Town of Hampden

Planning Board

Wednesday, January 9, 2019, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Administrative.
    a. Board Reorganization
    b. Minutes – November 14, 2018 (no meeting Dec 2018)

2. Old Business – None.

3. New Business
    a. The Cushing Family Corp, Colonial Heights Phase 3 final subdivision plan – request for approval of final plan for re-recording to clear up a procedural error in previous recording of the approved plan. The subdivision was approved by the Planning Board in August 2017 and the infrastructure has been constructed and was accepted by the Town in December 2018.

    b. Zoning Workshop: Private Event Venue, Miscellaneous amendments to various sections

4. Staff Report

5. Planning Board Comment

6. Adjournment

Town of Hampden

Planning Board Meeting

Wednesday November 14, 2018, 7:00 pm

Council Chambers

Minutes

In Attendance:

Planning Board	Staff
Gene Weldon, Chairman	Karen Cullen, AICP, Town Planner
Kelley Wiltbank	
Peter Weatherbee	Public
Jim Davitt	Gabe Poulin, Hans Albee, Brian Byrne – ReVision
Tom Dorrity	Peggy Brown – ReVision, representing landowner
Jake Armstrong	Jim Kiser – representing Mayo Rd and Main Rd N

The meeting was called to order at 7:01 pm.

1. Administrative: Minutes of October 10, 2018. **Motion** by Member Davitt to approve the minutes as submitted; second by Member Weatherbee; carried 6/0/0.

2. Old Business: None

3. New Business:

   a. **Major Site Plan – ReVision Energy** Installation of a 165.6 KWDC solar array on property behind the White House Inn. The property is in the Interchange district and is located at 155 Littlefield Road, parcels 09-0-049, -049-A, and -049-B. Chairman Weldon opened the public hearing at 7:02 pm.

   Brian Byrne of ReVision Energy, along with Gabe Poulin and Hans Albee, presented the application:

   - Proposal is for 480 solar panels installed in two rows, roughly parallel to I-95, on galvanized steel racks with post supports, non-moveable, at a tilt of 34 degrees.
   - The panels are designed to reduce glare and glint to about 2%; while there is always potential for it, they have not seen problems in other installations.
   - The electric wires will be underground and the transformer will be near the existing one on the White House Inn property.
   - The system will be connected to the electric grid but most if not all of the energy generated will be used by the hotel.

   Key points from Planning Board discussion were:

   - Most traffic on I-95 heading southbound will see the sides of the array; glare and glint should not pose a problem for them.
   - Traffic going northbound is not thought to be subject to glare or glint due to the distance from the array and the presence of trees.

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- Distance to closest structures estimated to be 150' to 300'; meets setback requirements.
- Potential additional rows would be installed on the Emerson Mill Road side of the array and would increase generation to 314.6kw.
- There is no on-site power storage (such as battery packs); the energy will go into the grid and the hotel's account will be credited.
- The array has been approved by the local electric utility, Central Maine Power.
- The site and the electric system has been designed to accommodate the entire project, both the two rows shown on the plans tonight and the addition of two more rows in the future.

Chairman Weldon closed the hearing at 7:13 pm.

Motion by Member Weatherbee to approve the site plan application for ReVision Energy as submitted to install a 314.6 kW (DC) solar array, which includes the potential addition of two rows, subject to the condition that, in the event that solar glint or glare impacts drivers on I-95, the applicant or property owner shall install a buffer (vegetation, solid fencing, or other appropriate material) to shield drivers from such glint or glare; second by Member Wiltbank; carried 5/0/1 by roll call vote with Member Davitt abstaining since he is a customer of the applicant.

b. **Sketch (Subdivision) Plan – Bangor Realty Group LLC**. Proposal for a multi-family cluster housing development consisting of 30 units in six buildings on a 3.5 acre site on Mayo Road, parcel 35-0-001-A. The property is in the Residential B district.

Jim Kiser represented the applicant and presented the sketch plan:

- the site has recently been cleared but the buffers were left intact
- three 4 unit and three 6 units buildings are proposed
- building construction is to stay within the residential building codes, and will have fire walls between every other unit *[Ed. note: the CEO informed the Planner that to fall under the residential code there needs to be a firewall between every unit, from foundation to roof.]*
- parking designed to accommodate visitors as well as residents
- parking located to be away from abutters but that puts it in front of the buildings
- will need a lift station for the sewer (will be privately owned)
- will connect to water and sewer in Mayo Road
- will add hydrant if deemed necessary by fire officials
- entry road was located based on DPW comments
- there are no wetlands on the site
- stormwater management will be done on site, and approved via local regulations; the proposal is just under one acre of disturbance thus DEP approval is not required
- common open space will be everything not covered by buildings or pavement
- the buffer equates to 45% of the required open space
- will be asking for a waiver to the allowable amount of buffer within the open space

Main points from discussion:

- traffic will likely be a concern for area residents; Jim Kiser estimates 22-25 vehicle trips during peak hour; Board members noted traffic was a major concern for other similar proposals
- Member Wiltbank noted we are trying to encourage cluster development, as noted in the comprehensive plan and the zoning and subdivision ordinances, but he is concerned that altering the requirements for open space and buffers for this proposal may set precedence for other proposals and possibly have a negative impact on abutters
- Jim Kiser felt that as written the requirement for open space is larger than stated since only 30% of the buffer is allowed to be counted toward the open space requirement

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- if the Board agrees that it is acceptable to include everything not covered by buildings or pavement within the required open space, then they might be able to do this within the 30% buffer counted toward open space as required by the ordinance
- while the abutting land (to the east) is for sale and holds the potential for future expansion of this development, the owner currently has no agreement or commitment to purchase it.

Motion by Member Weatherbee to categorize this as a major subdivision; second by Member Wiltbank; carried 6/0/0 by roll call vote.

Classification of the road is not needed since the project does not include any new roads, just a driveway into the development.

The Board provided the following guidance to the applicant regarding the open space issues: stay within the ordinance requirements to the greatest extent possible, and we'll see what comments we hear from area residents at the public hearing.

The Board decided that a group site visit is not necessary at this time; Jim Kiser invited members to visit the site individually if they would like to see it.

The process will be to submit both a subdivision and a site plan; the subdivision plan will only deal with the number of units and the site plan will include the site design. In the event a modification is needed after approval, it is much easier to go through the minor site plan process with staff than return to the Board to amend the subdivision plan. The applications for subdivision and site plan are expected to be submitted for the February 2019 meeting.

c. **Sketch (Subdivision) Plan – Stan & Sean MacMillan**. Proposal for a 35 lot cluster subdivision with two new roads, on a 27.7 acre parcel located on Main Road North, parcels 33-0-011-A and 33-0-015-A. The property is in the Residential A district.

Jim Kiser represented the applicant and presented the sketch plan:

- the plan shows 35 lots, which may be increased or decreased
- the requirement for buffers in the entrance area is a problem
- the entry road was located at the northern tract boundary to allow the abutter to construct a driveway to this road and close off the driveway to Main Road North
- lot 35 is not 66' wide at the frontage on Main Road North so that spot could not be utilized for the entry road
- the land is mostly gently sloping, several lots do have steeper slopes that are probably well suited for walk-out basements
- there is a sewer line on the property down by the brook, they plan to tie into that line
- water service will be brought in from Main Road North
- this sketch plan was drawn under the old regulations, they know they'll need to modify it
- the open space includes fields, woods, and riparian buffer; while the sketch plan doesn't show any, they will include one or two pedestrian access points from the interior road
- wetlands have been mapped and are mostly down near the brook, some in the swale area behind lots 26 and 27 and a few small pockets in the old farm field
- expected timeline is for construction to begin in the spring.

Main points from discussion:

- lot 35 should not have access to Main Road North; a reasonable compromise might be to have a 20' wide access to the interior road with the remaining frontage on Main Road North (for a total of about 75', in excess of the 50' requirement under single family cluster)

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- the entry roadway could be centered within that frontage and a short stub of right-of-way included to abut the neighbor's property for a potential future driveway in order to avoid future difficulties in changing the open space area to allow such driveway
- there is room for the lot layout to be modified to make some of the lots smaller with smaller lot frontages in order to move the lots affected by the buffer requirement away from the entry road area
- the Board is not opposed to there being only one entry road into the subdivision, noting there are other subdivisions in town with a similar number of lots on a single entry road, and the lack of 66' row width at the frontage with Main Road North in the area of lot 35
- the Board believes the abutters along the northern tract boundary would want the buffer to be there and to remain intact

Motion by Member Wiltbank to categorize this as a major subdivision since it is more than four lots and includes new roads; second by Member Davitt; carried 6/0/0 by roll call vote.

Motion by Member Wiltbank to categorize the roadways as collector for the portion from Main Road North to the intersection with the side street, and as minor for the two cul-de-sacs from that intersection; second by Member Davitt; carried 6/0/0 by roll call vote.

The Board decided that a group site visit is not necessary at this time; Jim Kiser invited members to visit the site individually if they would like to see it. Chairman Weldon noted the area where the entry road is proposed is probably the most important area to look at.

d. **Shoreland Permit –James Dana.** Proposal to bury a 1,000 gallon propane tank for residential use within the Limited Residential Shoreland Zoning district. The property is located at 22 Murphy Lane, parcel 25-0-002, and is in the Residential A zoning district.

Planner Cullen noted the applicant was unable to attend the meeting and had nobody to represent him. She then presented the application, which is for a Shoreland Permit under Table 1, Land Uses in the Shoreland Zone, of the Shoreland Zoning Ordinance. The application is to bury a 1,000 gallon propane tank, which is understood to be installed, owned, and maintained by Irving Oil. The tank location would be at the (upland) edge of the shoreland zone. Given the properties of propane, it is unlikely that a leak in this tank would have any detrimental impact on the Penobscot River.

Planner Cullen noted the ordinance is not clear on whether a public hearing is required, and she interprets the language to mean the Board has the option of holding one or not.

Member Wiltbank suggested the Board should have written evidence that Irving Oil will install, own, and maintain the tank. This could be a lease agreement, contract, or other such document. Chairman Weldon suggested we also receive copies of any applicable state permits.

Motion by Member Davitt to waive the public hearing and approve the Shoreland Permit as submitted with the following conditions:

1) That written evidence be submitted showing that Irving Oil will install, own, and maintain the underground tank;
2) that any non-local permits required for this project be submitted;
3) That no site work shall be commenced prior to compliance with conditions 1 and 2, nor prior to placement of proper erosion and sedimentation control devices as needed to prevent impacts to the roadway or any drainage facility or area; and
4) that any disturbed area must be revegetated at the completion of the project.

Second by Member Weatherbee; carried 6/0/0 by roll call vote.

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4. Staff Report:
   a. Planner Cullen noted the Town Center project will have its third and final public meeting at the Kiwanis building on December 4th at 6:00 pm.
   b. Planner Cullen asked the Board if anyone remembered the details of the approval of the church on Crosby Way, in regard to an inquiry she's received related to the ability of the abutter at the corner of Route 202 and Crosby Way to access the private drive. While there were some recollections, nothing definitive was remembered.

5. Planning Board comments: Chairman Weldon noted two board members have their terms expire this year, his own and Peter Weatherbee's. Member Weatherbee stated he would stay on the Board until we had more members (there are currently two vacant Alternate seats). Chairman Weldon indicated he was thinking along the same lines.

Motion by Member Davitt to adjourn the meeting at 9:04 pm; seconded by Member Dorrity; carried 6/0/0.

Respectfully submitted by Karen Cullen, Town Planner

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Town of Hampden

Land & Building Services

Report on Application
Preliminary Subdivision Plan
Colonial Heights Phase 3

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner KMC
Date: January 2, 2019

Project Information

Applicant:	The Cushing Family Corporation
Site Location:	Freedom Ave; off Constitution Ave in Colonial Heights subdivision
Zoning District:	Residential B
Proposal:	Reapproval of the final subdivision plan for Phase 3 of the Colonial Heights subdivision to correct a procedural error in the recording process.

This subdivision is an 11 lot subdivision with a new road (Freedom Ave) which is 1,044' ending in a cul-de-sac. Two existing lots on Constitution Ave were reconfigured for the new road, which has been constructed and accepted by the Town Council in December 2018. The subdivision was approved in August 2017 and the plan was recorded in January 2018, more than 90 days after the approval. Per §322.1.11 an approved final plan must be recorded at the registry of deeds within 90 days of the approval. This section allows two 90 day extensions to be granted by the Planning Board, but in this situation no request was made and we were unaware the plan had not been recorded within the 90 day timeframe.

The Cushing Family Corp is attempting to sell several lots within this phase, and are unable to do so until this error has been corrected. After consulting with the Town Attorney, it was determined that the only way to do so is to submit the final plan again for approval. This is being done under §310 which allows an applicant to submit a final subdivision plan without having first submitted a sketch plan or preliminary plan, and section 332, Final Plan. Under section 332.1.6, the Planning Board has the option to hold or not hold a public hearing; my advice is to not require a hearing on this application since the subdivision has been approved and is already constructed. A fee of $1,050 has been submitted; per section 610 the Board may waive or reduce the fee if the Town Council approves such waiver or reduction. The applicant has requested a waiver to the fee; if the Board grants the request then staff will take it to the Town Council for their approval. Staff recommends a 50-75% reduction of the fee to cover the administrative costs of processing the

application, since the processing time for this application has been less than it would be for a normal Final Subdivision plan application.

This final subdivision plan has been reviewed by staff and compared to the approved plan on file; the only modifications are the addition of an explanatory note, the removal of the symbols for the pins (found or to be set; all pins have been set in the field at this time), and a correction to the distance dimension on the lot line between lots 71 and 73.

A draft Board Order is attached; staff recommends approval of the final plan, as well as granting a reduction of the application fee due to the small amount of staff time spent dealing with it.

Town of Hampden

Land & Building Services

Planning Board Order

Colonial Heights Phase 3

Final Subdivision Plan Reapproval

Approval Date:	*January 9, 2019*
Project Name:	*Colonial Heights Phase 3, Freedom Ave*
Location of Project:	*Off Constitution Avenue*
Assessor's Reference:	*06-0-041-A, 06-A-056, and 06-A-058*
Deed Reference:	*11966/60 and 8100/43*
Zoning District:	*Residential B*
Total Acreage:	*Total site is 38.1 acres, area within Phase 3 is 9.09 acres*
Type of Use:	*Single family residential subdivision*
Number of Lots:	*11 new lots plus 2 reconfigured lots on Constitution Ave.*
Applicant:	*The Cushing Family Corporation* *PO Box 603* *Hampden, Maine 04444*
Owner:	*Same as Applicant*
Plans Prepared by:	*Kiser & Kiser Co.*
Plans Dated:	*June 13, 2017*
Application Date:	*May 24, 2017 for Hearing (Preliminary Plan); August 2, 2017 for Final Plan; December 26, 2018 for reapproval of Final Plan*
Public Hearing:	*June 14, 2017 (Preliminary Plan); no hearing required for Final Plan or for reapproval of Final Plan*
PB Members:[1]	*Kelley Wiltbank, James Davitt, Eugene Weldon, Peter Weatherbee, Tom Dorrity, Jennifer Austin, and Jake Armstrong*
PB Action:	*This Final Subdivision Plan is approved under Section 332 of the Hampden Subdivision Ordinance.*

[1] *Planning Board Members who were appointed to vote on this case.*

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Summary Description of Application: This application is to reapprove the Final Subdivision Plan for Phase 3 of the Colonial Heights subdivision in order to correct a procedural error in the recording process.

Waivers: The Planning Board finds that the request to waive the final subdivision plan application fee will not nullify the purpose of the subdivision regulations, the comprehensive plan, the zoning ordinance, or any other ordinance. However, since the reason for the application fee is to help cover the cost of processing the application, the Board approves a reduction of the fee by ___% subject to approval by the Town Council as required in Section 610 of the Subdivision Ordinance.

Findings: The Hampden Planning Board has found that the applicable requirements in the Hampden Subdivision Ordinance have been met. Based on this, the Hampden Planning Board voted _____ to approve the Final Subdivision Plan for the Cushing Family Corporation for Phase 3 of the Colonial Heights subdivision as previously described.

Conditions: none

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For the Hampden Planning Board:

Kelley Wiltbank	Date
Eugene Weldon	
James Davitt	
Tom Dorrity	
Jennifer Austin	
Jake Armstrong	
Peter Weatherbee	

Notes:

1. *A copy of this decision is on file with the Land & Building Services Office at the Town Offices, 106 Western Avenue, Hampden, ME 04444.*

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Town of Hampden

Land & Building Services

Memorandum

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner KMC
Date: January 2, 2019
RE: Private Event Venues

We have received an inquiry about allowing a wedding venue in the Rural district – you've probably seen such uses, typically a reuse of a barn at the edge of a field or similar. This use is currently classified as a "place of assembly" in our zoning ordinance, and is not a permitted use in the Rural district. The person inquiring about this use has been advised that she could pursue a zoning amendment (to the use table) to allow such a use.

The broader picture is that such a venue is typically used not only for weddings and wedding receptions, but also for other private parties, family reunions, business (e.g. corporate) meetings, and similar gatherings. A venue for these activities located in a beautiful space with nice views seems logical – these locations are usually in a rural setting and in Hampden these are nearly all in the Rural district.

The impacts for the area where these venues are located are primarily traffic and noise, two issues that come up in nearly every instance in every town where such uses locate. Other issues include lights, dust (from cars driving on dirt driveways and parking areas), sewage disposal and water supply, the number of events held per year, the duration of events, the size of the property, setbacks for structures (including temporary structures like tents), and ancillary activities associated with an event (e.g. wedding rehearsal).

Some towns in Maine have created overlay zoning districts for these uses, one has created contract zoning districts which cover only a single property, and others allow it throughout one or more zoning districts. If desired, allowing such uses can be accomplished in a variety of ways, but attention should be paid to equity issues.

I have discussed this with the P&D Committee and they have directed me to draft zoning amendments to allow such uses in a manner that will address potential adverse impacts on abutting properties.

After researching how other municipalities regulate such uses, and considering the benefits and consequences of such uses on a neighborhood, I have drafted the attached zoning amendment to allow such uses in several zoning districts including the rural district. I believe these provisions

strike a balance that will allow such uses and provide the people in the neighborhood to have a voice in the impacts they will have to deal with during such events. Therefore, in addition to the proposed zoning amendments, I have drafted a new ordinance to provide for annual licensing of these venues. It is through the licensing process that abutters and other concerned citizens will have an opportunity to address any negative impacts they experience during events run during the previous year. If Town Council were to find, based on testimony, that a venue is not operating in a manner that is appropriate for the neighborhood, they will have the opportunity to either place conditions on the license or to deny it altogether.

Please review the attached and we will discuss it at the meeting.

TOWN OF HAMPDEN

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

Deletions are ~~Strikethrough~~ Additions are Underlined

Amend §7.2 Definitions

Agricultural Diversity Uses: activities on active farms that will diversify the income generated on the property, such as farm-stay vacations, public events for education and enjoyment that directly relate to agricultural products, services, or experiences (e.g. horse show or competition, sheep shearing event).

Private Event Venue: A facility used for social and other events such as weddings, receptions, anniversaries, private parties, business meetings, fundraisers, banquets, and dances, but excludes concerts, events open to the general public, and events for which an admission or other charge (monetary or not) is imposed on individual attendees (e.g. an event advertised in the public realm where a ticket or equivalent is required to gain admission).

Amend §3.1.3, Use Table

Add a new category under *A - Agricultural/Recreational Uses*, A-13: private event venue, with the following designations for the districts:

- **P** (permitted by right) in the Commercial Service and Waterfront districts
- **C** (conditional use) in the Rural, Business, Business B, and Town Center districts
- **N** (not permitted) in the Residential A, Residential B, Seasonal, Rural Business, Interchange, Industrial Park, Industrial, and Industrial 2 districts

Add a new category under *A - Agricultural/Recreational Uses*, A-14: agricultural diversity uses, with the following designations for the districts:

- **C** (conditional use) in the Rural and Residential B districts
- **N** (not permitted) in the Residential A, Seasonal, Rural Business, Business, Business B, Town Center, Commercial Service, Waterfront, Interchange, Industrial Park, Industrial, and Industrial 2 districts

Amend §4.7.1.1, Table of Parking Requirements

Add a new use, Private Event Venue, with .5 per person at max capacity plus 1 space per worker (direct employee or outside employee e.g. caterer, band) at max capacity of the venue as approved by the Planning Board.

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Add a new §4.26, Private Event Venue

4.26.1 Standards. Private Event Venues must meet the following standards:

Standard	*Rural*	*Rural*	*Bus / Bus B*	*TC*	*CS*	*Waterfront*
Min lot size[1]	5-20	>20	3	5	3	5
Buffers[2]	As determined by the PB[3]	As determined by the PB[3]	Class 2	Class 2	Class 1	Class 1
Min distance to nearest dwelling	150'	150'	100'	100'	100'	100'
Max number of events/year	10	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Max number of days/event[4]	1	3	7	3	7	7
Hours for event[5]	9 am to 9 pm	8 am to 10 pm	8 am to 10 pm	8 am to 10 pm	8 am to 11 pm	8 am to 11 pm
Max number of attendees/event[6]	125	200	300	300	300	300
Permanent signage[7]	12 sq ft	12 sq ft	Per §4.7.5.7.1	Per §4.7.5.7.5	Per §4.7.5.7.3	Per §4.7.5.7.1
Neighborhood notification[8]	Required	Required	Not Required	Not Required	Not Required	Not Required

1. Minimum acreage of the parcel or parcels that are part of the proposed venue.
2. Buffer required on property lines abutting a residential district or an existing residential use. The Planning Board may modify this requirement by no more than 20% if the physical characteristics of the site prevent the installation of the full buffer, and a smaller buffer would not adversely impact any abutting properties.
3. The determination of buffer requirements for proposed venues in the rural district will be done on a case by case basis and will depend on the topography and existing vegetation (e.g. Wooded or open field) on the venue property that lies between the venue and nearby residences.
4. Maximum number of days per event does not include ancillary activities such as wedding rehearsals, rehearsal dinners, decorating the venue, and similar activities for preparation for an event.
5. The hours for the event include activities related to setting up or taking down that produce noise audible at the property line, such as testing musical equipment, but does not include indoor activities or quiet outdoor activities such as setting up chairs, setting tables, and decorating the venue.
6. The Planning Board may approve an application for no more than 20% more attendees in cases where the facilities are located on the site such that the impact on abutting properties is negligible.
7. Relates to permanent signage, see below for temporary signage.
8. Neighborhood notification is a requirement to mail written notice of planned events to all direct abutters as well as any other residences in the neighborhood that request such notification; such notification to be a listing of planned events scheduled for the following month (or more at the venue operators option). The listing must include the dates, type of event, estimated number of attendees, expected hours of the event, and contact information for the venue operator. The purpose of this notification is to allow the neighbors to be aware of the dates and times of events

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4.26.2 In addition to the above standards, all proposed Private Event Venues must comply with the following criteria regardless of which zoning district they are in:

4.26.2.1 Major Site Plan Review is required regardless of whether there are any permanent buildings proposed or not.

4.26.2.2 All parking must be on the site of the venue or on another property provided there is a written agreement with the owner of that property (if not owned by the venue owner) and the off-site location is within walking distance or a shuttle service is provided to transport guests to the venue; no on-street parking is permitted.

4.26.2.3 All parking lots must comply with the requirements of §4.7.1.6.

4.26.2.4 Private event venues with capacity for more than 100 attendees must submit a Traffic and Parking Management Plan as part of the Site Plan application. This Plan must address how traffic will be handled on the adjacent roads and at any critical intersections leading to the site, as determined by the Planning Board (e.g. hire police detail), in addition to the entrance to the site. It must also address how traffic circulation within the parking lot will be handled (e.g. staff to direct attendees to parking spaces). Plans must be made to handle both traffic arriving at and leaving the site.

4.26.2.5 On-site temporary signage is permitted to guide attendees to the venue, provided the signage is limited to directional instructions and is only displayed on the day(s) of the event and must be removed within one day of the conclusion of the event.

4.26.2.6 Outdoor lighting for the event, including parking lot lighting, must be turned off within one hour of the conclusion of the event. All permanent light fixtures must comply with §4.7.3, Lighting. All temporary light fixtures must be located and aimed such that they do not shine light onto abutting properties or produce glare on adjacent roads.

4.26.2.7 Sanitary facilities:

4.26.2.7.1 For venues approved for more than 6 events per year, permanent bathroom facilities must be provided in compliance with the Maine State Plumbing Code. Additional portable facilities may be used to supplement the permanent facilities.

4.26.2.7.2 For venues approved for 6 or fewer events per year, portable bathroom facilities are permitted. At least one must be handicap accessible.

4.26.2.7.3 The location of each area where portable facilities will be located for all events must be shown on the site plan.

4.26.2.8 The serving of alcoholic beverages must be in compliance with all applicable state laws.

4.26.2.9 Overnight accommodations for attendees is only permitted in duly approved facilities (e.g. inn, hotel, or motel), which may be located on the same property as the Private Event Venue.

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4.26.2.10 The site must comply with the Americans with Disabilities Act, since a private event venue meets the definition of a "public accommodation" per the Act.

4.26.2.11 The owner of the Private Event Venue must receive a license for the facility on an annual basis.

Notes for the Private Event Venue License:

- issued by Town Council
- requires public hearing with abutter notification
- fee to cover the cost of the hearing notice (ad and abutter)
- if concerns raised by abutters or town staff (including DPW, Code Enf, and Public Safety at minimum) about the operation of a facility during the previous year, Council can deny the license application or can approve it with conditions to address the concerns. (e.g. noise complaints of events running late could be dealt with by restricting events to shorter hours, like close at 8 pm instead of 10)

See draft ordinance starting on next page

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TOWN OF HAMPDEN

The Town of Hampden Hereby Ordains
Proposed Private Event Venue Licensing Ordinance (new ordinance)

Deletions are ~~Strikethrough~~ Additions are Underlined

TOWN OF HAMPDEN, MAINE
PRIVATE EVENT VENUE LICENSING ORDINANCE

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ADOPTED: Hampden Town Council – [date]
Effective – [date]

CERTIFIED BY: _____
Paula Scott, Town Clerk

Affix Seal

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Section 1. Purpose. The purpose of this ordinance is to license Private Event Venues to ensure compliance with local approvals and to provide an opportunity for the public to provide comments on the operation of such venues.

Section 2. Applicability. All Private Event Venues in the Town of Hampden are required to comply with the provisions of this Ordinance.

Section 3. License Required. In order to operate within the Town, the owner of a Private Event Venue must obtain a license from the Town Council on an annual basis.

Section 4. Relationship to Other Ordinances and Regulations.

A. Zoning Ordinance. All Private Event Venues must be approved in accordance with the provisions of the Zoning Ordinance prior to applying for a license under this Ordinance.

B. Victualers Ordinance. A Private Event Venue which provides food or drink to attendees which is prepared at the venue or by the owner/operator of the venue is required to obtain a Victualers License on an annual basis. A Private Event Venue that only provides food or drink via a duly licensed caterer is not required to obtain a Victualers license.

C. Liquor License. A Private Event Venue which provides alcoholic beverages to attendees must possess a valid Liquor license from the state of Maine, which requires approval of the Town Council. A Private Event Venue that only provides alcoholic beverages via a duly licensed caterer is not required to obtain a Liquor license.

D. Concourse Gathering Ordinance and Special Amusement Ordinance. Events held at approved and licensed Private Event Venues are exempt from the Concourse Gathering Ordinance and from the Special Amusement Ordinance, however no event may exceed the maximum number of attendees or other limits as approved by the Planning Board.

Section 5. Application and Process.

A. Application for a Private Event Venue license shall be made on a form available from the Town Clerk. Each application must be accompanied by payment of an application fee pursuant to the Fees Ordinance. Incomplete applications will not be processed.

B. Applications will be heard by the Town Council at a public hearing held at a regularly scheduled meeting. A notice of the hearing will be published in a local newspaper at least seven days prior to the meeting. Such notice will be mailed to all property owners of parcels within 300 feet of the subject property, plus any other property owners who request such notification.

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C. All Private Event Venues must be inspected by the Code Enforcement Officer and the Fire Inspector to determine if they are in compliance with all local and state regulations and ordinances.

D. The Treasurer and Tax Collector must certify that all sewer user fees and personal property taxes are paid in full as of the date of the application.

E. Reports on the operation of the venue may be submitted by other Town staff, including but not limited to the Director of Public Safety, the Director of DPW, and the Town Planner.

F. Town Council shall make a decision on the application within 30 days of the close of the public hearing. The application may be denied if the Town Council finds cause based on the results of the required inspections, failure to pay sewer fees or personal property taxes, the reports of any Town staff, or testimony from abutters and others within the neighborhood where the venue is located. Town Council may issue a license (or license renewal) with conditions that must be complied with during the license period (e.g. reduced hours of operation from that approved by the Planning Board in the case of repeated violations or neighborhood complaints).

G. A new license, when granted, is valid for one year and must be renewed annually in the month in which it was first issued.

H. The current license must be displayed at the Private Event Venue in a location where it can readily be viewed by any attendee.

I. In cases where multiple local licenses are required, they can be applied for concurrently and Town Council may grant them with a single public hearing.

Section 6. Penalty. Any person found guilty of operating a Private Event Venue without a valid license to do so shall be subject to a fine of $100.00 per day for each day of operation without the required license.

Section 7. Suspension or Revocation of License. The Town Council, upon notice and hearing, for cause, may at any time suspend or revoke a Private Event Venue license issued pursuant to this ordinance. Cause shall mean the violation of any license provision or any provision of this ordinance, or any condition constituting a threat to the public health, safety, or welfare, including but not necessarily limited to neighborhood disruption, disorderly attendees, or excessively loud or unnecessary noise that initiates complaints to or requires a response from police, fire, or other town regulatory bodies or employees.

Section 8. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

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Town of Hampden

Land & Building Services

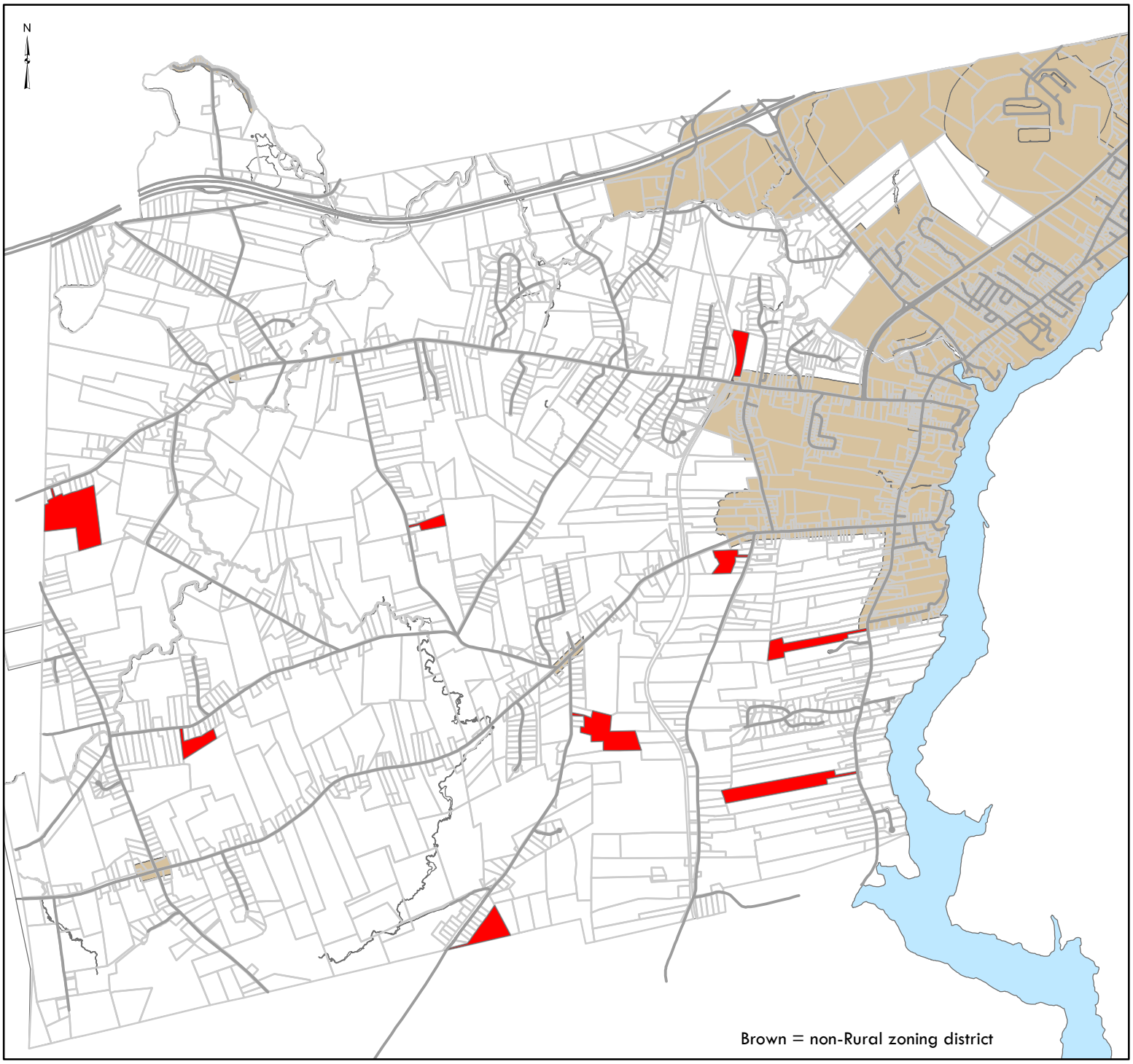
Memorandum

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner KMC
Date: January 2, 2019
RE: Miscellaneous Amendments to Zoning Ordinance

Since the adoption of the major zoning amendments in 2018, I have been keeping notes on a variety of issues in the zoning ordinance that should be considered for modification. I am working on putting the language into the formal format, which I expect to be completed for the meeting next week. In the meantime, I have attached a listing of the sections and issues I'm addressing. We will discuss these at the meeting on January 9.

Misc. zoning amendments – Jan 2019

Topic	***Section***	***Notes or text***
Split parcels	2.5	Switch the words "use" and "parcel" in the second sentence: "…any portion of such a ~~use~~ parcel of land shall be…in which said ~~parcel~~ use is located…"
MF development	3.2.1.5	Add to the end: "unless the Planning Board makes a finding that a different location would be beneficial to the development and to the abutters.
Dimensional table	3.4.1	Add a footnote to "Max Gross Density": "For single family and duplex structures; refer to §3.4.2.2 for multi-family development."
Minor site plan	4.1.5.2	Fix the reference, should be 4.1.5.4 instead of 4.1.4.3 (second line).
Cluster housing – flexibility	4.6	We have had a request to add a provision to allow flexibility in the standards so the PB has the option to approve something that doesn't meet the dimensional requirements. In order to avoid negating the purpose of the whole cluster provision, my recommendation is to allow a smaller buffer along some length of tract boundary if it results in a better design. In conjunction with this, consider requiring something in return, such as increased open space area or amenities (benches) within the open space.
Cluster housing – MF	4.6	Figure out a way to compel MF developments using cluster provisions to actually be a cluster design. Perhaps require at least 50% of the open space to be undisturbed land.
Cluster housing – tract frontage	4.6.2	Consider reducing the tract frontage in the rural district to 66 feet, to allow long skinny parcels to be used for cluster instead of forcing those with between 66 and 100 feet of frontage to do only standard subdivisions. This would allow 6 parcels to develop under cluster instead of standard subdivision design (see map).
Cluster housing – common open space, utilities	4.6.4.2	Add to the end of the third sentence: "although a road may be closer than 25' at the entrance provided the DPW Director or the ME DOT requires the curb cut to be at a location such that the entry road must be within 25' of a property line."
Political signs	4.7.5.3.9	State law has changed regarding political signage, so to make the zoning consistent we need to delete items 1 and 2 and just end the sentence after "…Maine DOT Department Regulations"
Accessory apartments	4.25	Add a note somewhere that says something to the effect of: "It should be noted that properties within any zoning district that allows two-family dwellings by right have the option of considering a second unit that is within the single family house to be a two-family dwelling as opposed to an accessory apartment."



Parcels that could benefit from reducing frontage requirement for cluster tract in rural district from 100' to 66'

Currently these parcels can be developed as a standard subdivision but not as a cluster.

Parcels colored red have at least 10 acres and between 66' and 100' frontage. These 9 parcels total 251.5 acres and range in size from 8.4 to 70.2 acres, with an average size of 28 acres.

3 of them are built on, and 6 are undeveloped: 3 are forested, 2 are a mixture of forest and field, and 1 appears to be an old gravel pit.

map prepared by K Cullen, Town Planner
Dec 27, 2018