Section 377-60 is problematic, as it is inconsistent with the other penalty provisic the ordinance. Although the heading of Article IX is "Penalties-Residential", headings are not considered to be part of the ordinance, and the language in th body of the ordinance controls. There is no language in Section 377-60 limiting residential users, and there is no language in Sections 377-48 or 377-49, or the Bangor ordinance's counterpart language, limiting those provisions to industrial u At the very least, Section 377-60 should include language to specify that it is limited to specified residential users.

Decision:

- ☐ Revise as follows:
- ☐ Make no change

(2) Is the maximum fine amount of $100 still satisfactory?

The fine is a policy issue, but a maximum fine of $100 is not much of a deterrent

Decision:

- ☐ Revise as follows:
- ☐ Make no change

Ch. 382, Shoreland Zoning

3-1-2010

A. In § 382-2 the reference to 38 M.R.S.A. §§ 435 through 449 could be updated to §§ 435 through 448. Section 449 was repealed in 2011 (L. 2011, c. 120).

Decision:

- ☒ Revise as indicated
- ☐ Make no change

B. In the note at the end of § 382-3 it appears that the word "structures" should be added as follows: "The Town of Hampden, Maine, has opted to not govern docks, wharfs, piers or other structures extending or located below the shoreline. Such structures are subject to other regulatory bodies."

Decision:

- ☒ Add "structures" as indicated
- ☐ Revise as follows:

C. Section 382-12A(1) refers to "a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of December 31, 2008." Does "the Department" refer to the Department of Environmental Protection?

Decision:

Town Question

- ☒ Change "the Department" to "the Department of Environmental Protection"
- ☐ Revise as follows:
- ☐ Make no change

D. We will make the following correction in the note at the end of § 382-12E: "Portions of these brooks in association with jurisdictional wetlands, streams or rivers may be in Resource Protection, Limited Residential and General ~~Commercial~~ Development Districts."

E. In § 382-14I(2) the Town might want to clarify the reference to "Department Chapter 500." The intent appears to be to reference Chapter 500, Stormwater Management, of the Department of Environmental Protection Rules.

Decision:

- [x] Revise to Chapter 500, Stormwater Management, of the Rules of the Department of Environmental Protection
- [ ] Revise as follows:
- [ ] Make no change

F. In § 382-14M(1) we will update the reference to the Department of Agriculture to the Department of Agriculture, Conservation and Forestry. This subsection also refers to the Nutrient Management Law, 7 M.R.S.A. § § 4201 to 4209. Section 4209 was repealed in 2003 (L. 2003, c. 688). This reference could be updated as follows: "the Nutrient Management Act (7 M.R.S.A. § 4201 et seq.)."

Decision:

- [x] Revise as indicated
- [ ] Revise as follows:

G. Section 382-16, Definitions.

(1) The term "Bureau" is defined in this section to mean the State of Maine Department of Conservation's Bureau of Forestry. The term "Bureau" is not used in this chapter. The only instance of the word "Bureau" is in § 382-15I(2)(c), which refers to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection. Also "Department of Conservation" is an outdated title (now the Department of Agriculture, Conservation and Forestry).

Decision:

- [x] Delete definition of "Bureau"
- [ ] Retain definition; update title of Department
- [ ] Make no change

(2) In the definition of "forest stand" is the wording "uniform in age class distribution" correct?

Decision:

- ☐ Revise to "uniform in age, class, distribution"
- ☐ Revise as follows: Town's definition is identical to the definition in DEP's Chapter 1000 Shorela Zoning Guidelines.
- ☒ Make no change

(3) In the definition of "recreational vehicle" is the reference to the State Division of Motor Vehicles correct?

Decision:

- ☐ Revise to Department of Motor Vehicles
- ☐ Revise to Bureau of Motor Vehicles Same reference as in DEP's Guidelines.
- ☒ Make no change

(4) The definition of "shoreland permit" is awkward and does not make sense; see below. Is wording missing?

Documented municipal authorization of any activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use requiring a permit within the shoreland area in accordance with this chapter.

Decision:

- ☐ See revisions marked above
- ☒ Revise as follows: Shoreland permit. "Shoreland permit" means a document issued by th duly authorized Town official indicating that the activity or use referenc in the document has received the review and approval required under chapter. The document shall contain any conditions attached to the approval.

(5) The definition of "significant river segments" begins "See Appendix B." No such appendix was included with this ordinance.

Decision:

- ☒ Delete reference to "Appendix B or"
- ☐ Include Appendix B; copy enclosed
- ☐ Other:

Ch. 389, Storm Drainage System

Art. I, Nonstormwater Discharges

6-18-2007

A. Section 389-4 provides that "The Building Inspector is the enforcement authority who shall administer, implement, and enforce the provisions of this article." Is this designation still

Decision:

☐ Revise as follows:

☐ Make no change

Ch. 398, Subdivision of Land

5-17-1982

A. Sections 398-1, 398-2 and 398-9B(8) refer to the State Subdivision Law as 30 M.R.S.A. § 4956. That section was repealed in 1987 (L. 1987, c. 737). The current law is contained in 30-A M.R.S.A. §§ 4401 to 4408. We will update this reference accordingly.

B. The text for § 398-4B, Exceptions, appeared in the original ordinance at the end of the definition of "subdivision." As this wording does not really define the term "subdivision" and relates to the applicability of this chapter, we have moved this wording and included it in § 398-4, Applicability.

Decision:

☒ This change is acceptable

☐ Move this wording back to the definition of "subdivision"

C. Section 398-5D sets the penalty for violations of this chapter at a fine of not more than $1,000. Is any revision desired? Several of the Town's other ordinances relating to land use and development refer to the penalties in 30-A M.R.S.A. § 4452, and the State Subdivision Law also refers to that section in 30-A M.R.S.A. § 4406, Enforcement:

Any person who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved under this subchapter and under Title 38, chapter 3, subchapter I, article 6, where applicable, shall be penalized in accordance with section 4452.

Decision:

☒ Revise to read "shall be subject to the penalties prescribed in 30-A M.R.S.A. § 4452"

☐ Revise as follows:

☐ Make no change

D. Section 398-8A(2)(e) provides for the following notice of the public hearing on a preliminary plan of a major subdivision: "Said hearing shall be advertised in a newspaper of general circulation in the Town at least 10 days prior to the hearing." The following notice requirement is prescribed by 30-A M.R.S.A. § 4403 and included in this chapter in § 398-9B(7) with respect to the public hearing on a minor subdivision:

The municipal reviewing authority shall have notice of the date, time and place of the hearing: A. Given to the applicant; and B. Published, at least 2 times, in a newspaper having general circulation in the municipality in which the subdivision is proposed to be located. The date of the first publication must be at least 7 days before the hearing.

Decision:

☒ Revise as follows: Section 398-8A(2)(e) should be amended to comply with 30-A M.R.S. Sectio 4403(4).

☐ Make no change

E. Section 398-8A(2)(f) reads "The purpose of the public hearing shall be for the Planning Board to receive testimony from the public and the Town Council relative to any municipal ordinance, standard, or regulation which is applicable to the proposed subdivision." Is the reference to the Town Council in this subsection correct? Similar wording in § 398-8B(1)(g) regarding the hearing on the final plan refers only to "testimony from the public."

Decision:

☒ Delete "and the Town Council"

☐ Revise as follows:

☐ Make no change

F. In § 398-21B(2) we will update the reference to the Soil Conservation Service to the Natural Resources Conservation Service.

G. In § 398-22A(2) should "Hampden Conservation Committee" be revised to "Hampden Conservation Commission"? See Chapter 18, Conservation Commission.

Decision:

☒ Change "Conservation Committee" to "Conservation Commission"

☐ Make no change

H. Section 398-22D, Standards for cash in lieu of land, provides that "At the time of final plan submission, the subdivider shall contribute to the Town of Hampden $400 per lot, $200 per unit or $200 per acre, whichever is greatest." Are these amounts up-to-date?

Decision:

☐ Revise as follows: Policy Issue

☒ Make no change

I. Regarding the definition of "subdivision" in § 398-37, the Town might want to review this definition against the current definition in 30-A. M.R.S.A. § 4401. For example:

Subsection A(1): Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in 36 M.R.S.A. § 1102, for a period of at least five years before the second dividing occurs.

Statute: Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division.

Decision:

☐ See revisions on enclosed copy

☐ Make no change

Town should compare definitions in ordinance to the definitions in state statute, and amend ordinance definitions to make them consistent with statute.

Change made in proposed amendments

Ch. 410, Zoning

3-13-1979

A. Section 410-5, Zoning districts, does not include the Waterfront 1 District. See § 410-24. Should this district be added?

Decision:

☒ Add Waterfront 1 District to § 410-5

☐ Make no change

B. Section 410-8, Zoning requirements for parcels in more than one district. Subsection B(1) refers first to the Interchange District then to the Business District:

A two-acre lot is comprised of one acre of **Interchange District** and one acre of Industrial District. In this instance, a mixed-use site development could locate a service station in the **Business District** and a self-storage warehouse use in the Industrial District.

Decision:

☐ Change "Business District" to "Interchange District"

Town Question

☐ Change "Interchange District" to "Business District"

☒ Other: Do not change

C. Section 410-10, Industrial District.

(1) In Subsection B we have moved the wording "treatment or warehousing of goods and products" as follows:

Facilities for manufacturing, compounding, processing, packaging, <u>treatment or warehousing of goods and products;</u> essential services; wireless telecommunications

facilities (subject to § 410-46); ~~treatment or warehousing of goods and products;~~ wholesale distribution…

Decision:

- [x] Change is correct
- [ ] Revise as follows:

(2) We have made a similar revision in Subsection C as shown below; however, we question whether the inclusion of this wording in both Subsection B (permitted uses) and Subsection C (conditional uses) is correct:

facilities for manufacturing, compounding, processing, packaging, treatment, <u>or warehousing of good and products;</u> buildings necessary for essential services; ~~or warehousing of goods and products;~~ wholesale distribution…

Make change as indicated.

Decision:

- [ ] Delete this wording from Subsection C
- [x] Revise as follows:
- [ ] Make no change

Subsection B permits such facilities if they have less than 5,000 square feet of gross floor area. Subsection C elevates review t conditional use approval if the facility has more than 5,000 squa of gross floor area. The ordinance language does not address facility of exactly 5,000 square feet. Recommend amending Subsection B by changing "less than" to "up to" 5,000 square fe gross floor area.

D. In § 410-14, Interchange District, Subsection D(5) provides that the maximum building height in this district is 50 feet. If that is correct, the provisions in Subsection E(5) regarding building height no longer make sense, as Subsection E(5) is based on the maximum building height being 35 feet.

Decision:

- [ ] Delete Subsection E(5)
- [ ] Change maximum building height in Subsection D(5) to 35 feet
- [x] Other: Leave as is. Town amended ordinance to increase building height to 50 feet, but to require additional amount setbacks for each foot of height above 35 feet to minimize the impact of the increased height on the neighborh

E. In § 410-18, Seasonal District, Subsection E(1) provides that "All land area and uses in this district shall conform to the standards established in § 410-38 of this chapter." Section 410-38 contained shoreland regulations and was repealed in 2010. Should this wording be revised to read "shall conform to the standards established in Chapter 382, Shoreland Zoning"?

Decision:

- [x] Revise as indicated
- [ ] Revise as follows:
- [ ] Make no change

F. In § 410-21D, the first sentence in the note at the end of this subsection is incomplete and does not make sense; see below. Based on similar wording in § 410-16D (see below) the following revisions could be made

§ 410-21D: Any lawfully existing lot of record situated in a Business B District containing road frontage of 100 feet or less as of June 1, 2014, which is served by public sewer ~~with existing~~ may be developed for single-family dwellings and accessory structures with minimum street yard and other yards of not less than 10 feet each.

§ 410-16D: Any lawfully existing lot of record situated in a Residential B District containing road frontage of 100 feet 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 feet each.

Decision:

- [x] Revise as indicated
- [ ] Revise as follows:

G. In § 410-24, Waterfront 1 District, the reference in Subsection E(1)(a) to the Commercial Service District is incorrect. We will make the following revision: "By subtracting the base ~~Commercial Service~~ Waterfront 1 District maximum building height from the proposed height the following is the result: 48 feet minus 35 feet equals 13 feet."

H. Section 410-29B includes provisions relating to nonconforming structures in the shoreland area. Is any revision needed in light of the Shoreland Zoning Ordinance adopted in 2010? See Chapter 382, Shoreland Zoning, particularly § 382-11C, Nonconforming structures.

The nonconformity provisions of the Shoreland Zoning Ordinance and the Zoning Ordinance need to be reviewed and reconciled, especially in light of the conflict provisions of Sections 382-6 and 410-3. It appears that nonconformity provisions from various editions of the DEP Shoreland Zoning Guidelines have been incorporated into the general Zoning Ordinance without appropriate editing to make them generic for non-shoreland properties. It is my recommendation that all nonconformity provisions applicable to shoreland area be in the Shoreland Zoning Ordinance and that all nonconformity provisions for non-shoreland property be in the general Zoning Ordinance. It shoulc noted that DEP adopted new Guidelines on January 26, 2015, and some of the shoreland nonconformity provisions have changed, especially those dealing with expansion of nonconforming structures.

Decision:

- [ ] See revisions on enclosed copy
- [x] Make no change

Currently being addressed

I. Section 410-29D, Nonconforming uses. Subsection D(4) states: "A nonconforming structure or use which has been destroyed by fire or other hazard shall not be rebuilt except in conformity with this chapter." This provision appears to be inconsistent with Subsection B(3), which allows the reconstruction or replacement of damaged or destroyed nonconforming structures under certain conditions.

Decision:

- [ ] Revise as follows:
- [x] Make no change

Do not believe this is inconsistent. Subsection D(4) establishes the general rule and recognizes there are exceptions, and Subsection B(3) establishes an exception. More importantly, Section is another example of the need to reconcile the nonconformity provisions. Since Subsection B(: relates to properties with less than the required setback from the water line, the reconstruction c replacement provisions in Subsection B(3) only apply to those properties located in the shorelar area, and not to all properties town-wide.

J. Section 410-31, Off-street parking, loading, drive-through design and bufferyard requirements. In Subsection A(3), Parking setbacks, do any of the zoning district designations in the table require revision?

Decision:

☐ See revisions on enclosed copy

☒ Make no change

Town Question

K. The term "Code Official" appears multiple times in this chapter. See for example § 410-32, Signs. Should this term be changed to "Code Enforcement Officer"? See the definition of "Code Enforcement Officer" in § 410-57 and § 410-49, which provides for this chapter to be enforced by the Code Enforcement Officer.

Decision:

☒ Change "Code Official" to "Code Enforcement Officer"

☐ Revise as follows:

☐ Make no change

L. Section 410-32, Signs. Subsection C(8), regarding temporary signs, applies to signs related to political campaigns and candidates and includes the following restriction: "Such signs shall be displayed not more than two weeks before the event and shall be removed within one week after the event." In 23 M.R.S.A. 1913-A, Subsection 1H authorizes political signs to be placed within the public right-of-way up to six weeks before the election:

Signs bearing political messages relating to an election, primary or referendum, which may not be placed within the right-of-way prior to 6 weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week thereafter;

Decision:

☐ Revise as follows:

☐ Make no change

Note: Under statute, Town has authority to be more restrictive. Howe
Town is in the process of amending the sign provisions, and it is my recollection that the subject provision is under consideration to make it consistent with the statute.

Has been addressed in Sign Revisions

M. It appears the following correction should be made in § 410-33E(4): "The applicant shall submit written approval from the Department of Marine Resources and ~~Fisheries or~~ the Department of Inland Fisheries and ~~Game~~ Wildlife, as applicable, prior to consideration by the Planning Board.

Decision:

☒ Revise as indicated

☐ Revise as follows:

N. Section 410-37, Mobile homes.

(1) We recommend the following revision in Subsection A(1) to make a complete sentence: "The purpose of this section is to regulate mobile homes and mobile home parks..."

Decision:

- [x] Revise as indicated
- [ ] Revise as follows:
- [ ] Make no change

(2) Subsection B(2)(d) includes the following: "The skirting shall be properly installed in accordance with the BOCA Basic Building Code." Is an update needed in light of the state-wide Building Code established in 2010?

Need to verify with Code Enforcement Officer which Code covers skirting around mobile hoı
Also, need to verify which Code governs foundation standards under Subsection B(2)(c).

Decision:

- [x] Change "BOCA Basic Building Code" to "Maine Uniform Building and Energy Code"
- [ ] Revise as follows:
- [ ] Make no change

(3) In Subsection B(2)(f) should the reference to the State of Maine Department of Business Regulation be updated to the Department of Professional and Financial Regulation?

Decision:

- [x] Update to Department of Professional and Financial Regulation
- [ ] Revise as follows:
- [ ] Make no change

O. Sections 410-43C(8) and 410-48H(4) refer to "Hampden Public Safety." Is this meant to be a reference to the Public Safety Department or Public Safety Director?

Decision:

- [ ] Revise to "Hampden Public Safety Director"
- [x] Revise to "Hampden Public Safety Department"
- [ ] Other:

P. Section 410-45B, Applicability, reads as follows: "Existing structures providing access for persons with disabilities which comply with the design guidelines of 25 M.R.S.A. § 2701,

American National Standards Institute Document A117.1-1986, and Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), as may be amended from time to time."

(1) This sentence is incomplete. Should the first part read "This section applies to existing structures providing access..."?

Decision:

☒ Revise as indicated

☐ Revise as follows:

(2) The reference to 25 M.R.S.A. § 2701 is no longer correct. Chapter 331, Construction for Physically Disabled, of Title 25 (consisting of §§ 2701 to 2704) was repealed by L. 2011, c. 613.

Decision:

☒ Delete this reference

☐ Revise as follows:

Q. Section 410-47, Excavation, gravel pit and quarry.

(1) Subsection C includes the following: "Examples of exceptions include, but are not limited to, previously issued site location of development permits (38 M.R.S.A. § 480), filed a notice of intent to comply with the performance standards for excavation and/or quarries (38 M.R.S.A. § 490)." This wording is awkward and unclear. In addition, both of the statutory references are incorrect. There is no § 480 in Title 38; Article 6, Site Location of Development, of Title 38 begins with § 481. Section 490 of Title 38 was repealed by L. 2011, c. 653. Article 7, Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt, of Title 38 begins with § 490-A. Perhaps the following revision could be made:

Examples of exceptions include, but are not limited to, previously issued site location of development permits (38 M.R.S.A. § 481 et seq.) which have filed a notice of intent to comply with the performance standards for excavations and/or quarries (38 M.R.S.A. § 490-A et seq.)...

Decision:

☒ Revise as indicated

☐ Revise as follows:

(2) Subsection G(16), Waste disposal, refers to "the rules of the Maine Department of Environmental Protection Chapter 13." We were unable to confirm this reference. The rules of the Department of Environmental Protection posted on the state's

website do not include a Chapter 13. Solid waste management rules are contained in Chapters 400 to 425.

Decision:

Believe Subsection G(16) intended to reference Chapter 13 of Title 38 M.R.S., as that statute deals with solid waste disposal.

- [x] Revise as follows: "the provisions of Title 38 M.R.S. Chapter 13, including any rules adopted by the Department of Environmental Protection."
- [ ] Make no change

(3) Subsection I(2) reads "RP and SP Districts and land areas subject to shoreland zoning are further regulated under § 410-38, Shoreland regulations." As these districts are not provided for in this chapter and shoreland regulations are established by separate ordinance, perhaps the following revision could be made: "Resource Protection and Stream Protection Districts and land areas subject to shoreland zoning are further regulated under Chapter 382, Shoreland Zoning."

Decision:

- [x] Revise as indicated
- [ ] Revise as follows:
- [ ] Make no change

R. Section 410-48B establishes a separation requirement of 1,000 feet for medical marijuana registered dispensaries, medical marijuana cultivation facilities and methadone clinics from certain other uses, including a preexisting public or private school. State law provides that "A dispensary may not be located within 500 feet of the property line of a preexisting public or private school." See 22 M.R.S.A. § 2428, Subsection 6B. Subsection 10 of that section provides as follows: "A local government may not adopt an ordinance that is duplicative of or more restrictive than the provisions of this Act." The Town Attorney should be consulted as to whether the Town can impose a different separation distance requirement (1,000 feet) than that prescribed by state law (500 feet).

Decision:

On the date the Town enacted Section 410-48 (3/7/11), Subsection 10 provided that the statute did not prohibit a municipality from limiting the number of dispensaries or enacting reasonable regulations appli to dispensaries. The sentence quoted above was added by Public Law 2011, c. 407, which became eff on 9/28/11. This sentence places a limitation on the Town's home rule authority on this subject matter. recommend that the entire Section 410-48 be reviewed against the backdrop of the amended Subsectic Quite frankly, I am not sure a municipality has much authority on this subject anymore, as Subsection 1 provides that an ordinance cannot be duplicative of or more strict than the provisions of the statute. Not is the separation distance more restrictive than the statute, but so is the ordinance's list of properties fro which a dispensary must be separated.

- [ ] Revise as follows
- [x] Make no change

S. Section 410-52 sets the penalty for violations of this chapter at a fine of not less than $100 nor more than $2,500. The wording of this section is based on 30-A. M.R.S.A. § 4452(3) and would not appear to require revision.

T. Section 410-54B(3) refers to "a physical or mental handicap under 5 M.R.S.A. § 4553." The Town might want to update this wording to "a physical or mental disability under 5 M.R.S.A. § 4553-A."

Decision:

- [x] Revise as indicated
- [ ] Change "handicap" to "disability"; do not change statutory reference
- [ ] Make no change

U. Section 410-55, Appeal procedure. There are conflicts between this section and Chapter 7, Appeals, Board of. For example, § 410-55 requires 10 days' notice of public hearings; in § 7-4 this time frame is seven days. Section 410-55 requires appeals to the Superior Court to be taken within 30 days; in § 7-4 this time frame is 45 days. The Town might want to consider whether any of the provisions in § 410-55 could be deleted as covered by Chapter 7.

Decision:

- [ ] See revisions on enclosed copy
- [ ] Revise time frames in § 410-55 to match § 7-4; no other changes needed
- [x] Other: It appears that most of Section 410-55 is unnecessary because the matter is covered by Chapter 7. Recommend review of Section 410-55 to see if anything needs to be retaine

V. Section 410-57, Definitions.

(1) In the definitions of "bar," "restaurant, small" and "tavern, neighborhood" is the wording "with a gross floor" supposed to read "with a gross floor area"?

Decision:

- [x] Revise to "with a gross floor area"
- [ ] Make no change

(2) In the definition of "community building" is the wording "the municipality RSU22" correct?

Decision:

- [x] Revise as follows: "the municipality, RSU No. 22 and/or"
- [ ] Make no change

(3) In the definition of "customary rural businesses" is the wording "tack shop" correct?

Decision:

- [ ] Revise to "bait and tackle shop"
- [ ] Revise as follows:
- [x] Make no change "tack shop" is an equestrian supply store

(4) The definition of "dance hall" contains essentially the same wording as the definition of "bar," stating that the primary use of a dance hall is the service of alcoholic beverages. Is this definition correct?

Decision:

☐ Revise as follows: Definition should be clarified.

☒ Make no change

(5) In the definition of "essential services" is the wording "but shall include buildings which are necessary for furnishing of such services" supposed to read "but shall not include buildings which are necessary for furnishing of such services"?

Decision:

Town Question- Intent?

☐ Add "not" as indicated

☒ Make no change

(6) In the definition of "hazardous waste" we will update the reference to 38 M.R.S.A. § 1303(5) to 38 M.R.S.A. § 1303-C(15). Section 1303 was repealed by L. 1989, c. 585.

(7) The definition of "tributary stream" includes the following: "The term stream does not include 'stream' previously defined and only pertains to tributary streams within the shoreland zone." This wording does not make sense in the context of this section, as there is no previous definition of "stream" in this section.

Decision:

☒ Revise as follows: Since by definition, this term only applies to tributary streams in the shoreland zc it should be deleted from the general Zoning Ordinance, as the term is also defir in Chapter 382, Shoreland Zoning. The definition in Section 382-16 is based on definition in the DEP Guidelines.

☐ Make no change

(8) In the definition of "wireless telecommunications facilities, microcell" the second sentence does not make sense. Perhaps the following revision could be made:

Microcell wireless telecommunication facilities shall be co-located on water towers including the tank surfaces in a manner that minimizes and mitigates any adverse impacts upon affected properties, streetscapes, and vistas through careful design, siting, screening, landscaping, and innovative camouflaging techniques and shall be considered accessory to a water tower use.

Decision:

☒ Revise as indicated

☐ Revise as follows: