



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

AUGUST 20, 2012

7:00 P.M.

• **5:30 pm – FINANCE & ADMINISTRATION COMMITTEE MEETING**

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

- a. Department of Health & Human Services – General Assistance Audit
- b. Email – Councilor Hornbrook re Questions about Ordinances and Comp Plan

4. REPORTS

- a. Finance & Administration Committee Minutes – 8/6/2012

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Mike Jellison – New Appointment to Lura Hoit Pool Board of Trustees – Services Committee Recommendation
- b. Victoria Levesque – New Appointment to Lura Hoit Pool Board of Trustees – Services Committee Recommendation
- c. Sarah McVeigh – New Appointment to Lura Hoit Pool Board of Trustees – Services Committee Recommendation
- d. Joshua Sargent – New Appointment to Lura Hoit Pool Board of Trustees – Services Committee Recommendation
- e. Nomination Papers available for Councilor At-Large; RSU #22 Board of Directors & Hampden Water District Board of Trustees

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

3. UNFINISHED BUSINESS

- a. Request to use GIS Reserve Funds for Digital Documents Scanning Project
- b. Set Mil Rate – 2012/2013 Tax Year
- c. Draft TIF Agreement with Dennis Paper
- d. Schedule Site Visit – Old Hampden Academy
- e. Town Council Rules – Mayor Hughes

4. NEW BUSINESS

- a. Zoning Ordinance Text Amendments – re Definition of Community Building – Referral to Planning Board

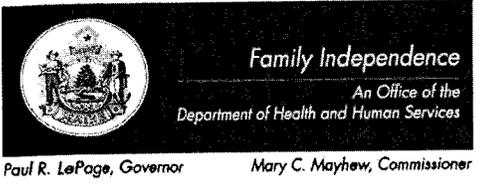
D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT

Off A-3-a



August 7, 2012

Cheryl Johnson
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Dear Cheryl:

This letter is in reference to the General Assistance review conducted in Hampden on July 26, 2012.

The review indicates that your program is in compliance with the General Assistance statutes and the Department of Health and Human Services' General Assistance policy.

If this office can be of any assistance to you, please call 1-800-442-6003.

Sincerely Yours,

Ellen D. Heath
Field Examiner II
General Assistance Program



Denise Hodsdon <clerk@

A-3-b

Re: DVD and questions

Thomas A. Russell <tar@frrlegal.com>

Thu, Aug 9, 2012 at 4:25 PM

To: Susan Lessard <manager@hampdenmaine.gov>, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov>

Cc: Andre Cushing <andrec@roadrunner.com>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@hampdenmaine.gov>, Jean Lawlis <lawlistowncouncil@hampdenmaine.gov>, Jeremy Williams <jeremy@renegadeair.com>, Jeremy Williams <williamstowncouncil@hampdenmaine.gov>, Shelby Wright <wrighttowncouncil@gmail.com>, Tom Brann <branntowncouncil@hampdenmaine.gov>, Robert Osborne <planner@hampdenmaine.gov>, Dean Bennett <economicdevelopment@hampdenmaine.gov>

All:

Maine is a so-called "home rule" state. Under Title 30-A M.R.S. §3001, a municipality may exercise any power or function that the State Legislature has the authority to confer upon it, unless the Legislature denies that authority either expressly or by clear implication. The Legislature has expressly provided that three types of ordinances require a comprehensive plan as a prerequisite to their enactment. Title 30-A M.R.S. §4352(2) provides that a "zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body." This provision does not apply to all land use ordinances, as it only applies to a zoning ordinance. Title 30-A M.R.S. §4301(15-A) defines a "zoning ordinance" as a "land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district."

Also, Title 30-A M.R.S. §4314(3) provides that in addition to a zoning ordinance, a "rate of growth ordinance" and an "impact fee ordinance" "must be consistent with a comprehensive plan...". Section 4301(13-A) defines a "rate of growth ordinance" as a "land use ordinance or other rule that limits the number of building or development permits issued by a municipality or other jurisdiction over a designated time frame." For example, during the real estate boom in southern Maine, a number of municipalities in that area were placing limitations on the number of building permits that could be issued each year. The term "impact fee ordinance" is defined in Section 4301(6-B) as an "ordinance that establishes the applicability, formula and means by which impact fees are assessed", and Section 4301(6-A) defines an "impact fee" as a "charge or assessment imposed by a municipality against a new development to fund or recoup a portion of the cost of new, expanded or replacement infrastructure facilities necessitated by and attributable at least in part to the new development." For example, Orono required a developer of a housing project to pay an impact fee to upgrade and expand a sewer pump station to accommodate the project.

Accordingly, a comprehensive plan is not a prerequisite for any other exercise of the Town's home rule authority to enact ordinances, such as the Personnel Ordinance, Outdoor Facilities Ordinance, Military Excise Exemption Ordinance or the Borrowing Ordinance (Hampden Academy).

As you may recall, it is my opinion that the 2001 Comprehensive Plan is currently in effect. The 2001 Plan was determined by the by the State Planning Office to be consistent with the Growth Management Act, and that determination is good through December 31, 2012. In addition, Title 30-A M.R.S. §4326(3-A) provides for the purposes of Sections 4314(3) and 4452(2) referenced above, the expiration of a determination of consistency “does not itself make a comprehensive plan inconsistent with the Act.” Therefore, the Town could legally pursue zoning, rate of growth or impact fee ordinances, as long as they were consistent with the 2001 Comprehensive Plan.

Tom Russell

From: Susan Lessard [mailto:manager@hampdenmaine.gov]

Sent: Wednesday, August 08, 2012 8:53 AM

To: Kristen Hornbrook

Cc: Andre Cushing; Denise; Janet Hughes; Jean Lawlis; Jeremy Williams; Jeremy Williams; Shelby Wright; Thomas A. Russell; Tom Brann; Robert Osborne; Dean Bennett

Subject: Re: DVD and questions

Dear Kristen,

I would wholeheartedly agree that there is a great deal of confusion over the role of the Comprehensive Plan in town government and what impact it has on ordinances in general. The Town Attorney is not available until Thursday, but I will attempt to explain as best I can.

First, the Town has a Comprehensive Plan that is in effect and valid at this time. That plan is the 2001 Comprehensive Plan. The adoption of ordinances in general does not require that a Comprehensive Plan be in place. However, if a community has land use regulations – Zoning - (and Hampden does) – then ordinances adopted related to land use regulation must be consistent with the adopted Comprehensive Plan of the community in order to be legally defensible if challenged in court. The Town has the ‘right’ to adopt zoning ordinances now, but it makes little sense to do so because of the fact that there is an updated Comprehensive Plan waiting in the wings that has been through rigorous review over the past several years, and the final adoption of that will guide land use ordinance development in the future.

With the exception of the land use portion of the Comprehensive Plan, the 2010 draft and the 2001 Plan are not dissimilar. Ordinances such as the Outdoor Facilities Ordinance and the Military Excise Exemption Ordinance do not conflict with the goals of either.

The Outdoor Facilities Ordinance replaced two existing, noncompliant ordinances and made consistent the ‘rules’ regarding what can or cannot happen on land to which the Town holds the title. That is not a zoning ordinance in that it does not regulate what can or cannot happen on private property.

According to the Town Planner, his intended message when asked about the Outdoor Facilities Ordinance was similar to what I stated in the prior paragraph.

The Military Excise Exemption Ordinance is another example of an ordinance that the Town is considering at this time that is not land-use (zoning) related.

I hope that this is helpful. I will have Tom Russell respond with the 'legal' interpretation when he returns.

Susan

On Tue, Aug 7, 2012 at 12:08 PM, Kristen Hornbrook <hornbrooktowncouncil@hampdenmaine.gov> wrote:

Good afternoon,

I would like to reserve (2) copies of the DVD of Council meeting for August 6th.

Also, (1) DVD of Council meeting for July 16th. Thank you.

After some conversations today regarding meetings and ordinances, a question has come up regarding the passage of ordinances and I am unable to answer it at this time.

The question is: how is it that ordinances are able to be passed in Hampden when the Comprehensive Plan has not yet been passed? Doesn't that have to be passed first?

A resident asked this of the town planner last week and was allegedly told that 'no ordinances have been passed.'

When asked about the Outdoor Facilities Ordinance the resident was allegedly told, 'yes that one has, but only little ones are being passed.'

This is causing great confusion and I wonder if the town planner or the economic development director could shed some light on the answer for residents?

Thank you.

Councilor Kristen Hornbrook

FINANCE & ADMINISTRATION COMMITTEE MEETING MINUTES

Monday, August 6, 2012

Attending:

Councilor Shelby Wright	Mayor Janet Hughes
Councilor Jean Lawlis	Sue Lessard, Town Manager
Councilor Jeremy Williams	Chip Swan, Public Works Director
Councilor Tom Brann	Residents

The meeting was called to order at 6:35 p.m. by Mayor Janet Hughes.

1. Minutes – 7/16/2012 – Motion by Mayor Hughes, seconded by Councilor Jean Lawlis to approve the minutes of 7/16/2012. Unanimous vote.
2. Review & Signature of Warrants – The Warrants were reviewed and signed by Committee members.
3. Old Business
 - a. David Caliendo – Application to Board of Assessment Review – Motion by Councilor Williams, seconded by Councilor Lawlis to recommend to the Council the re-appointment of David Caliendo to the Board of Assessment Review. Unanimous vote.
 - b. Town Manager – Board of Environmental Protection Meetings – Use of Vacation Time – Motion by Councilor Lawlis, seconded by Councilor Brann to reaffirm the action of prior Councils with respect to the Town Manager's service on the Board of Environmental Protection. Unanimous vote.
 - c. Town Charter Review – Town Council Section – This item will be discussed at the next meeting. It has been on the agenda several times and lack of time has not allowed it to be discussed. The time for getting Charter changes done for a vote in November of 2012 has passed.
4. New Business
 - a. Loader/backhoe Financing – Motion by Councilor Williams, seconded by Councilor Wright to recommend to the Council that the loader/backhoe bid be awarded to Nortrax for a cost of \$63,000, funded from Public Works Equipment Reserve through a five year lease purchase plan. Unanimous vote.
5. Public Comment - None
6. Committee Member Comments – None

The meeting was adjourned at 6:53 p.m.

Respectfully submitted,

Susan Lessard
Town Manager



Check One: Initial Application
 Application for Reappointment

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

C-2-a

NAME: JASON MIKE L
LAST FIRST MI

ADDRESS: 13 Summer Str. Hampden
STREET MAILING

TELEPHONE: 862-3153 745-1579 (c)
HOME WORK

OCCUPATION: Business & Community Liaison Best Job

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Lura Hoit Memorial Pool Corps Academy

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee?
2+ yrs family member Lura Hoit Pool -
Experienced in Outreach/Networking
Founding board member Orono/Veazie Lake League
State of Maine Parks & Recreation Volunteer of the Year 1996

Are there any issues you feel this board or committee should address, or should continue to address?
Maintaining the financial sustainability of the Pool -

- 3 YEAR
- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL
- ECONOMIC DEVELOPMENT COMMITTEE
- DYER LIBRARY
- RECREATION COMMITTEE
- ZONING BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- 5 YEAR
- PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received <u>MAY 01 2012</u>
SERVICES APPOINTMENTS COMMITTEE ACTION:	<u>Recommend Appt.</u>	DATE: <u>6/11/12</u>
COUNCIL ACTION:	_____	DATE: _____
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application
 Application for Reappointment

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

C-2-b

NAME: Victoria Levesque G
LAST FIRST MI

ADDRESS: 116 Shaw Hill Rd P.O. Box 288
STREET MAILING

TELEPHONE: 862-3535 944-4206
HOME CELL WORK

OCCUPATION: Teacher of Gifted - Fairmount School - Bangor

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Laura Hoyt Pool - 2yr

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board on committee? Well educated w/ 2 Master's Degrees, therefore, able to analyze + evaluate information • good social skills/ with teacher experience able to communicate with variety of social strata • citizen of Hampden for 40+ years and support community services. (more on back)

Are there any issues you feel this board or committee should address, or should continue to address? always looking to provide opportunities for community members of all ages and being part of a community that supports on-going health opportunities. 3 YEAR

- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL ✓ 2yr
- ECONOMIC DEVELOPMENT COMMITTEE

- DYER LIBRARY
- RECREATION COMMITTEE
- ZONING BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE

5 YEAR PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: <u>MAY 01 2012</u>
SERVICES APPOINTMENTS COMMITTEE ACTION: <u>Recommended Appt.</u>		DATE: <u>6/11/12</u>
COUNCIL ACTION: _____		DATE: _____
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application
 Application for Reappointment

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

C-2-C

NAME: McVeigh Sarah
LAST FIRST MI
ADDRESS: 127 Sunken Bridge Rd Winterport, ME 04496
STREET MAILING
TELEPHONE: 223-4281 _____
HOME WORK
OCCUPATION: Interpreter
BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Laura Holt Memorial Pool
SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? In the past I organized and ran the
Winterport Rec program. I was editor of Maine
RID news letter for 5 years. I also helped
plan and organize the Winterport Apple Fest...

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

- 3 YEAR
- CONSERVATION COMMITTEE
 - BOARD OF ASSESSMENT REVIEW
 - PERSONNEL APPEALS BOARD
 - LURA HOIT MEMORIAL POOL
 - ECONOMIC DEVELOPMENT COMMITTEE
 - DYER LIBRARY
 - RECREATION COMMITTEE
 - ZONING BOARD OF APPEALS
 - HISTORIC PRESERVATION COMMITTEE
- 5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY
Date Application Received MAY 15 2012
~~SERVICES~~
APPOINTMENTS COMMITTEE ACTION: Recommended Appt. DATE: 4/11/12
COUNCIL ACTION: _____ DATE: _____
____ NEW APPT ____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____



Check One: Initial Application
 Application for Reappointment

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

C-2-d

NAME: Sargent Toshua FL
LAST FIRST MI

ADDRESS: 291 Meadow Rd Hampden
STREET MAILING

TELEPHONE: 404-3213 _____
HOME WORK

OCCUPATION: Intake Specialist

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Lura Hoit Pool

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? I'm on the finance team for my church, so I understand non-profit fundraising. I've worked for non-profits my entire work career.

Are there any issues you feel this board or committee should address, or should continue to address? Continued operation of The pool, as it is a benefit to the local community.

- 3 YEAR
- CONSERVATION COMMITTEE
- BOARD OF ASSESSMENT REVIEW
- PERSONNEL APPEALS BOARD
- LURA HOIT MEMORIAL POOL
- ECONOMIC DEVELOPMENT COMMITTEE
- DYER LIBRARY
- RECREATION COMMITTEE
- ZONING BOARD OF APPEALS
- HISTORIC PRESERVATION COMMITTEE
- 5 YEAR
- PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: MAY 30 2012
SERVICES		
APPOINTMENTS COMMITTEE ACTION:	<u>Recommended Appt.</u>	DATE: <u>6/11/12</u>
COUNCIL ACTION:	_____	DATE: _____
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

C-3-a

MEMO

GIS



IT

To: Susan Lessard & Town Council
From: Gretchen Heldmann
Date: 08/08/2012
Re: Digital Documents Scanning Project & Reserve Request – approved in FY12 budget

Message:

The FY12 budget process contained a request for \$7,500 to do a pilot project for digital document scanning and archiving. This was approved as part of the entire FY12 budget. This is the formal request to spend that money out of the GIS Reserve account as originally proposed. This project was delayed due to time constraints and is now possible with the approval in the FY13 budget of \$3,000 for a temporary position to conduct this pilot project.

Thank you,

30-A /5225 Project Costs

1. Authorized Project Costs. The commissioner shall review proposed project costs to ensure compliance with this subsection. Authorized project costs are:

A. Costs of improvements made within the tax increment financing district, including, but not limited to

B. Costs of improvements that are made outside the tax increment financing district but are directly related to or are made necessary by the establishment or operation of the district, including, but not limited to

C. Costs related to economic development, environmental improvements, recreation trails or employment training within the municipality, including, but not limited to....

80% (1) **Costs of funding economic development programs or events developed by the municipality or funding the marketing of the municipality as a business or arts location;**

(2) Costs of funding environmental improvement projects developed by the municipality for commercial or arts district use or related to such activities;

(3) Funding to establishment permanent economic development revolving loan funds or investment funds;

(4) Cost of services to provide skill development and training for residents of the municipality. These costs may not exceed 20% of the total project costs and must be designated as training funds in the development program.

(5) Quality child care costs, including finance costs and construction, staffing, training, certification and accreditation costs related to child care;

20% (6) **Cost associated with new or existing recreational trails determined by the department to have significant potential to promote economic development, including but not limited to , costs for multiple projects and project phases that may include planning, design, construction, maintenance, grooming and improvements with respect to new or existing recreational trails, which may include bridges that are**

part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross country skiing or other related multiple uses; and

(7) Costs associated with a new or expanded transit service, limited to:

a. Transit service capital costs, including but not limited to : transit vehicles such as buses, ferries, vans, rail conveyances and related equipment; bus shelters and other transit related structures; and benches, signs and other transit related infrastructure; and

b. In the case of transit –oriented development districts, ongoing costs of adding to an existing transit system or creating new transit service and limited strictly to transit operator salaries, transit vehicle fuel and transit vehicle parts replacements.

Town Share

Projected TIF Revenues

2013-2014	\$ 8,228	
2014-2015	\$ 8,228	
2015-2016	\$ 8,228	23%
2016-2017	\$ 8,228	
<u>2017-2018</u>	<u>\$ 8,228</u>	
2018-2019	\$ 17,888	
2019-2020	\$ 17,888	
2020-2021	\$ 17,888	50%
2021-2022	\$ 17,888	
<u>2022-2023</u>	<u>\$ 17,888</u>	
2023-2024	\$ 14,310	40%
2024-2025	\$ 10,732	30%
2025-2026	\$ 7,155	20%
2026-2027	\$ 3,577	10%
2027-2028	\$ 1,788	5%

Total **\$ 168,142**

HAMPDEN TOWN COUNCIL RULES

1. The Town Council shall only act by ordinance, order, or resolve. All ordinances, orders, and resolves shall be confined to one subject, which shall be clearly expressed in the title. All orders and resolves shall be dated, numbered, and signed by the Town Clerk and the Town Councilors will receive a copy.
2. In all motions of command, the form of expression shall be 'ordered' and in all motions concerning principles, facts, or purposes, the form shall be 'resolved'.
3. The name of the Council member or other person, persons, or group requesting an item on the agenda will be indicated on the agenda with the said item.
4. As a matter of courtesy, conduct for all Council and Committee meetings shall be as follows:
 - a. Cell phones shall be silenced during Council & Committee meetings by Town Councilors, staff, and the general public.
 - b. Councilors and staff shall refrain from texting or emailing during all Council or Committee meetings.
 - c. Cell phone use, texting, and email may be done during breaks in regular or special Council meetings or committee meetings.
5. Town Councilors shall participate in Freedom of Information Act training within 120 days of being sworn in as a Town Councilor and documentation of that training shall be filed with the Town Clerk.
6. Town Councilors shall participate in Elected Officials training offered by the Maine Municipal Association within the first year of office.
7. A New Councilor orientation packet shall be provided to all Councilors at the time they are sworn in.
8. Excused absences for Councilors for Council meetings may be granted as the result of illness, vacation, work commitments, or family illness.
9. The Mayor shall take the chair at the appointed time for the meeting, call the members to order, and proceed to the following order of business:
 - A. Consent Agenda
 1. Signatures – Treasurer's Warrants, etc
 2. Secretary's Report
 3. Communications
 4. Reports
 - B. Public Comments
 - C. Policy Agenda
 1. Public Hearings
 2. Nominations-Appointments – Elections
 3. Unfinished Business
 4. New Business
 - D. Committee Reports
 - E. Manager's Report

F. Councilor Comments

G. Adjournment

10. In the absence of the Mayor, the Deputy Mayor shall preside over the Town Council meeting. In the absence of the Deputy Mayor, the Mayor shall appoint, in advance, another Council to chair the meeting.
11. When a question is under debate, the Mayor shall receive no motion but to adjourn, or for the previous question, to lay on the table, or to postpone to a day certain, or to refer to a committee or some administrative official or to amend, or to postpone indefinitely; which several motions shall have precedence in order in which they stand arranged.
12. When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion or reconsideration is decided, that vote shall not be reconsidered.
13. When any member is about to speak, they shall respectfully address the Mayor, confine themselves to the question under debate, and avoid personalities. No member speaking shall be interrupted by another but by a call to order, or to correct a mistake.
14. Every member present, when a question is put, shall give their vote, unless the Council, for special reasons, shall excuse them. Application to be so excused must be made before debate on the issue and the decision on the application shall be made by a majority vote of the council without debate.
15. The rules cannot be dispensed with or suspended if one or more members of the council shall object. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.
16. Any person wishing to address the Town Council will be given the opportunity to do so in accordance with the following procedure:
 - a. Persons wishing to address the Council on an item which appears on the agenda shall wait until the Mayor announces the consideration of such item, at which time they may address the Council on that particular item. There shall be a five minute limit on such comments per person, per item. In the event that a large number of persons wish to speak on an issue, this limit may be changed to insure that all who wish to speak have the opportunity to do so. Once public comment on an item has closed and a motion and second has been made by members of the Town Council, further public comment is only allowed if approved by a unanimous vote of the Town Council.
 - b. Any person wishing to address the Council on an item not appearing on the agenda shall be allowed to do so only in that section of the agenda referred to as "Public Comments". There shall be a five minute limit on such

comments per person per subject raised. Items heard during Public Comment may be agendaed for a subsequent meeting or referred to a Committee or staff member for discussion/action. No votes may be taken by the Council on a subject raised during Public Comment without a vote by the Council to set aside the rules and add it to the regular agenda for consideration.

- c. Any person wishing to address the Council shall signify their desire by raising their hand and, when recognized by the Mayor, such person shall thereupon request permission to address the Council, giving their name and address and then designating the subject matter on which they desire to address the Council.

17. At the commencement of the Calendar year, or as soon thereafter as possible, there shall be chosen the following Committees, each Committee to consist of three (3) members of the Council as the Mayor may designate, or, upon a motion, the Council may ballot.

- a. Finance & Administration – The purpose of this committee shall be to review all items related to their fiscal impact on the Town as well as all matters that pertain to items of administrative procedures. This committee will also have the responsibility for the review and signature of all payment warrants.
- b. Services Committee – The purpose of this committee shall be to review all matters related to services provided by the Town related to recreation, parks, trails, the library, the pool, and other items related to non-emergency or public works services provided in the community
- c. Infrastructure – The purpose of this Committee shall be to review all matters pertaining to public infrastructure including buildings, roads, and all town capital equipment.
- d. Planning & Development – The purpose of this Committee shall be to review all matters related to all ordinances of the Town and all proposals for economic & community development.
- e. Communications – The purpose of this Committee shall be to review all matters related to the Town Website, Town Newsletter, Town Cable Channel 7, and other town sponsored communication activities.

18. Committee procedure shall be governed as follows:

- a. All Committees will be required to post an agenda at least 48 hours prior to the meeting and no issue may be voted on unless it is agendaed.
- b. It shall be the responsibility of the Committee Chair to discuss the development of the meeting agenda with the assigned staff person at least 24 hours before the meeting is required to be posted.

- c. The assigned staff member shall prepare and post the agenda.
 - d. Draft minutes of each meeting will be prepared by the staff member supporting the committee within three business days.
 - e. Committee meeting minutes shall be posted on the Town website following their voted approval by the Committee.
 - f. Non-committee Council members attending a Committee meeting will have voting rights if they have been present for the entire discussion of an issue, providing that at least two of the three appointed members of the committee are present.
 - g. Two appointed members of the Committee shall constitute a quorum
 - h. The Mayor shall serve as an ex-officio member of all committees with the exception of Finance & Administration, and shall serve as a member and Chairperson of that Committee. The Mayor, when serving as an ex-officio member, shall not count as an appointed member for the purpose of establishing a quorum at all other Committee meetings.
19. The Mayor of the Council may appoint members of the Council and/or citizens of the Town to special committees as authorized by the Council. No Committee shall have the power of executive action unless specifically authorized and shall report back to the Council for action on its recommendations or proposals.
20. In all cases where the parliamentary proceedings are not determined by the foregoing rules and orders, "Roberts Rules of Order" shall be taken as authority to decide the course of proceedings.
21. The first and third Mondays of each month are designated as 'regular' council meetings with the provision that a unanimous vote of the council would cancel a meeting. Whenever a regular meeting falls on a legal holiday, such meeting will take place the following day.
22. Special meetings of the Town Council may be scheduled for other dates for special purposes. The agendas for such meetings shall be posted at the Post Office, Town Office, Town Bulletin Board, on the Town website, no less than 72 hours in advance of the meeting (unless an emergency meeting is needed for the purpose of dealing with an unanticipated Town emergency, in which case posting shall be to all normal posting locations and via email to local print media as soon as it is identified that a meeting will be held). The agenda for a Special Meeting shall be prepared as follows;
- A. Call to order
 - B. Subject(s) for meeting
 - C. Adjourn

The general public shall be allowed to comment on subjects at Special meetings in the same manner as for Regular Council meetings. There shall be no general Public Comment section for items not contained on the agenda for Special Council meetings.

23. Any item on the consent agenda can be set aside for discussion at the request of any Councilor, prior to a motion on the remainder of the consent agenda.
24. Council Meetings shall not extend beyond 10 p.m. without an affirmative vote of the Town Council.
25. The Councilor Comment section of the agenda is reserved for the purpose of enabling any Council member to discuss matters not previously mentioned on the agenda. No official Council action can be taken at this time.

This policy replaces the Council Rules last updated February 19, 2008

Adopted by Town Council: May 21, 2012

C-4-a



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner
**SUBJECT: Draft Zoning Ordinance Text Amendment, Residential A District,
Residential B District and Article 7.1 Definitions Community Building**
DATE: August 15, 2012

At the last Planning and Development Committee the vote was unanimous to send this item to the Council for referral to the Planning Board.

Please find attached a copy of the Draft Zoning Ordinance Text Amendment to the Article 3.7.6.10 Residential A District, Article 3.8.6.9 Residential B District and Article 7.1 the definition of Community Building. The purpose of the amendments is to encourage and facilitate the full utilization of buildings that meet the definition of community building.

**TOWN OF HAMPDEN
Draft**

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

Deletions are ~~Strikethrough~~ Additions Double Underlined

3.7. Residential A District

3.7.1. Purpose - This district is intended for the development of low density single family housing types. While this district is predominately intended for detached housing the district may allow certain low impact civic and institutional uses.

3.7.2. Basic Requirements - All permitted and conditional uses are limited to 20% ground coverage maximum and 35 foot height limit unless noted.

3.7.3. Permitted Uses (Subject to Site Plan Review where applicable) - Single family dwelling, (including modular homes), home day care (subject to *Article 4.19*), accessory uses and structures, non-commercial park or playground, home occupation (subject to *Article 4.10*), essential service. *(Amended: 8-22-94) (03-21-05)*

3.7.4. Conditional Uses (Subject to Site Plan Review where applicable) - Church, nursing home, non-profit school, public schools, community building, government structure or use except storage or repair facility, two family dwelling, congregate care facility, buildings necessary for essential services. Animals other than usual pets provided the premises consists of at least 2 1/2 acres, and animals shall be kept a minimum of 50 feet from any property line. *(Amended: 8-22-94, 1-21-97)*

3.7.5. Lot Dimensions

	Public Sewer	On-site waste disposal
Minimum Area	- 18,000 sq. ft.	- 30,000 sq. ft.
Minimum Road Frontage	- 125 feet	- 150 feet
Minimum Setbacks:		
Street Yard	- 25 feet	- 30 feet
Side Yard	- 20 feet	- 30 feet
Rear Yard	- 20 feet	- 30 feet

(Amended: 5-4-92, Effective 6-3-92)

Notwithstanding the above requirements, accessory structures which are not attached to a principal building may be located on a lot in accordance with the following:

Accessory Structures Ground Floor Area	Up to 250 Square Feet
Maximum Height	- 16 Feet
Minimum Other Yard	- 5 Feet

Once located in accordance with the foregoing requirements, said accessory structures shall not be attached to a principal building unless said structures are in compliance with the Other Yard requirement of the District. *(Amended: 10-3-94)*

3.7.6. Special District Regulations

1. Dwellings other than nursing homes and congregate care facilities shall be limited to a maximum of two dwelling units. *(Amended: 06-21-04)*
2. Only existing single family dwellings may be converted to a two-family dwelling through addition or division. This provision prohibits construction of new two-family dwellings or complexes. Where a two-family dwelling conversion is proposed the second dwelling unit shall be subordinate to the first or primary dwelling unit. The size of the primary dwelling unit shall not be regulated by this standard. The finished floor area of the subordinate dwelling unit shall be at least 500 sq. ft. so that all subordinate dwelling units constructed under this provision shall be adequate in size. For properties in which the finished floor area of the primary dwelling unit exceeds 1,000 sq. ft., the finished floor area of the subordinate dwelling unit shall not exceed 50 percent of the finished floor area of the primary dwelling unit. *(Amended: 06-21-04)*
3. Where a two family dwelling conversion is proposed the Planning Board shall determine that design features that distinguish two-family dwellings from single family dwellings are avoided. Such designs may prohibit separate driveways, separate front door entrances, broken facades and other such distinguishing characteristics that call attention to the two-family use of the building and site development. The Board shall encourage creative use of common driveways, side door entrances, and traditional single family architectural elements. *(Amended: 06-21-04)*
4. Where a two-family dwelling conversion is proposed the Planning Board shall require a report from the Code Enforcement Officer making a determination that the proposed conversion meets applicable building codes and that the conversion is designed in such a way that the structure could easily be returned to a single-family dwelling, and detailing what building alterations are required to do so. *(Amended: 06-21-04)*
5. In addition to the minimum lot area requirements found in 3.7.5. two-family dwellings shall provide an additional 10,000 square feet in lot area.
6. In addition to the dimensional requirements found in 3.7.5. churches, schools, community buildings, nursing homes, and congregate care facilities which abut an existing residential use or district shall provide an additional 50% lot area and yards along the applicable property line(s). *(Amended: 1-16-96) (Amended: 06-21-04)*
7. Nursing homes shall not exceed a density of 25 beds per acre.

8. Churches, schools, community buildings, congregate care facilities, nursing homes, shall be served by public sewer and water service and have access and frontage on an arterial street.

9. Congregate care facilities shall not exceed 5 units per acre.

10. Infill Uses of Existing Community Buildings. Community buildings of which portions are occupied by qualified community educational, cultural and recreational activities such as an auditorium, library, historical building, indoor swimming, performing arts, etc. may also infill their vacant space with low traffic uses such as a single residential apartment unit, business or professional office, a single storage space consisting of records management and other similar uses. Except residential use, such infill uses may not be open between the hours of 8:00 pm and 8:00 am. The Planning Board review of the infill use must determine that the existing site development can either function properly with no changes or the Planning Board must be provided with a revised site plan that details the changes to the building and site development that will function properly and with minimal disruption to the neighborhood and limited modifications to the existing site development and building. Existing community buildings are not required to satisfy the area and yard requirements of Article 3.7.6.6 to utilize the provisions of Article 3.7.6.10.

3.7.7. Cluster Development Standards: (subject to site plan review where applicable).

1. *Special Provisions:*

- a. Notwithstanding other requirements of this district cluster developments shall be allowed 30 percent lot coverage.
- b. The development type proposed shall be indicated on all plans submitted.
- c. Cluster development standards shall supersede the lot dimension requirements and special district regulations of *Articles 3.7.5 and 3.7.6.*
- d. Cluster developments shall be served by public sewer and water service.
- e. Congregate care facilities shall have access from and frontage on an arterial street.

2. *Lot Dimensions*

	Development Type	
	Single Family	Congregate Care Facility
Minimum Lot Area	- 9,000 sq. ft.	- 40,000 sq. ft.
Minimum Road Frontage	- 75 feet	- 100 feet
Minimum Setbacks:		
Street Yard	- 15 feet	- 50 feet

Other Yards	-	15 feet	-	75 feet
Minimum Open Space Ratio	-	.35	-	.5
Maximum Gross Density	-	3.146 units/acre	-	10.0 units/acre

(Amended 05-04-92 Effective 06-03-92) (Amended 06-21-93 Effective 07-21-93)

3.8. Residential B District

3.8.1. Purpose - These areas are designated for a mixture of residential uses: single family, multi-family, and mobile home parks, developed as either individual lots, conventional subdivisions or cluster subdivisions. In addition, the RB District shall allow certain low impact nonresidential uses.

3.8.2. Deleted - *(Amended 12-05-05, Effective 01-04-06)*

3.8.3. Permitted Uses (Subject to Site Plan Review where applicable) - Single family dwellings, certified manufactured homes, home day care (subject to *Article 4.19*), accessory uses and structures; non commercial parks or playgrounds, essential service, congregate care facility, public schools, multi-family structures, multi-family attached structures, elderly housing, mobile home parks (subject to *Article 4.13.3*) home occupation (subject to *Article 4.10*),. *(Amended: 8-22-94, 1-21-97) (03-21-05)*

3.8.4. Conditional Uses (Subject to Site Plan Review) - Day care facility (subject to *Article 4.19*), churches, non-profit schools, funeral homes, community buildings, community facilities, nursing homes, institutional buildings in excess of 35 feet in height, buildings necessary for essential services, animals other than usual pets provided the premises consists of at least 2.5 acres, and animals shall be kept a minimum of fifty (50) feet from any property line. *(Amended: 8-22-94) (Amended: 12-04-01) (03-21-05) (Amended: 08-11-2008)*

3.8.5. Lot Dimensions

		Public Sewer & Water		On-Site Waste Disposal
Minimum Lot Area	-	16,500 sq. ft.	-	25,000 sq. ft.
Minimum Road Frontage	-	100 feet	-	125 feet
Minimum Setbacks:				
Street Yard	-	25 feet	-	30 feet
Other Yards	-	20 feet*	-	30 feet
Maximum Ground Coverage	-	25 percent	-	25 percent
Maximum Building Height	-	35 feet	-	35 feet

(Amended 12-05-05, Effective 01-04-06)

*Any lawfully existing lot of record situated in a Residential B District containing road frontage of 100' or less as of July 3, 1991 which is served by public sewer may be developed for single family dwellings and accessory structures with minimum side yards of not less than 10' each. Any such lots containing between 100' and 120' of road frontage may be developed for single family dwellings and

accessory structures with minimum side yards of 10' each, plus .5' per side yard for each foot of road frontage in excess of 100'. *(Amended 7-6-92)*

Notwithstanding the above requirements, accessory structures which are not attached to a principal building may be located on a lot in accordance with the following:

Accessory Structures Ground Floor Area		Up to 250 Square Feet
Maximum Height	-	16 feet
Minimum Other Yard	-	5 feet

Once located in accordance with the foregoing requirements, said accessory structures shall not be attached to a principal building unless said structures are in compliance with the Other Yard requirement of the District. *(Amended: 10-3-94)*

3.8.6. Special District Regulations

1. No multi-family structures, cluster developments, and group developments in the RB District shall be established without public sewer and water service. Notwithstanding this regulation a single multifamily structure may be established with public water only
2. A single multi-family structure of up to six units may be located in areas with public water only provided that an additional 10,000 sq. ft. of lot area is provided for each dwelling unit over the base lot area requirement. Adequate area must be provided for an approved on-site waste disposal design and for an approved replacement on-site waste disposal system design.
3. Any combination of multi-family structures shall be allowed provided the maximum gross density does not exceed five (5) units per acre, nor shall any structure contain more than ten (10) units.
4. For multi-family structures in excess of four (4) units, the required yards shall be increased by two (2') feet per unit over four (4).
5. For churches, schools, funeral homes, community buildings, nursing homes and congregate care facilities, which abut an existing residential use or district shall increase the required other yard(s) setback by fifty 50% along the applicable property line(s). *(Amended: 1-16-96)*
6. Nursing homes shall not exceed a density of twenty-five (25) beds per acre.
7. No churches, schools, funeral homes, or community buildings shall be established unless it has public sewer and water service and access from, and frontage on an arterial street. *(Amended 12-05-05, Effective 01-04-06)*
8. Notwithstanding the maximum building height regulation herein building height for institutional uses 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. *(Amended: 08-11-2008)*

EXAMPLE: A 60 foot tall building is proposed. By subtracting the base district building height from the proposed height the following is the result $60 - 35 = 25$. *(Amended: 08-11-2008)*

		Minimum Setbacks:	Modified Setback
Street Yard	-	25 feet	50 feet
Other Yard	-	20 feet	45 feet

9. Infill Uses of Existing Community Buildings. Community buildings of which portions are occupied by qualified community educational, cultural and recreational activities such as an auditorium, library, historical building, indoor swimming, performing arts, etc. may also infill their vacant space with low traffic uses such as a single residential apartment unit, business or professional office, a single storage space consisting of records management and other similar uses. Except residential use, such infill uses may not be open between the hours of 8:00 pm and 8:00 am. The Planning Board review of the infill use must determine that the existing site development can either function properly with no changes or the Planning Board must be provided with a revised site plan that details the changes to the building and site development that will function properly and with minimal disruption to the neighborhood and limited modifications to the existing site development and building. Existing community buildings are not required to satisfy the area and yard requirements of Article 3.8.6.5. to utilize the provisions of Article 3.8.6.9.

3.8.7. Cluster Development Standards (Subject to site plan review where applicable)

1. Special Provisions:

- a. Notwithstanding other requirements of this district, cluster developments shall be allowed thirty (30) percent lot coverage.
- b. The development type proposed shall be indicated on all plans submitted.
- c. Cluster development standards shall supersede the lot dimension requirements and special district regulations of *Article 3.8.5 and 3.8.6* except in the case of conditional uses which shall meet the applicable "non-cluster" development standards of *3.8.5 and 3.8.6*.

2. Lot Dimensions

	Limited to Single Family	Multi-family Structure, 6 units/bldg. maximum	Multi-family Structure, 10 units/ bldg. maximum	Elderly Housing 30 units/ bldg. maximum	Congregate Care Facility
Minimum Lot Area (In square feet)	9,000	9,000	12,000	25,000	40,000
Minimum Road Frontage (In feet)	75	80 ²	80 ²	80 ⁴	100 ⁴
Minimum Setback: (In feet)					
Street Yard	15	15	30	15	30
Other Yards	15	20 ¹	20 ¹	20 ³	30 ³
Minimum Open Space Ratio	.35	.42	.50	.30	.50
Maximum Gross Density (Units/Acre)	3.146	8.00	6.0	10.0	10.0

¹For buildings with more than 4 units add 2' per unit over 4

²For buildings with more than 4 units add 5' per unit over 4

³For buildings with more than 10 units add 1' per unit over 10

⁴For buildings with more than 10 units add 2' per unit over 10

(Amended: 9-19-83, 10-7-85, 1-2-89, 8-6-90, 9-17-90, 6-3-91, 6-21-93)

ARTICLE 7
DEFINITIONS

7.1. Construction Language - In this Ordinance, certain terms or words shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

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

Community building: A building owned by either the municipality RSU22 and/or a non profit organization used for ~~the community's educational and recreational activities such as auditorium, library, historical building, indoor swimming, performing arts, etc~~ either:

1. Community educational, cultural and recreational activities such as an auditorium, library, historical building, indoor swimming, performing arts, etc.
2. Infill uses of community buildings that are low impact non-residential and residential uses, subordinate to the primary use (community building), located within the existing structure, and requiring little or no additional site modifications.

The intent of this definition is to encourage and facilitate the full utilization of buildings that meet the definition of community building.

Community facility: Any land area, structure, building, location, equipment or combination thereof, operated for the purpose of providing public services for the residents of the Town of Hampden by the municipality, Hampden Water District, or local United States Post Office.

(Amended 11-20-00 10-21-02)