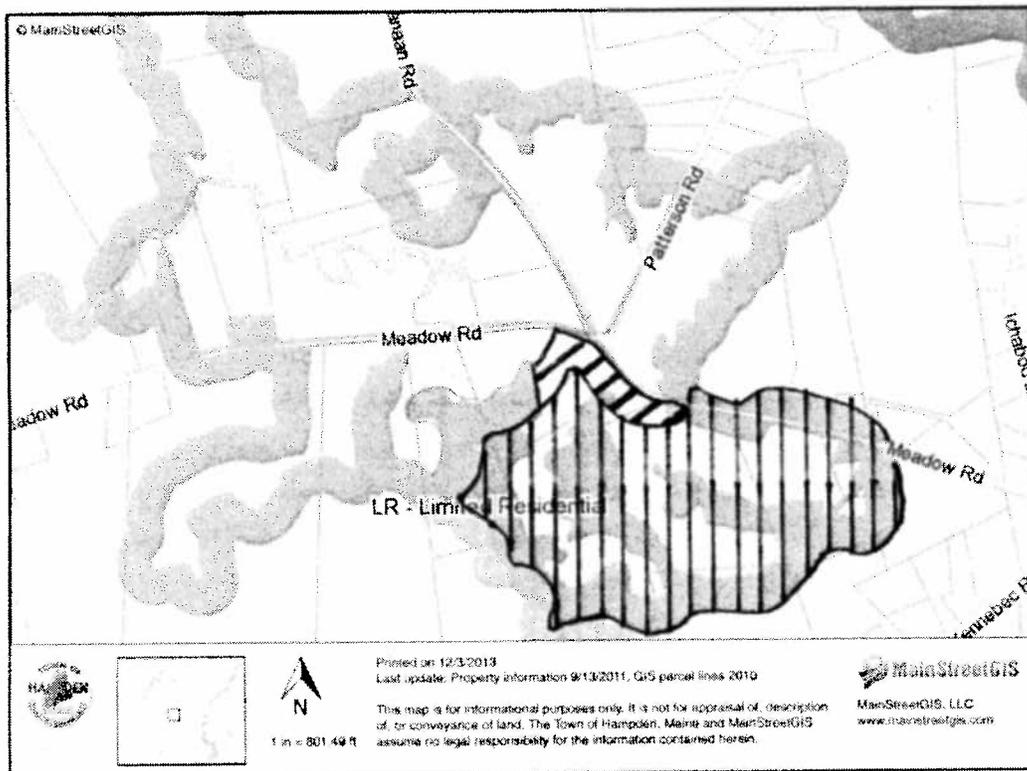
# TOWN OF HAMPDEN Draft

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

6. Wetland involved is on Meadow Road at Patterson Road located on Brown Brook. This change is the result of new information about the extent of the jurisdictional wetland area from a licensed wetland delineator. The result of the new delineation is to reduce the size of the jurisdictional wetland and to also reduce the area subject to shoreland zoning. The zoning designation remains Limited Residential District.

Town of Hampden, Maine - Web GIS Maps and Property Information

<http://www.mainstreetmaps.com/cgi-bin/Y/gis.exe>



Limited Residential District



Remove Shoreland Zoning Regulations

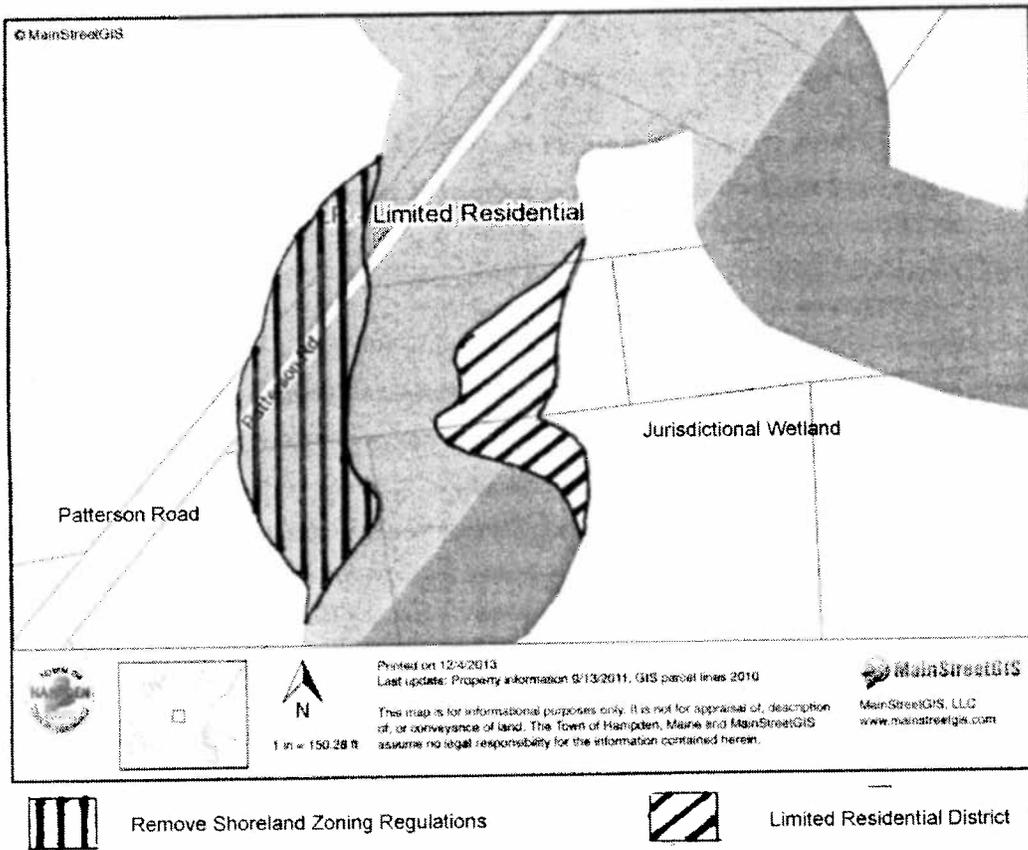
# TOWN OF HAMPDEN Draft

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

7. Wetland involved is on Patterson Road (near Ichabod Lane) located on Webber Brook. Land area. This change is the result of new information about the extent of the jurisdictional wetland area from a licensed wetland delineator. The result of the new delineation is to move the edge of the jurisdictional wetland on two land parcels and to also modestly move the area subject to shoreland zoning. The zoning designation remains Limited Residential.

Town of Hampden, Maine - Web GIS Maps and Property Information

<http://www.mainstreetmaps.com/cgi-bin/Ygis.exe>



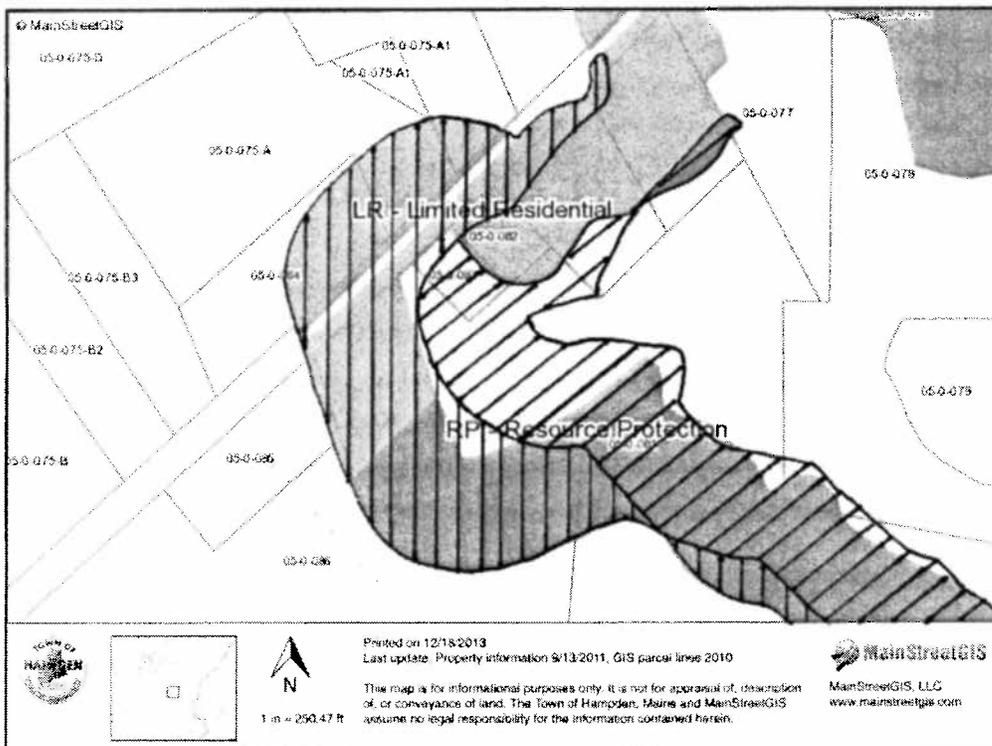
# TOWN OF HAMPDEN Draft

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

8. Wetland involved is on Kennebec Road. This jurisdictional wetland is between Back Winterport Road and Monroe Road (and is the headwater of Baker Brook). This change is the result of new information about the extent of the jurisdictional wetland area from a licensed wetland delineator. The result of the new delineation is to move the edge of the jurisdictional wetland and to also modestly move the area subject to shoreland zoning. The zoning designation is subject to the changes proposed in item 1 as well.

Town of Hampden, Maine - Web GIS Maps and Property Information

<http://www.mainstreetmaps.com/cgi-bin/Y/gis.exe>





D-2-c



**TO: Hampden Town Council**  
**FROM: Robert Osborne, Town Planner**  
**SUBJECT: Draft Shoreland Zoning Ordinance Text Amendment: Timber Harvest**  
**DATE: May 22, 2014**

These draft Shoreland Zoning Text Amendments concerning timber harvesting activities were referred to the Planning Board for public hearing and recommendation. The Board held a public hearing on the item at their April 9, 2014 and then made an "ought to pass" recommendation.

There were no proponents or opponents to this item at the Planning Board Public Hearing.

The Council may recall that at the time the Shoreland Zoning Ordinance was adopted by the Town of Hampden the State of Maine was moving toward allowing municipalities to pass shoreland zone timber harvesting review and permitting to Maine Department of... Forestry but at that time it was not quite ready for implementation. Hampden's Shoreland Zoning Ordinance contains text that contemplates both self regulation as well as passing the duties to Forestry. Forestry recommends In order to pass this duty to Forestry through what they call option one the Town simply purge all language from the shoreland zoning ordinance regarding timber harvesting.

The Please find attached a copy of the basic amendments needed to select Option 1 for the State of Maine to take over the permitting of timber harvesting in the Shoreland Zone.

**TOWN OF HAMPDEN**  
**Draft**

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

Additions are underlined

Deletions are ~~strikethrough~~

**4. Effective Date**

**A. Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, 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 Commissioner for approval. If the Commissioner fails to act on this 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).~~** ~~Section 15(O) is repealed on the statutory date established under 38 M.R.S.A. section 438 B(5), at which time Section 15(O-1) shall become effective. Until such time as Section 15(O) is repealed, Section 15(O-1) is not in effect.~~

**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 unless approved by the Commissioner. If the Commissioner fails to act 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.

**TOWN OF HAMPDEN**  
**Draft**

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

Additions are underlined                      Deletions are ~~strikethrough~~

**TABLE 1. LAND USES IN THE SHORELAND ZONE**

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

<sup>1</sup> In RP not allowed within 75 feet horizontal distance, of the *normal high-water line of great ponds*, except to remove safety hazards.

<sup>2</sup> Requires *shoreland permit* from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

<sup>3</sup> In RP not allowed in areas so designated because of wildlife value.

<sup>4</sup> Provided that a variance from the *setback* requirement is obtained from the Board of Appeals.

<sup>5</sup> Reserved.

<sup>6</sup> See further restrictions in Section 15( L)(2).

<sup>7</sup> Except when area is zoned for resource protection due to floodplain criteria in which case a *shoreland permit* is required from the PB.

<sup>8</sup> Except as provided in Section 15(H)(4).

<sup>9</sup> 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.

<sup>10</sup> Except for *commercial* uses otherwise listed in this Table, such as *marinas* and campgrounds, that are allowed in the respective district.

<sup>11</sup> Reserved. .

<sup>12</sup> *Shoreland permit* not required but must file a written "notice of intent to construct" with CEO.

<sup>13</sup> ~~Forest Management Activities must be carried out consistent with a forest management plan prepared and submitted by a licensed forester.~~

<sup>14</sup> ~~All timber harvesting and clearing activities shall be supervised by a licensed forester.~~

**TOWN OF HAMPDEN**  
**Draft**

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

Deletions are ~~Strikethrough~~      Additions Double Underlined

~~O. **Timber Harvesting.** All Shoreland Districts are subject to this Timber Harvesting section. *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) In a Resource Protection District abutting a *great pond*, *timber harvesting* shall be limited to the following:~~

~~(a) Within the strip of land extending 75 feet, horizontal distance, inland from the *normal high water line*, *timber harvesting* may be conducted when the following conditions are met:~~

~~(1) The ground is frozen;~~

~~(2) There is no resultant soil disturbance;~~

~~(3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;~~

~~(4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period; and a well distributed stand of trees and other natural *vegetation* remains; and~~

~~(5) A licensed professional forester has marked the trees to be harvested prior to a *shoreland permit* being issued by the Town of Hampden.~~

~~(b) Beyond the 75-foot strip referred to in Section 15(O)(1)(a) above, *timber harvesting* is permitted in accordance with paragraph 2 below except that in no case shall the average *residual basal area* of trees over 4 1/2 inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.~~

~~(2) Except in areas as described in Section 15(O)(1) above, *timber harvesting* shall conform with the following provisions:~~

~~(a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:~~

~~(i) 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 other *water bodies*, *tributary streams*, *local streams* or the *upland edge of a wetland*, there shall be no clearcut openings and a well distributed stand of trees and other *vegetation*, including existing *ground cover*, shall be maintained.~~

~~(ii) At distances greater than one hundred (100) feet, horizontal distance, of a *great pond* or a *river* flowing to a *great pond*, and greater than seventy five (75) feet, horizontal distance, of the *normal high water line* of other *water bodies* or the *upland edge of a*~~

~~wetland, harvesting operations shall not create single clearcut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.~~

- ~~(b) Timber harvesting operations exceeding the 40% limitation in Section 15(O)(2)(a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.~~
- ~~(c) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high water line of a water body or tributary stream shall be removed.~~
- ~~(d) Timber harvesting equipment shall not use stream channels as travel routes except when:
  - ~~(i) Surface waters are frozen; and~~
  - ~~(ii) The activity will not result in any ground disturbance.~~~~
- ~~(e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~
- ~~(f) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.~~
- ~~(g) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high water line of a water body or upland edge of a wetland.~~

~~**0-1. Timber Harvesting Statewide Standards [Effective on effective date established in Section 4(B)]**~~

- ~~(1) Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within~~

water bodies, *tributary streams* and *wetlands*. If, despite such precautions, the *disruption of shoreline integrity*, sedimentation of water, or the disturbance of *water body* and *tributary stream* banks, *water body* and *tributary stream* channels, *shorelines*, and soil lying within water bodies, *tributary streams* and *wetlands* occurs, such conditions must be corrected.

~~(2) Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.~~

~~(a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.~~

~~(b) Adjacent to great ponds, rivers and wetlands:~~

~~(i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high water line or upland edge of a wetland; and~~

~~(ii) Between 50 feet and 250 feet, horizontal distance, of the normal high water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.~~

~~(3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:~~

~~(a) Option 1 (40% volume removal), as follows:~~

~~(i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;~~

~~(ii) A well distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,~~

~~(iii) Within 75 feet, horizontal distance, of the normal high water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a freshwater or coastal wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.~~

~~(b) Option 2 (60 square foot basal area retention), as follows:~~

~~(i) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;~~

~~(ii) A well distributed stand of trees which is *windfirm*, and other *vegetation* including existing *ground cover*, must be maintained; and,~~

~~(iii) Within 75 feet, horizontal distance, of the *normal high water line* of water bodies and within 75 feet, horizontal distance, of the upland edge of *wetlands*, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the *normal high water line* of a river or great pond, or *upland edge of a wetland*, *timber harvesting and related activities* must not create single cleared openings greater than 14,000 square feet in the forest *canopy*. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average *basal area*. Volume may be considered equivalent to *basal area*.~~

~~(e) Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a *Licensed Forester* or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (*Bureau*) for review and approval, which provides equal or better protection of the shoreland area than this rule.~~

~~Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, *timber harvesting and related activities* may not begin until the *Bureau* has approved the alternative method.~~

~~The *Bureau* may verify that adequate tree cover and a well distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the *harvest area*.~~

~~(4) Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of *skid trails* and yards in shoreland areas.~~

~~(a) Equipment used in *timber harvesting and related activities* shall not use *river, stream* or *tributary stream* channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.~~

~~(b) *Skid trails* and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a *water body, tributary stream, or wetland*. Upon termination of their use, *skid trails* and yards must be stabilized.~~

~~(e) *Setbacks*:~~

~~(i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any *water body, tributary stream, or wetland*. On slopes of 10 percent or greater, the *setback* for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot *setback* is required.~~

~~(ii) Where such *setbacks* are impracticable, appropriate techniques shall be used to avoid sedimentation of the *water body, tributary stream* or *wetland*. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of~~

additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the *water body, tributary stream, or wetland*. If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.

(5) ~~Land Management Roads. *Land management roads*, including approaches to crossings of water bodies, *tributary stream* channels, and *freshwater wetlands*, ditches and other related *structures*, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the *water body, tributary stream* or *wetland*. Surface water on or adjacent to *water crossing* approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or *wetland*. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the *setback* requirements in Section 15(O-1)(7) of this rule.~~

~~(a) *Land management roads* and associated ditches, excavation, and fill must be set back at least:~~

~~(i) 100 feet, horizontal distance, from the *normal high water line* of a *great pond, river* or *freshwater or coastal wetland*;~~

~~(ii) 50 feet, horizontal distance, from the *normal high water line* of *streams*; and~~

~~(iii) 25 feet, horizontal distance, from the *normal high water line* of *tributary streams*~~

~~(b) The minimum 100 foot *setback* specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot *setback* specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the *water body, tributary 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 to avoid sedimentation of the *water body, tributary stream* or *wetland*. If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.~~

~~(c) On slopes of 10 percent or greater, the *land management road setback* must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.~~

~~(d) New *land management roads* are not allowed within the shoreland area along a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the *normal high water line* and screened from the *river* by existing *vegetation*.~~

~~(e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage *structures* shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the *setback* requirements in Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the *water body, tributary stream, or wetland*. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the *water body, tributary stream, or*~~

~~wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.~~

- ~~(f) Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.~~
  - ~~(g) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O-1). Any nonconforming existing road may continue to exist and to be maintained, as long as the non-conforming conditions are not made more nonconforming.~~
  - ~~(h) Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary 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 to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.~~
  - ~~(i) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.~~
- ~~(6) Crossings of waterbodies. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.~~
- ~~(a) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section 15(O-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.~~
  - ~~(b) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1). Any nonconforming existing water crossing may continue to exist and be maintained, as long as the non-conforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high water line must conform to the provisions of Section 15(O-1).~~
  - ~~(c) Other Agency Permits. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.~~

~~(d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.~~

~~(e) Notice to Bureau of Forestry. Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:~~

- ~~(i) a map showing the location of all proposed permanent crossings;~~
- ~~(ii) the GPS location of all proposed permanent crossings;~~
- ~~(iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and~~
- ~~(iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.~~

~~(f) Water crossing standards. All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(O-1)(6)(g) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:~~

- ~~(i) concentrated water runoff does not enter the stream or tributary stream;~~
- ~~(ii) sedimentation of surface waters is reasonably avoided;~~
- ~~(iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;~~
- ~~(iv) fish passage is not impeded; and,~~
- ~~(v) water flow is not unreasonably impeded.~~

~~Subject to Section 15(O-1)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.~~

~~(g) Bridge and Culvert Sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:~~

~~(i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the river, stream, or tributary stream channel.~~

~~(ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:~~

- ~~1. use of temporary skidder bridges;~~
- ~~2. removing culverts prior to the onset of frozen ground conditions;~~
- ~~3. using water bars in conjunction with culverts;~~
- ~~4. using road dips in conjunction with culverts.~~

- (iii) ~~Culverts utilized in river, stream and tributary stream crossings must:~~
- ~~1. be installed at or below river, stream or tributary stream bed elevation;~~
  - ~~2. be seated on firm ground;~~
  - ~~3. have soil compacted at least halfway up the side of the culvert;~~
  - ~~4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and~~
  - ~~5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.~~
- (iv) ~~River, stream and tributary stream crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100 year flood event.~~
- (v) ~~Exception. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.~~
- (h) ~~Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:~~
- ~~(i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 15(O-1)(6)(i) below.~~
  - ~~(ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.~~
  - ~~(iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.~~
- (i) ~~Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:~~

- (i) ~~Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.~~
- (ii) ~~Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.~~
- (iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:
  1. ~~it shall be designed to provide an opening sufficient in size and structure to accommodate 25-year frequency water flows;~~
  2. ~~it shall be designed to provide an opening with a cross sectional area at least 3 1/2 times the cross sectional area of the river, stream or tributary stream channel; or~~
  3. ~~it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.~~

If, despite such precautions, sedimentation or the *disruption of shoreline integrity* occurs, such conditions must be corrected.

(7) Slope Table

~~Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O 1), but in no case shall be less than shown in the following table.~~

<del>Average slope of land between exposed mineral soil and the shoreline (percent)</del>	<del>Width of strip between exposed mineral soil and shoreline</del>
	<del>(feet along surface of the ground)</del>
<del>0</del>	<del>25</del>
<del>10</del>	<del>45</del>
<del>20</del>	<del>65</del>
<del>30</del>	<del>85</del>
<del>40</del>	<del>105</del>
<del>50</del>	<del>125</del>
<del>60</del>	<del>145</del>
<del>70</del>	<del>165</del>

TOWN OF HAMPDEN  
Draft

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

Additions are underlined                      Deletions are ~~strikethrough~~

**17. Definitions.**

~~*Cross sectional area.*~~ “Cross sectional area” means the ~~cross sectional area of a stream or tributary stream~~ channel is determined by multiplying the ~~stream or tributary stream~~ channel width by the average ~~stream or tributary stream~~ channel depth. The ~~stream or tributary stream~~ channel width is the straight line distance from the ~~normal high water line on one side of the channel to the normal high water line on the opposite side of the channel.~~ The average ~~stream or tributary stream~~ channel depth is the average of the vertical distances from a straight line between the ~~normal high water lines of the stream or tributary stream~~ channel to the bottom of the channel.

~~*DBH.*~~ “DBH” means the diameter of a standing tree measured 4.5 feet (breast height) from ground level.

~~*Disruption of shoreline integrity.*~~ “Disruption of shoreline integrity” means the alteration of the physical shape, properties, or condition of a ~~shoreline at any location by timber harvesting and related activities.~~ A ~~shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross section, and in the case of flowing waters, a profile and character altered from natural conditions.~~

~~*Harvest area.*~~ “Harvest area” means the area where ~~timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place.~~ The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

~~*Land management road.*~~ “Land management road” means a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for ~~timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.~~

~~*Residual basal area.*~~ “Residual basal area” means the average of the basal area of trees remaining on a harvested site.

~~*Residual stand*~~ “Residual stand” means a stand of trees remaining in the forest following ~~timber harvesting and related activities~~

~~*Skid Road or Skid Trail.*~~ “Skid road or skid trail” means a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

~~*Slash.*~~ “Slash” means the residue, e.g., treetops and branches, left on the ground after a timber harvest.

~~*Timber harvesting and related activities.*~~ “Timber harvesting and related activities” means timber harvesting, the construction and maintenance of ~~roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.~~

~~Windfirm. "Windfirm" means the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.~~

D-2-d



**TO: Hampden Town Council**  
**FROM: Robert Osborne, Town Planner**  
**SUBJECT: Draft Zoning Ordinance Text Amendment, Business B District**  
**DATE: May 21, 2014**

The Town Council referred this Zoning Ordinance Text Amendment concerning the Business B District to the Planning Board for public hearing and recommendation. The Board held a public hearing on the item at their April 9, 2014 meeting, sent it to committee for its April 23, 2014 meeting and then made an "ought to pass" recommendation at their May 14, 2014 meeting with a couple of friendly amendments. The Board recommended that buildings over 35 feet in height be a Conditional Use and that storage facility be deleted from the list of contemplated uses in the district.

One of the goals was to make certain that existing uses did not become non-conforming uses after the map amendment is approved. Thus, added to the permitted uses is single family dwellings (and home occupations). Added to the conditional uses are: automobile and truck sales and service, storage facility, church and funeral home.

Additionally, the conditional uses do not contain a number of uses that seem likely to be useful to the district including: mixed residential/commercial uses, day care facility and child care center, preschool, commercial school, place of assembly, nursing home, community facility, community building, hotel and motel and buildings for essential services.

A second goal is the following: The Business B District's yard requirements are significantly larger than the now in effect Village Commercial's and looking out for those single family residences that are to become part of the Business B District staff suggests borrowing the concept from the Residential B District that provides relief for the existing smaller lots with regard to yard setbacks.

Finally, there may be need of buildings in the district in excess of 35 feet in height. With that in mind staff has added language that would allow taller buildings with an additional setback consistent with the concept that was previously developed for other commercial districts.

**TOWN OF HAMPDEN**  
**Draft**

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

Additions are Double Underlined                      Deletions are ~~Strikethrough~~

**3.13. Business B District**

**3.13.1. Purpose** - This district is intended to provide a location for larger commercial developments (in excess of 10,000 sq. ft. of floor area) in central locations of Hampden.

**3.13.2. Permitted Uses (Subject to Site Plan Review)** - Business and professional offices, retail and service businesses, take-out restaurant, small restaurant, single family dwelling, home occupation (subject to Article 4.10), accessory uses or structures and essential service.

**3.13.3. Conditional Uses (Subject to Site Plan Review)** - Sit-down restaurant, fast-food restaurant, outdoor dining restaurant, tavern, drive-thru business, automobile and truck sales and service, church, mixed residential/commercial uses, limited to a maximum of four (4) dwelling units, day care facilities and child care center (subject to Article 4.19), preschool, commercial school, place of assembly, nursing home, funeral home, community building, community facility, hotel and motel, buildings over 35 feet in height and buildings for essential services

**3.13.4. Lot Dimensions**

Minimum Lot Area	-	1 acre
Minimum Road Frontage	-	125 feet*
Minimum Setbacks:		
Street Yard	-	35 feet*
Other Yards	-	30 feet*
Maximum Lot Cover	-	20 percent
Maximum Building Height	-	35 feet

\*Any lawfully existing lot of record situated in a Business B District containing road frontage of 100' or less as of June 1, 2014 served by public sewer with existing single family dwellings and accessory structures with minimum street yard and other yards of not less than 10 feet each. Any such lots containing between 100' and 124' of road frontage may be developed for single family dwellings and accessory structures with minimum street and other yards of 10 feet each, plus 0.5 feet per side yard for each foot of road frontage in excess of 100'.

**3.13.5. Special District Regulations**

1. Along any boundary line adjacent to a residential district a Class III landscaped buffer strip shall be provided.
2. Shopping centers shall provide accommodations for pedestrians, bicyclists, handicap accessibility and public transportation. (Adopted: 11-8-83) (Amended: 8-8-94)
3. Buildings with the exception of one and two unit dwellings constructed, reconstructed, moved or structurally altered, shall comply with the following standards:

- a. Buildings shall have a pitched roof with a minimum pitch of six (6) in twelve (12), or have a roof form and pitch consistent with adjacent structures within 300 feet or if in the development of structures in excess of 10,000 square feet, has an appearance similar to that of a pitched roof.
  - b. Buildings shall have exterior siding that is compatible with those of the adjacent buildings, such as brick or masonry veneers, wood siding, wood shingles, aluminum or vinyl siding simulating a clapboard pattern, or hardboard siding. Inconsistent architectural elements created by illumination, form or color shall be discouraged.
  - c. Buildings in excess of 10,000 square feet shall treat the predominately visible street facade(s) within the guidelines of the above materials to provide a consistent architectural appearance.
4. In order to evaluate consistency with Special District Regulation 3, the site plan submission shall include elevation drawings with details as to how the above standards are met. *(Amended: 07-19-00)*
  5. Fast-food restaurant use shall be located on a lot having a minimum lot size of 1.5 acres, minimum frontage of 200 and no part of the vehicle queue shall be located within 100 feet of a residential structure. *(Amended: 12-6-04)*
  6. Sale or consumption of alcoholic beverages is prohibited for outdoor dining restaurant uses in conjunction with take-out restaurants and fast-food restaurants. *(Amended: 12-6-04)*
  7. Outdoor dining areas proposed for outdoor dining restaurant uses shall be clearly delineated on a site plan including barriers required under M.R.S.A. *Title 28-A*. Outdoor dining restaurant uses proposing outdoor consumption of alcoholic beverages shall comply with M.R.S.A. *Title 28-A: LIQUORS §1051. Licenses generally* which requires that outside areas be controlled by barriers and by signs prohibiting consumption beyond the barriers. *(Amended: 12-6-04)*
  8. Notwithstanding the maximum building height regulation herein building height may be up to 60 feet maximum height under the following condition: Buildings in excess of 35 feet in height shall provide additional setbacks on all yards as herein stipulated: Subtract 35 feet from the proposed building height and add that difference to each base yard setback requirement.

EXAMPLE: A 60 foot tall building is proposed. By subtracting the base district building height from the proposed height the following is the result  $60 - 35 = 25$  which is added to the minimum yard requirement.

		Minimum Setbacks:	Modified Setback
Street Yard	-	35 feet	60 feet
Other Yard	-	30 feet	55 feet

D-2-e



**TO: Hampden Town Council**  
**FROM: Robert Osborne, Town Planner**  
**SUBJECT: Draft Zoning Ordinance Map Amendment, Western Avenue**  
**DATE: May 21, 2014**

This Zoning Ordinance Map amendment was referred to the Planning Board for public hearing and recommendation. The Board held a public hearing on the item at their April 9, 2014 meeting, sent it to committee for its April 23, 2014 meeting and then made an "ought to pass" recommendation at their May 14, 2014 meeting.

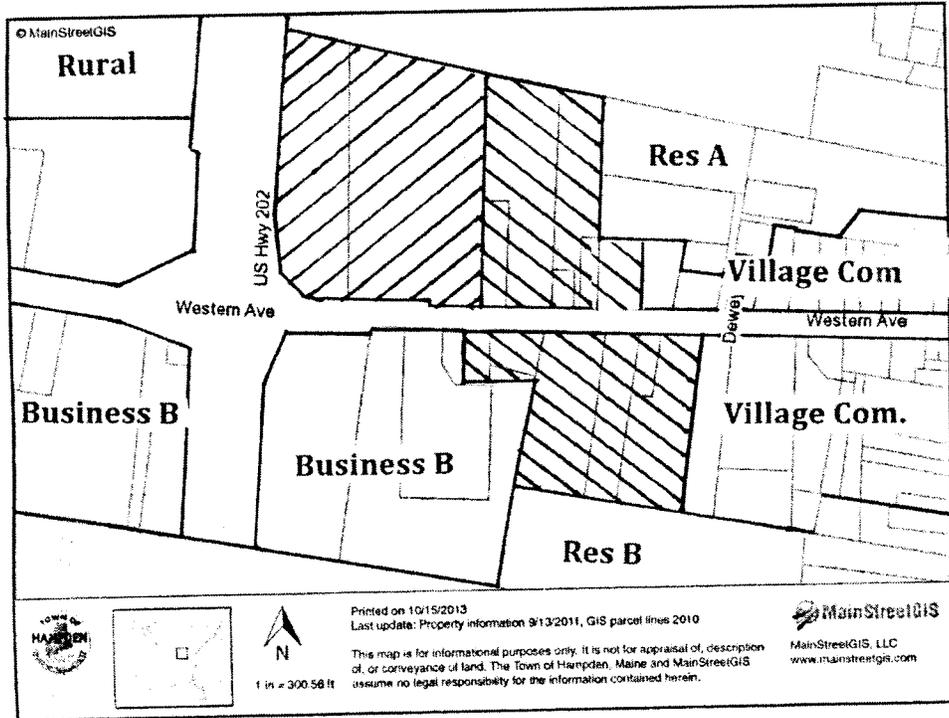
It is important to note that while much of the public comment has been favorable some has not. The town has received favorable comment from the Frosts, McCues and Gilpatricks. The Pellerines at 54 Western Avenue next to the parish house are not in favor of the amendment and that land parcel is proposed to be changed from Residential A to Business B. Marjorie Bowen next door to McCues also spoke against the amendment and her parcel is just beyond the subject zone change.

The land parcels involved include the following: Starting on the north side of Western Avenue, east of Route 202 are Map 31, Lots 14 and 15 (Catholic Church and parsonage), Map 32, Lots 1 (Pellerin), Map 32, Lots 2, 3 and 3A (all owned by Frost) and Map 32, Lot 4 and 5 (owned by McCue). On the south side of Western Avenue, starting with the front corner of the Katahdin Trust Bank, Map 36, Lots 30, 29 and 28 (Gilpatrick), and Map 36, Lots 27 and 27A (TDS).

The total land area to be rezoned on the north side of the street is 13.25 acres (10 acres from Res. A to Business B District and the remaining 3.25 acres from Village Commercial to Business B District. The land area to be rezoned on the south side of the street is 6 acres all from Village Commercial to Business B District.

# TOWN OF HAMPDEN Draft

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



 **Residential A to Business B**
 **Village Com. to Business B**

10/15/2013

D-2-f



**TO:** Hampden Town Council  
**FROM:** Robert Osborne, Town Planner  
**SUBJECT:** Draft Subdivision Open Space Amendment  
**DATE:** May 21, 2014

The Town Council referred this Subdivision Ordinance text amendment concerning Open Space to the Planning Board for public hearing and recommendation. The Board held a public hearing on the item at their April 9, 2014 meeting, sent it to committee for its April 23, 2014 meeting and then made an "ought to pass" recommendation at their May 14, 2014 meeting with a friendly amendment adding "*This exemption shall also apply to further division of lots in previously approved subdivisions*" to the stated exemptions for open space dedication.

**TOWN OF HAMPDEN**  
**Draft**

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

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

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

D-2-g

Town Council Compensation Ordinance

The Town of Hampden hereby ordains that the following amendments to the Town Council Compensation Ordinance be enacted

Deletions shown by ~~strikeout~~  
Additions shown by underlining.

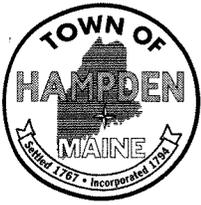
Section 1. Pursuant to Sec. 203 of the Town Charter, the Hampden Town Council hereby determines that effective July 1, 2014 the annual salary of the chairman and councilors shall be as follows:

Chairman	\$35.00 <u>1.00</u> /meeting
Other Councilors	\$30.00 <u>1.00</u> /meeting

Section 2. For the purposes of this Ordinance, a meeting shall include all regular or special meetings of the Town Council, as well as the meetings of its committees. In order to be eligible for compensation for a meeting, the chairman or councilor must have been present at the meeting.

~~Section 3. Pursuant to Sec. 203 of the Town Charter, the foregoing increase in salary shall become effective as of the first regularly scheduled meeting in January 2006, said meeting being the commencement of the terms of councilors elected at the next regular election scheduled for November 8, 2005.~~

Section 3. This Ordinance shall apply retroactively to July 1, 2014.



D-2-h

TOWN OF HAMPDEN  
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 7/7/2014

Public Hearing: Yes X No     

- Application for Liquor License
- Application for Victualer's License
- Application for Off-premises Catering
- Application for Outdoor Wood-burning Furnace License

NAME: Chen, Inc.  
d/b/a Nealley's Corner Store Business Name Jin Rong Chen Individual

ADDRESS: 1230 Kennebec Rd. PHONE: 207-542-4001

MAP/LOT: Map 1, Lot 31 DATE: 6/16/2014

DEPARTMENT REPORT:

Appears to comply with the Town of  
Hampden Victualer's ordinance.

DATE: 7/2/14

BY: Ben J. [Signature]  
Title: Code Enforcement Officer

BY: Fire/Building Inspector [Signature]  
Title: [Signature]

**TOWN OF HAMPDEN, MAINE**

**APPLICATION FOR VICTUALER'S LICENSE**

DATE: 6/16/14 PHONE NUMBER: 207 542 4001

NAME(S): Jin Rong chen

ADDRESS: 1230 Kennebec Rd. Hampden ME 04444

NAME OF BUSINESS: Neally's Corner store chen Inc

LOCATION OF BUSINESS: 1230 Kennebec Rd. Hampden ME 04444

SIGNATURE: Jinrong chen

\*\*\*\*\*

(FOR TOWN USE ONLY)

\*This facility has been inspected and meets ordinance criteria.

Ben [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**

**LICENSE FEE: \$125.00** Date Received/Fee Paid: \$125.00 / JUN 16 2014  
(Fee Includes Notice of Public Hearing)

D-4-a



**MAINE MUNICIPAL ASSOCIATION**

***Risk Management Services***

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

***Telephone No.***

(207) 626-5583  
(800) 590-5583 Maine Only  
RMS Fax (207) 626-0513  
Fax (207) 624-0127

June 11, 2014

Scott Webber  
Town of Hampden  
106 Western Ave  
Hampden, ME 04444

RE: Safety Enhancement Grant Application for May 2014

Dear Sergeant Webber:

The selection committee has reviewed your application and is pleased to approve your request. This grant is to be used exclusively for purchasing the Traffic Safety (Cones/Vests/Signs/Gloves/Lights), as stated in your application.

The grant is intended to cover two-thirds of your cost up to, but not exceeding \$1,969.42. When your project is complete, please send us proof of payment (cancelled check, treasurer's warrant, "paid" stamped invoice, etc.) so that reimbursement can be made. The grant must be used within one year from the date of this letter or it will be withdrawn.

We have enclosed a press release that may be used to announce your Safety Enhancement Grant to your community. If you have any questions, please call Jennette Holt at 626-5583 ext. 2240 or contact me directly at 624-0138. Congratulations on your grant! We appreciate your interest in workplace safety.

Sincerely,

Edward MacDonal  
Loss Control Manager

Enclosed: Draft Press Release

cc: Susan Lassard

**Press Release**  
***For Immediate Release***

Municipal Officials are pleased to announce that the Town of Hampden has received a Safety Enhancement Grant awarded by the Maine Municipal Association for **\$1,969.42**.

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

The Maine Municipal Association has been awarding safety grants to Members of their Workers' Compensation fund since 1999. The Grant program has assisted municipalities by bestowing more than **\$3.2 million** through funding of **2,527** Safety Enhancement Grants and **366** Scholarship Grants.

Ed MacDonald, Loss Control Manager for Maine Municipal Association, advises the program received **182** applications for this grant period and **\$154,499.18** was awarded. Grants are awarded in May and October each year.

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

INFRASTRUCTURE COMMITTEE MEETING MINUTES  
Monday June 23, 2014

D-4-b  
D-4-c  
D-4-d  
D-5-a  
D-5-b  
D-5-c

Attending:

Mayor Carol Duprey	Councilor Ivan McPike
Councilor David Ryder	Councilor Greg Sirois
Councilor Tom Brann	Town Manager Sue Lessard
Councilor William Shakespeare	Public Works Director Chip Swan
Resident Terry McAvoy	Firefighter/Paramedic Jared LeBarnes
Resident Mary Beckett	Fire Lieutenant Jason Lundstrom

The meeting was opened at 6 p.m. by Chairman Ryder.

1. MINUTES OF 4/28/2014 – Motion by Councilor McPike, seconded by Councilor Sirois to approve the May 27, 2014 minutes. Unanimous vote in favor.
2. OLD BUSINESS
  - A. Update – Route 1A Sidewalk – Possible Alternatives – Public Works Director Chip Swan explained to the Committee that he had a staff member assess the sidewalk and there were 1266 feet of it that was in poor condition. He estimates that it would take 40 tons of mix to shim the sidewalk at a cost of approximately \$3,000 and the cost of renting a vibratory roller would be \$800 a week. He estimated that public works employees can do the work in a week or two at a total cost not to exceed \$5,000. He plans to have the work done during the first two weeks of July. Motion by Councilor McPike, seconded by Councilor Shakespeare to recommend to the Council the repair of the Route 1A Sidewalk and to refer to Finance & Administration for funding options. Vote 6-0.
  - B. Municipal Building Flooring Repairs – The Town Manager explained that Public Safety Director Rogers had discussed both tile and finished concrete flooring options for the public safety hall, entrance area, and downstairs corridor. The estimate for tile was higher than the estimate for the finished concrete, but both estimates were over the \$10,000 amount which requires it to be put out to bid. The option preferred by staff is finished concrete for length of wear, ease of maintenance, and life. Motion by Councilor McPike, seconded by Councilor Sirois to put finished concrete flooring out to bid for the portions of the municipal building identified – public safety reception, and public safety corridors upstairs and downstairs. Unanimous vote in favor.
3. NEW BUSINESS
  - A. Request to close Wheeldon Heights for block party July 19<sup>th</sup> Noon to 6 p.m. – Resident Mary Beckett, of Wheeldon Heights in Hampden, asked for permission to close Wheeldon Heights on July 19<sup>th</sup> from noon to 6 to all non-resident traffic. The purpose of the closure is for a block party with children's games and a pot luck dinner/barbecue. Councilor Shakespeare asked if all residents of the street had been notified and Mrs. Beckett advised that most had, but that some had

not. It was her intent to do so after the Council had acted on the request so that she could be definite in what she was telling people. Motion by Councilor McPike, seconded by Councilor Sirois to recommend to the Council that they allow the closure of Wheeldon Heights on July 19<sup>th</sup> from noon to 6 p.m. for all but resident travel to allow for a block party. Unanimous vote in favor. Councilor Shakespeare expressed support for the block party but concern over the fact that all residents of the street had not had an opportunity to express their opinion. He suggested that she do so and provide additional information to the Council on July 7<sup>th</sup> when the matter is on the Council agenda.

- B. Emergency Signs over Street Signs – Public Safety Request – Firefighter/Paramedic Jared LeBarnes and Lieutenant Jason Lundstrom presented a request to use existing grant money for the purchase of red street number directional signs to go on top of street/stop signs at the intersection of 11 local roads in Hampden. The Town of Hermon has such signs and they are a great help to any emergency service responding within the community, and are also very helpful to the State Police or other communities who may respond in Hampden for mutual aid. Motion by Councilor McPike, seconded by Councilor Sirois to recommend to the Council the use of existing grant funds for the purchase of the requested signs. Unanimous vote in favor. Public Works Director Chip Swan stated that Public Works would assist with getting the signs up.
- C. Annual Salt Purchase – Public Works Director Chip Swan presented information related to the road salt contract for the 2014/15 year. The Town for a number of years has participated in the State bid process and used Harcross. This year's recommendation is to go with Bangor and Brewer in a separate bid with International salt at a price of \$53.98 per ton – which is 3.23 less a ton than the State bid that we had been using. Motion by Councilor Brann, seconded by Councilor Shakespeare to recommend to the Council that the road salt bid be awarded to International Salt for \$53.98 per ton for the 2014/15 year. Unanimous vote in favor.
- D. Littlefield Avenue Paving – Public Works Director Chip Swan reported that he had been contacted by the Town of Hermon in regard to Littlefield Avenue. Part of the road is in Hampden and part of the road is in Hermon. This year the Town of Hermon is paving their section, and the WhiteHouse Inn is also doing reclamation of their parking areas adjacent to the section of road owned by the Town of Hampden. There is a serious drainage problem in one section of the road owned by Hampden. The Public works director got a cost estimate for just material to repair the section of the road with the drainage issue and that estimate was \$11,250 for material. Wellman Paving is doing the work for the Town of Hermon and the Whitehouse Motel and they submitted a price of \$8,991.50 to reclaim and pave the 300' of road that is owned by the Town of Hampden. The Public Works Director suggested using line striping monies in the current budget to do this work and not do line striping this fiscal year. Motion by Councilor Brann, seconded by Councilor Shakespeare to recommend to the Council that the paving/reclamation of the Town of Hampden section of

Littlefield Avenue be awarded to Wellman Paving for the cost of \$8,991.50. Unanimous vote in favor. This item will be on the Finance & Administration Committee agenda for consideration for funding on the July 7, 2014 agenda.

- E. Elm Street East Culvert – The Public Works Director presented the bids that had been received for the replacement of the culvert on Elm Street East. The bids ranged from a low of \$65,707 to a high of \$184,800. Maine Earth was the low bidder. They are a Hampden company and have done work successfully for the Town before. The bid is within a few thousand dollars of the contract estimate that had been prepared for the job. Motion by Councilor McPike, seconded by Councilor Sirois to award the contract to Maine Earth for a price of \$65,707. Unanimous vote in favor. This item will be forwarded to Finance & Administration for consideration of funding on the July 7, 2014 agenda. There was some confusion about the funding source for this project. The Town Manager explained that when the project was originally sent out for bid, it was supposed to be funded from Streets & Road Reserve. This project and the Route 1A sidewalk project in conjunction with MDOT were the ones scheduled for funding from that source in this fiscal year.
- F. Road Striping – No action was taken on this item since funding related to it is now slated to be used to pave/reclaim the Town of Hampden portion of Littlefield Avenue.

4. PUBLIC COMMENTS - None

5. COMMITTEE MEMBER COMMENTS

Chairman Ryder asked about bid progress for the pool roof and was told by the Public Works Director that they would be opened on July 24, and that bids for replacement of the diesel fuel tanks at the town garage are due that date as well.

Chairman Ryder also asked about wood harvesting at the Business Park so that the Town could take advantage of that stumpage associated with clearing for roads. Councilor Brann stated that the actual location of where those roads would be was still in question since Sargent is working with DEP on amending the original permit and due to the location of vernal pools. Councilor Sirois suggested moving this item to Planning & Development so that it could be handled concurrently with the Sargent proposal.

Chairman Ryder asked if there had been any clarification on putting gravel adjacent to the municipal parking lot to eventually provide for additional parking. The Manager stated that she had not checked the minutes to determine what was actually supposed to take place, but that there had been some confusion at the last Infrastructure Committee meeting on the issue. There was discussion among Committee members as to whether the additional parking was needed other than for major elections and large meetings in the Community Room. No decision was made on this item and the Manager will check the minutes from the earlier meeting as to what the plan was at that time.

Chairman Ryder asked what could be done to eliminate the rain gardens in front of the municipal building and instead plant grass in those areas. He indicated that they look terrible and that well-seeded and established grass would accomplish the same thing. The Public Works Director and the Town Manager explained that these were part of the Town's MS4 stormwater permit as passive means of treating stormwater runoff. Other Committee members expressed similar views as to the fact that these looked terrible. The Manager will bring back some proposals for improving this area to the next Infrastructure Committee meeting.

Councilor Brann thanked the Public Works department for the work done on Constitution to replace the collars on sewer manholes so that they were not all loose and 'floating'. He indicated that it was appreciated by people who live on that road.

Public Works Director Chip Swan notified the Committee that the new compactor for the zero-sort recycling had been installed and that we were set to begin that program on July 2, 2014. The Town Manager added that there would be an informational postcard going out to all Hampden addresses this week to notify residents of what was happening. She also noted that persons coming to the office for other business had expressed support for this new endeavor.

Motion by Councilor McPike, seconded by Councilor Sirois to adjourn at 6:50 p.m. Unanimous vote in favor.

Respectfully submitted,

Susan Lessard  
Town Manager

D-4-c



**TOWN OF HAMPDEN**  
**DEPARTMENT OF PUBLIC WORKS**

106 WESTERN AVE.  
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

June 18, 2014

To: Sue Lessard  
From: Chip Swan  
Subject: RTE 1A SIDEWALK

Susan we identified 30 areas in the sidewalk that could be shimmed for a total of 1266FT. I have estimated approx. 40 tons of mix to shim. The cost of the mix will be \$3000.00.

Cost of a vibratory roller would be <sup>\$800</sup>~~\$950.00~~ a week

Public Works could do the shimming on sidewalk the first 2 weeks of July.

Yours truly,

Chip Swan, PWD

# LANE

CONVEYORS & DRIVES, INC.

15 INDUSTRIAL PLAZA  
BREWER, ME 04412  
PHONE: (800) 800-5263 OR (207) 989-4560  
FAX: (207) 989-4625

51 NORTHWESTERN DRIVE, UNIT A  
SALEM, NH 03079  
PHONE: (603) 898-0270  
FAX: (603) 870-0966

1 - 25 FT.	18 - 28 FT.
2 - 38 FT.	19 - 13 FT.
3 - 57 FT.	20 - 30 FT.
4 - 31 FT.	21 - 64 FT.
5 - 23 FT.	22 - 86 FT.
6 - 24 FT.	23 - 43 FT.
7 - 38 FT.	24 - 20 FT.
8 - 68 FT.	25 - 93 FT.
9 - 36 FT.	26 - 65 FT.
10 - 29 FT.	27 - 43 FT.
11 - 10 FT.	28 - 38 FT.
12 - 48 FT.	29 - 88 FT.
13 - 27 FT.	30 - 57 FT.
14 - 28 FT.	
15 - 26 FT.	
16 - 53 FT.	
17 - 35 FT.	

Total  
1266 Feet



D-4-c

**TOWN OF HAMPDEN**  
**DEPARTMENT OF PUBLIC WORKS**

106 WESTERN AVE.  
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

June 18, 2014

To: Sue Lessard  
From: Chip Swan  
Subject: Annual Salt Purchase

May 28<sup>th</sup> International Salt agreed to add the Town of Hampden to the Cities of Bangor and Brewer salt contract for \$53.98/ton.

Harcros Chemical has agreed to hold the price of \$57.21/ton

We have had International salt for a supplier in the past with good service. I am recommending we accept the price from International salt for \$53.98/ton

Yours Truly,

Chip Swan, PWD



Chip Swan <publicworks@hampdenmaine.gov>

---

**Salt**

---

Daniel Thompson <dThompson@iscosalt.com>  
To: Chip Swan <publicworks@hampdenmaine.gov>  
Cc: Rose Mary Yusinski <RMYusinski@iscosalt.com>

Wed, May 28, 2014 at 6:19 PM

International Salt Company will add Hampden to the Bangor/Brewer salt contract for the 2014/15 winter season at \$53.98/ton for 1200 tons.

Thanks,  
Daniel Thompson  
[Quoted text hidden]

TOWN OF HAMPDEN  
PUBLIC WORKS DEPARTMENT

ELM STREET EAST CULVERT REPLACEMENT

BID SHEET

June 19, 2014  
10:00 AM

BIDDER	TOTAL BID PRICE
R. A. Paradis & Son, Inc.	\$ 184,800.00
Emery Lee & Sons, Inc. d/b/a Lee's General Trucking	\$ 97,500.00
Gardner Construction Enterprises	\$ 68,500.00
Maine Earth	\$ 65,707.00
Federal Program Integrators	\$ 144,793.98

D-4-d



## HAMPDEN PUBLIC SAFETY

Police - Fire - EMS  
106 Western Avenue  
Hampden, Maine 04444  
Phone 207-862-4000  
Fax: 207-862-4588

D-5-b



<u>Description</u>	<u>Quantity</u>	<u>Cost</u>	<u>Total</u>
Address Sign	11	\$24 (ea.)	\$264
Universal Bracket	9	\$6.50 (ea.)	\$58.50
Cross Bracket	2	\$6.50 (ea.)	\$13
			<b><u>Grand Total</u></b>
			\$335.50

### Proposed Sign Locations

- 202 & Coldbrook Rd
- Mayo Rd & Kennebec Rd
- Back Winterport Rd & Kennebec Rd
- Monroe Rd & Kennebec Rd
- Meadow Rd & Kennebec Rd
- Fowler Rd & Pond Rd
- Western Ave & Main Rd North
- Kennebec & Carmel Rd
- Meadow Rd & Carmel Rd
- Patterson Rd & Meadow Rd
- Sawyer Rd & Meadow Rd

Signs would assist response of Hampden Fire/Police as well as potential incoming Mutual Aid Fire Departments, Ambulances or Police.

Money for the Project is currently available in an account from money remaining from a grant. This money is allowed to be spent on training or safety items.

Installation will hopefully be done by Public Works. This project would provide the signs already lettered and the hardware for installation.

D-5-C



**TOWN OF HAMPDEN**  
**DEPARTMENT OF PUBLIC WORKS**

106 WESTERN AVE.  
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

June 18, 2014

To: Sue Lessard  
From: Chip Swan  
Subject: Littlefield Ave Hampden

Susan the week of June 9<sup>th</sup> I was approached by the White House Motel in reference to Littlefield Ave.

The Town of Hampden owns 300 ft in front of the White House entrance.

The White house Motel is reclaiming their entrance and parking lot. The Town of Hermon is paving their portion of Littlefield Ave.

We have severe water problem near the entrance to the White House. To correct the problem would take approx. 110 tons of binder and 40 tons of surface for a cost of \$11250.00

I received an estimate from Wellman paving to reclaim and pave with binder and surface for \$8991.50.

I recommend awarding this project to Wellman paving for \$8991.50 to be paid by the paving line item.

Yours truly,

Chip Swan, PWD



# ESTIMATE

Phone (207) 223-8820  
 Fax (207) 223-5123

Town of Hampden  
 106 Western Ave  
 Hampden, Me 04444

Date	Estimate #
6/12/2014	7036

Item Description	Qty	Unit	Unit Price	Total
Littlefield Road (245' x 20')				
Reclaim, Grade, and Compact Roadway (245' x 20')	545	SY	3.70	2,016.50
Pave Roadway with 2" of 12.5mm Binder	62	TON	75.00	4,650.00
Pave Roadway with 1" of 9.5mm Surface	31	TON	75.00	2,325.00

Terms and Conditions

Total \$8,991.50

- 1.) All work to be completed in a workmanlike manner according to standard practice. Any alteration or deviation from above specifications will become an extra charge over and above original estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.
- 2.) A service charge of 1.5% which is an annual percentage rate of 18% will be applied to any balance over 30 days from completion. After 60 days unpaid balances will be sent to collections. In the event the balance is sent to collections, the Customer will be responsible for paying all associated fees. After 90 days, if collection still has not been made liens may be placed on property.
- 3.) This proposal may be withdrawn by us if not accepted within 30 days. Wellman Paving Inc. reserves the right to adjust contracts to reflect the rising cost of asphalt. In the event this contract needs to be adjusted the Customer will be notified prior to any work being performed.
- 4.) No retainage is to be held on contract. Payment due if full upon receipt of invoice.
- 5.) Your signature constitutes a binding contract. Please sign and return one copy and keep one for your records.

Chris Horn  
 General Manager  
 email: chris@wellmanpaving.net  
 cell: 207-659-9610

Accepted By: \_\_\_\_\_

Date: \_\_\_\_\_

D-5-d

**MAINE DEPARTMENT OF TRANSPORTATION  
LOCAL ROAD ASSISTANCE PROGRAM (LRAP)  
CERTIFICATION 2014-2015 (FY15)  
MUNICIPALITY of 19280 Hampden**

To be eligible to receive FY-15 LRAP funds, each Municipality must **certify that the funds will be used in a manner consistent with Chapter 19 of Title 23**. Effective July 1, 2013, as defined by Title 23, §1803-B.1.A, *“funds must be used for capital improvements ... or for capital improvements to state aid minor collector highways and state aid major collector highways as described in section 1803-C.”* Effective July 1, 2008 municipalities must provide information on what capital improvements were done with the FY-14 (July 1, 2013 to June 30, 2014) LRAP funds received by the municipality. See back side of form.

It is estimated that the municipality of, **Hampden** will receive **one (1) payment of \$ \$ 64,916** for the fiscal year beginning July 1, 2014 by December 1, 2014.

Notification will be made in the event of any change.

Beginning in 2014, municipalities receive 9% of MaineDOT’s portion of the Highway Fund. This means that the disbursements to municipalities rise and fall with MaineDOT’s budget.

We, the undersigned municipal officers or designee (i.e. Town Manager) of the municipality of **Hampden** do hereby certify that funds received from the Local Roads Assistance Program for the fiscal year 2014-2015 will be used only for uses as stated above. *We also certify that the previous year’s funds were spent on the projects listed on the back of this form.*

Signed \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_ Signed \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_  
Signed \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_ Signed \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

**Municipality E-mail Address** \_\_\_\_\_

**Please print** below the name, title, and phone of the person to contact for the information on this form.

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Tel: \_\_\_\_\_

**If your address has changed in the last 3 months (and you have NOT signed up for electronic fund transfer (EFT), we must have the new address for you to receive your funds.**

Address: \_\_\_\_\_

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**Prior to August 1, 2014, (see cover letter) please return this completed form (BOTH SIDES) by US mail or scanned PDF/email to:**

Sandra J. Noonan  
MaineDOT- Community Services Division  
16 State House Station  
Augusta, Maine 04333-0016  
Tel. (207) 624-3265, or [sandra.noonan@maine.gov](mailto:sandra.noonan@maine.gov)

**NO LRAP payment can be made until a completed form (BOTH SIDES) is received by MaineDOT- Community Services Division.**

Please make a copy for your records.

Over please