



Town of Hampden

Planning Board

Wednesday, February 13, 2019, 7:00 pm

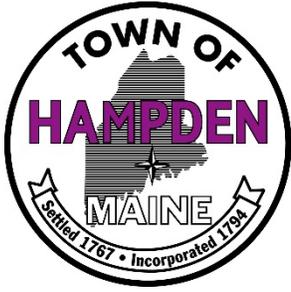
Municipal Building Council Chambers

Agenda

1. Administrative.
 - a. Minutes – January 9, 2019
2. Old Business – None.
3. New Business
 - a. Bangor Realty Group, LLC; Hampden Village – public hearing for a major site plan under the provisions of Section 4.1, Site Plan Review, of the Zoning Ordinance, and for a major final subdivision plan under the provisions of Section 332 of the Subdivision Ordinance. The proposal is to construct a multi-family cluster development with 30 townhome units on a 3.5 acre parcel located at 148 Mayo Road (parcel 35-0-01-A). The property is in the Residential B District.
4. Staff Report
5. Planning Board Comment
6. Adjournment of regular meeting

As time permits, the Board will reconvene for a workshop meeting after the conclusion of the regular meeting.

Zoning Workshop: Private Event Venue, Miscellaneous amendments to various sections; continuation of discussion from January 9th workshop.



Town of Hampden
Planning Board Meeting
Wednesday January 9, 2019
Minutes

In Attendance:

Planning Board

Gene Weldon, Chairman
Kelley Wiltbank
Peter Weatherbee
Jim Davitt
Jennifer Austin
Jake Armstrong

Staff

Karen Cullen, AICP, Town Planner
Myles Block, CEO

Public

Andre Cushing

The meeting was called to order at 7:00 pm.

1. Administrative:

a. Board Reorganization

- i. Member Wiltbank nominated Member Weldon to serve as Chair, second by Member Davitt; so voted 5/0/1 (Member Weldon abstained).
 - ii. Member Wiltbank nominated Member Davitt to serve as Vice-Chair, second by Member Weatherbee; so voted 6/0/0. It was noted that the Vice-Chair also serves as the chair of the workshop meetings (dealing with ordinance amendments or project oriented business).
- b. Minutes of November 14, 2018. **Motion** by Member Weatherbee to approve the minutes as submitted; second by Member Wiltbank; carried 5/0/1 (Member Austin abstained).

2. Old Business: None

3. New Business:

- a. **Major Subdivision Final Plan – Colonial Heights Phase 3.** Request for approval of final subdivision plan for re-recording at the Registry of Deeds to clear up a procedural error in the previous recording of the approved plan. The subdivision was approved by the Planning Board in August 2017 and the infrastructure has been built and accepted by the Town in December 2018. The applicant is also requesting a waiver of the application fee.

Andre Cushing, the applicant, explained that the mylar of the plan approved in 2017 was not recorded within the 90 day time limit imposed by Hampden's Subdivision Ordinance (§322.1.1), an error that was recently caught during the title search for the sale of three lots. This application is to get a new approval and have a new mylar signed and recorded.

Chair Weldon confirmed that the error was not the fault of any municipal staff person or official, Andre Cushing agreed.

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Andre Cushing presented his case for waiving the application fee: “We were required to pursue this process as the plot plan was not filed with the registry of deeds within the required 90 days of it being signed as approved by the planning board. A delay in securing the letter of credit to secure the completion of subdivision from our lender held up the release of the signed plan. This resulted in a delay until late November, the plan was picked up by our engineer taken to the registry and filed but, there was no mechanism to identify at the filing that it was in excess of the 90-day window required. It was discovered by an attorney for the buyers of some lots in the new phase when we were getting ready to close in December of 2018 and brought to our attention. The town attorney recommended it be submitted as a major subdivision for reapproval which required a higher fee. Under Hampden's ordinance fee structure a major subdivision fee is higher predicated I believe on there not being a fee paid for preliminary subdivision review, we had paid the fee related for a preliminary plan approval and for final approval in August of 2017. We feel that while the process was assisted by town staff the additional fee is somewhat burdensome due to the minor amount of staff time required to process the re-application. We respectfully request the council to wave this additional filing fee as we have completed the subdivision work, the Town Council has accepted the road and the town also accepted the conservation easement, all of which was covered by prior application fees and or funds we placed in escrow with the town for these purposes.”

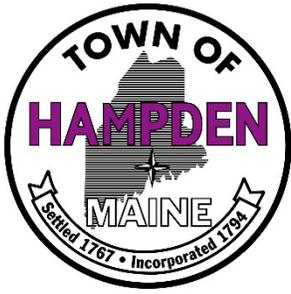
Discussion on the request to waive the application fee:

- the fee is \$1,050 and has been submitted
- the purpose of the fee is to cover at least a part of the administrative costs for processing an application, including staff time for review and communications
- the fee could reasonably be reduced, the amount of time spent on this application has been less than for a typical final subdivision plan – the review of the plan consisted of a comparison of the mylar from August 2017 with the new mylar
- Board members are concerned about setting a precedent if the fee is waived
- the Planning Board can make a recommendation to Town Council to modify the fee, but Town Council is the body that will make the final decision
- the Board wants the fee to at minimum cover staff time and the cost of the town attorney time for his input on how to handle this situation.

Motion by Member Weatherbee to approve the final subdivision plan for Colonial Heights Phase 3 as submitted, and to modify the draft Board Order by deleting the section on waivers; second by Member Wiltbank; so voted 6/0/0.

Motion by Member Wiltbank to recommend to Town Council that they consider the request for a waiver to the final subdivision plan application fee of \$1,050, which has been paid, to reduce the fee to at minimum cover all of the administrative costs (including for the town attorney), due to the unique circumstances of this application where the mylar was not recorded at the Penobscot District Registry of Deeds within the required 90 day timeframe, which delay was caused by issues with the applicant obtaining the necessary letter of credit for the surety, with no fault on the part of the Town. Second by Member Weatherbee; so voted 6/0/0.

Motion by Member Davitt to adjourn the regular Planning Board meeting at 7:41 pm, second by Member Wiltbank; so voted 6/0/0. The Board signed the Colonial Heights plans.



Town of Hampden
Planning Board Workshop Meeting
Wednesday January 9, 2019

Minutes

In Attendance:

Planning Board

Gene Weldon, Chairman
Kelley Wiltbank
Peter Weatherbee
Jim Davitt
Jennifer Austin
Jake Armstrong

Staff

Karen Cullen, AICP, Town Planner
Myles Block, CEO

Public

Chair Weldon opened the zoning workshop meeting at 7:49 pm.

Private Event Venues: These are facilities that are designed to handle weddings, private parties, banquets, business meetings, and other gatherings but does not include events open to the general public or events where people pay to attend them. The Board reviewed the proposed regulations and decided:

- exempt places of worship, publicly owned properties, RSU 22 owned properties, and non-profit organizations – these exemptions will be added to §4.26.
- add “except for fundraisers” to the definition to eliminate the inconsistency regarding fundraisers and charging for attendance.
- consider modifying the buffer requirement to allow the Planning Board to require that the buffer be installed in some location other than along the property boundary, in cases where the topography and other physical characteristics of the site make it more sensible to install the buffer in a different location.
- add email communication to footnote 8 in §4.26.1
- review language in §4.26.2.4 to make sure this provision (for a Traffic and Parking Management Plan) is not confused with DOT permits.
- delete “(e.g. inn, hotel, or motel)” from §4.26.2.9.
- reword §4.26.2.11 to read: “The owner must comply with the Town of Hampden Private Event Venue Licensing Ordinance.”
- Note, the Board did not review the licensing ordinance at this meeting.

Miscellaneous amendments: due to time constraints, the Board only discussed one of the proposed amendments, that of frontage requirement for cluster housing developments in the Rural district. Planner Cullen presented the idea of reducing the frontage requirement for cluster development in the rural district from the current 100’ to 66’, which is the width of the right-of-way for a new road. She said the advantage of reducing it would be to allow the more creative design available with cluster, and the disadvantage would be that for parcels with only 66 or so feet of frontage, there would be no possibility of having a permanent buffer to screen the new roadway into the development from any existing or future homes on the parcels adjacent to the new roadway. The Board discussed this at length and took a poll

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which was unanimous in favor of keeping the 100' frontage requirement, because the protection of single family residences (existing and future) where abutting these properties is of greater concern than allowing flexible design for the properties that fall into this category (between 66 and 100' frontage and meeting all other criteria for cluster development). It was noted that such parcels are still eligible for standard subdivision development.

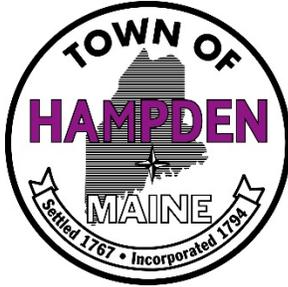
Staff Report:

- a. Planner Cullen informed the Board that the Mayo Road multi-family project which was in for sketch plan review in November has run into potential problems with sewer capacity due to wet weather issues at the pump station. She was unsure whether they would proceed with the site plan application, but it is tentatively scheduled for public hearing in February.
- b. Planner Cullen noted there are two developments that will be submitting compensation fees for development in the Sucker Brook watershed; FW Webb and Zucco's Dog House, which will be before the Staff Review Committee next week for a modification to the plan to make the dog play area turf instead of grass – DEP considers turf to be impervious and therefore they had to redesign the stormwater management system on the site.

The workshop meeting was adjourned by Vice-Chair Davitt at 9:23 pm.

Respectfully submitted by Karen Cullen, Town Planner

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Report on Application Major Site Plan & Major Subdivision Hampden Village Townhomes

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: February 4, 2019
RE: Report on Application for Hampden Village Townhomes on Mayo Road

Project Information

Applicant: Bangor Realty Group LLC
Site Location: 148 Mayo Road
Zoning District: Residential B
Proposal: Construct a 30 unit multi-family development under the cluster provisions of the zoning ordinance, consisting of 6 buildings (three 4 unit and three 6 unit). All 30 units are proposed to be two-bedroom. The project will be connected to public water and sewer services. The 3.5 acre formerly wooded parcel has recently been harvested.

I have reviewed this site plan and final subdivision plan and have determined it to be deficient in compliance with the requirements of the Zoning Ordinance in the following ways:

1. §4.1.5.1.4 – existing topography is not shown. Furthermore, if DEP approval has been granted, a copy of that approval should be submitted (to the Planning Board).
2. §4.1.5.1.5 – are there any hydrants in this development? The legend lists “hydrant” but I don’t see any. In addition, while the “General Note” 13 on the Site and Utility Plan (sheet 1-3) states open space is delineated on the plan, I see no such delineation.
3. §4.1.5.1.6 – No landscaping plan has been submitted, and none of the required information except for the existing tree line is shown on any of the submitted sheets.
4. §4.1.5.1.7 – No lighting plan has been submitted, and the only light indicated on the plan is one light on a utility pole near the dumpster.
5. §4.1.5.1.10 – No signage is shown. In addition, the dumpster orientation may be difficult for trucks to manage without completely blocking the driveway.
6. §4.1.5.1.12 – Narrative: Regarding form of ownership, the narrative indicates this will be an apartment complex, and the page titled “Traffic Review, Hampden Village Townhomes, Hampden” further states it will be a “multi-family residential rental development.” The narrative is also to include “a summary of the provisions for the maintenance of commonly held areas” which I do not see anywhere in the application package except for the stormwater management plan. General Note 13 on the plan only

states that “all land areas and improvements will be owned and maintained by the developer.” Finally, I don’t see any indication of when the project is expected to be completed.

7. §4.7.1.2 limits the amount of parking to 110% of the required amount. For 30 units, at 2 spaces per unit, 60 is the required amount and 66 is the maximum amount. This plan shows 81 spaces, or 15 more than the maximum allowed.
8. §4.6.4, Cluster Housing, Open space – I have several comments:
 - a. §4.6.4.1 allows a maximum of 30% of the buffer area to be counted toward the open space requirement. This proposal is counting 100% of the buffer toward the open space requirement. This issue was discussed at the November 14, 2018 Planning Board meeting, at which time the Board directed the applicant to stay within the ordinance requirements to the greatest extent possible. The Board did not make any decision on whether they would accept 100% and said they would wait to hear what comments were offered at the public hearing.
 - b. The development is for 30 units, two more than allowed under the standard application of 8 units/acre. In order to get those two units, the open space requirement increases from the base of 30% of the total site acreage to 50%. Simply by reducing the project from 30 to 28 units would reduce the percentage of the buffer that needs to be counted toward the open space area.
 - c. As discussed in item 7 above, there are 15 more parking spaces than allowed – if those 15 spaces are eliminated, that might create enough “non-buffer area” open space to reduce the percentage of the open space within the buffer to a more palatable figure.
 - d. §4.6.4.2 allows utilities to be located within the common open space area, but I feel the extent to which this proposal does that is compromising the intent of both the open space and the buffer. As I pointed out in my report on the Sketch Plan, §4.6 states: “In order to promote the health and general welfare of the community and to preserve and make available open space for recreation, agriculture, and conservation, the Planning Board may [approve a cluster development].” in addition, the definition of “buffer strip” is “an undisturbed area or belt of land that is covered with trees or other vegetation.”
 - e. §4.6.4.3 requires a conservation easement to be recorded and referenced on the plans and applicable deeds. The submission package makes no mention of a conservation easement. It is still required even though the developer is to remain the owner of the entire project.

Under Section 4.1.6, standards governing site plan review, all items have been met. Two comments:

1. Item 5 regarding light trespass from headlights is primarily due to the presence of about 40 feet of wooded area on the abutting property to the south; this site plan provides – once grading is completed – little or no vegetative buffer at the southern end of the buildings and parking lot. A reduction in the amount of parking could increase the actual buffering in this location.
2. Item 9 regarding exceeding the capacity of public utilities – this standard can only be met through an agreement between the Town and the owner regarding the sewer system.

Background: This area of the sewer system feeds into a pump station at the corner of Mayo Rd and Western Ave. From there, wastewater flows to another pump station at Route 202 and Western Ave, and from there to the Souadabscook pump station. Once through there, wastewater flows by gravity to the wastewater treatment plant (WWTP) in Bangor. As is common with municipal wastewater collection systems, there is some infiltration/inflow (I/I) of non-wastewater (e.g. ground water, roof drainage) into the sewer pipes system wide. During normal dry conditions, the amount of I/I is low enough to not cause any problems with the overall capacity of the system (collection pipes and WWTP).

In the Mayo Rd area of the sewer system during certain wet weather conditions, the amount of I/I increases to the point where the pump cannot keep up with the flow entering the station. The level of wastewater in the wet well then rises to the point where it surcharges into the collection system, and if it is not pumped out and trucked to the WWTP (multiple trips per wet weather event), a sanitary sewer overflow (SSO) will occur. During these times, there is actually negative capacity in the system, and thus under the standard of this §4.1.6.9, the Planning Board would not be able to approve any project proposing to connect to the public sewer system in this area.

However, staff does not think this is a reasonable conclusion, given that these I/I problems only occur during certain weather conditions and at this point are manageable through manual pumping of the wastewater in the wet well into trucks for transport directly to the WWTP. That said, if nothing is done to reduce I/I, and these events increase in frequency due to weather conditions and/or an increase in sewer connections for new development (e.g. this proposed 30 unit multi-family development), the problem will only be exacerbated.

The Town is in the initial stages of evaluating the system for I/I and based on the conditions at the Mayo Rd pump station expect to focus on this area first. The entire process to reduce the I/I to the greatest extent feasible is expected to take at minimum three years with Town Council's approval. In this area, it is suspected that much of the problem stems from foundation drains or basement sump pumps discharging into the system.

The Town (DPW, Town Manager, Town Planner, and Woodard & Curran) and the Bangor Wastewater Treatment Plant met and discussed potential options to allow this project to move forward. At this point it appears that the most realistic option is to allow connection to the system if there is an agreement between the Town and the owner. That agreement, which would be separate from site plan approval, would require \$10,000 to be held in an escrow account specifically for use to help defray the cost of pumping wastewater out of the wet well of the Mayo Rd/Western Ave sewage pump station. The account would remain in place until the I/I removal resulted in low enough volumes flowing to the pump station during the wet weather events that there is capacity for the current flow (pre-development) plus the flow from the proposed 30 unit apartment complex with no need for manual pumping of the wet well. At this moment nobody can predict when that will be.

My recommendation to the Planning Board is to include a condition on the approval stating that prior to the issuance of a sewer connection permit, an agreement between the Town and the property owner must be executed to address the establishment of an escrow account to help defray the cost of the wet weather pumping activities at the Mayo Rd pump station. The amount of the escrow should be \$10,000 with the balance replenished when it falls below \$5,000.

I have also reviewed the final subdivision plan and have the following comments:

1. §332.2.1 – the plan has not been signed by the surveyor
2. §332.2.7 – open spaces subject to easements (such as the conservation easement required under the cluster provisions of the zoning ordinance, §4.6.4.3) are to be shown on the plan; while the legend indicates open space is shown with a hatch pattern, there is no hatch pattern on the subdivision plan.
3. §332.2.12 – written letters from utility companies indicating approval of designs for their respective systems; since this is more of a site plan than a subdivision, I don't know if the Board requires this to be done.
4. §332.2.13 – any easements must be drafted and submitted to the Planning Board prior to final approval; this would apply to any easement granted to the Hampden Water District as indicated in General Note 8 on the subdivision plan (as well as on the site plan).
5. All other items in this §332.2 have either been complied with or are not applicable since the information is shown on the site plan.

The final subdivision plan complies with Article 500, General Requirements and Standards. Note, §570 allows the Planning Board to require a buffer strip when a proposed major subdivision will be located adjacent to a use where separation is desirable.

I have also reviewed the “Maintenance Plan & Post-Construction Stormwater Management Plan” and question the language in item 1 under the inspection list; it sounds to me as if what is written means that anything anywhere can be mowed. In addition, the “Maintenance Agreement for Stormwater Management Facilities” should reference the stormwater management plan so there is a connection between the two documents.

Woodard & Curran has reviewed this application; they also found a number of deficiencies in the submission. Please refer to their report, attached. Note that I concur with their recommendation regarding the stormwater analysis and design being deferred to DEP and including a condition on site plan approval that the DEP permit be obtained and a copy submitted to the Town prior to issuance of a building permit.

The site plan has been reviewed by the Director of Public Works and his comments are reflected in the above and in Woodard & Curran's report.

The site plan has been reviewed by Public Safety and they will be requiring a hydrant on the property, even if the buildings are sprinklered. The hydrant should preferably be located at the corner of the 27 and 5 space parking rows.

Based on the above, I recommend the site plan and final subdivision plan be revised accordingly prior to approval.



February 1, 2019

Karen M. Cullen
Town Planner
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Re: Mayo Road Development Final Subdivision & Site Plan Application Peer Review

Dear Karen:

We have completed a review of the Site Plan and Final Subdivision Application submitted for the Hampden Village Townhomes by Kiser Engineering & Development Consulting on behalf of Bangor Realty Group, LLC (Applicant) for a proposed 30-unit multi-family development on Mayo Road (parcel 35-0-001-A).

As requested, this review is focused on general engineering and stormwater management. Along with the application submission materials, we have reviewed your comments in the draft report you shared with us and concur with the deficiencies identified in your report. We provide the following additional comments listed below including ones we provided at Sean Currier's direction related to the proposed pump station.

Zoning Ordinance Site Plan Standards (Article 4.1)

1. §4.1.5.1.3 – Per the Ordinance, the Applicant shall show snow storage locations on the site plan.
2. §4.1.5.1.4 – The Applicant has indicated that there are no wetland resources present on the parcel. No information was provided to support that finding such as dates and details of when and who performed the wetland and vernal pool study.

Drainage design calculations, complete pre- and post-stormwater mapping, system design details and elevations have not been provided as part of the submission. Accordingly, we are not able to provide a thorough review of the stormwater analysis and design. As the Applicant has indicated, the project requires approval from Maine DEP for Chapter 500 compliance in which drainage and stormwater design will be reviewed. We recommend requiring this project's site plan approval be contingent upon the approval from DEP rather than ask the Applicant to submit a full analysis and design.

3. §4.1.5.1.5 – The Applicant has provided correspondence with Maine State Historic Preservation Officer to determine if historical features are present on the project site. However, the letter provided refers to a project on Hammond Street in Hermon. The Applicant should provide confirmation that the correct parcel was discussed with the Historic Preservation Officer.
4. §4.1.5.4 – The Applicant is requesting a waiver for reductions in "other yard" setbacks and the percentage of open space within the buffer area. This is addressed in your report to the Board. The Board should also note, the Applicant is proposing clearing and grading within the buffers and setbacks, specifically for the grass filter beds and dumpster pad. The proposed grading appears as close as 5 feet from the side and rear property lines.



Zoning Ordinance Design Standards (Article 4.7)

1. §4.7.1.6.10 – The Ordinance requires any building or facility constructed as a place of public accommodation or a dwelling unit which is design to be handicapped accessible shall provide one handicapped parking space with a 5-foot access aisle for every 25 parking spaces required by §4.7.1.1. The Board should determine if this standard is applicable.

General Engineering

1. In the application narrative, the Applicant includes overhead electric in the proposed utilities; overhead electric is not shown on the Utility plan.
2. The proposed parking lot layout does not provide separation between parking spaces and the pedestrian walkways. This design does not promote pedestrian and vehicular safety within the site outlined in §4.1.6.2.2.
3. On the grading plan, in the absence of existing topography, labels for drainage structures and invert elevations, and unclear grading of the grass filter beds, we were unable to conduct a thorough review of the proposed stormwater management design.
4. The Applicant is proposing a change in direction in the storm drain pipe between field basins FB-1 and FB-2. General engineering practices call for a drain manhole to be provided at the change in direction of the pipe to provide maintenance access between field basins FB-1 and FB-2.
5. The storm drain and foundation drain outlets do not appear to have BMP measures in place to prevent erosion.

Sewer Ordinance (Article 5.3)

1. §5.3.1 – The Ordinance stipulates specific conditions that must exist for the Board to accept an Applicant's proposal for connection of a private sewer via a pump station. It is not clear from the submission package which condition applies in this case.
2. §5.3.1.5 – The Ordinance requires a means by which the pump station will be maintained in perpetuity. This is not addressed in the Applicant's submission package.
3. §5.3.1.7 – The Ordinance requires that any private pump station shall have redundant pumps, backup power systems and alarm systems. The submission package does not address backup power or alarm systems.
4. General
 - a. We noted that you could fit the equipment of this pump station into a 4-ft. structure, although this would require a deeper station to achieve the same working volume.
 - b. The proposed chain and guide rails are galvanized. We recommend stainless steel. Sean Currier agrees.
 - c. We recommend that the top of the structure be a minimum of 1 foot above the finish grade, with the surrounding area graded away from the wet well and located in a vehicle accessible area. This approach minimizes the chance for infiltration/inflow around the top of the structure.
 - d. We recommend exterior dampproofing and joint wrap of the wet well and any other sanitary sewer structures as a precaution to limit infiltration risks.



We hope this information is useful to the Board in their review of this application. If you should have any questions or require any additional information, please do not hesitate to contact us.

Sincerely,

WOODARD & CURRAN

A handwritten signature in blue ink that reads "James D. Wilson".

James D. Wilson, P.E.
Senior Project Manager

JDW/jeh

PN: 0213351.53



Town of Hampden
Land & Building Services

Memorandum

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: February 4, 2019
RE: Miscellaneous Amendments to Zoning Ordinance

Since the meeting on January 9th I have made some revisions to the proposed miscellaneous amendments, see attached. We will discuss these in a workshop after the regular meeting on February 13, time permitting.

TOWN OF HAMPDEN

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

Deletions are ~~Strikethrough~~ Additions are Underlined

Amend §2.5 Parcels in More Than One District

To correct an error in wording, 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...”

Amend § 3.1.3, Use Table

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 §3.2.1.5, in Multi-family development

To allow flexibility in design, add language to the end of the sentence:

- 3.2.1.5 All parking areas for multi-family dwellings must be located to the side or rear of the building unless the Planning Board makes a finding that a different location would be beneficial to the development and to the abutters.

Amend §3.4.1, Table of Dimensional Requirements

Add a footnote to the table for “Max Gross Density” to read: For single family and two-family structures, which are to be treated as a single unit; for multi-family development refer to §3.4.2.2.

Amend §4.1.5.2, Minor Site Plans

Correct a reference in the first sentence to read:

4.1.5.2 Minor site plans shall include all of the information required by §4.1.4.1 with the following exceptions, and waivers may be granted as provided in ~~§4.1.4.3~~ §4.1.5.4.

Amend §4.5.1, Nonconformities, General

Add a new item 4 to read:

4.5.1.4 When a nonconformity is created by action of a public body for a taking by eminent domain or a conveyance in lieu thereof, the nonconformity is considered to be legal and is allowed to continue subject to the provisions of this §4.5.

and amend §4.5.5.4 to read:

~~4.5.5.4 Reduction in lot size. Except as expressly provided in this ordinance or for a taking by eminent domain or a conveyance in lieu thereof, no lot shall be reduced in size...~~

Amendments to §4.6, Cluster Housing

Amend §4.6.4.2 to read:

~~4.6.4.2 Utilities: stormwater drainage, water supply, or on-site sewage disposal systems, whether shared or not, are permitted within the common open space area. If needed, easements must be established to ensure maintenance of the utility. Roads may be located within the tract buffer provided no portion is closer than 25 feet to the tract boundary and the amount of roadway within the buffer is minimized. The intent is to allow flexibility to account for tract configuration and the location of natural features on the site.~~

Amend §4.6.4.3 to read:

~~4.6.4.3 Restriction of future development: common open space areas may be owned by the homeowners association for the development, the Town of Hampden, a land trust, or another similar organization that will provide permanent protection. In all cases, a conservation easement must be recorded and referenced on the plans and applicable deeds to prohibit future subdivision of the common open space and to prohibit any development other than accessory structures for permitted recreational uses, infrastructure elements, or maintenance facilities. For developments where there are no individual lots, at least 50% of the open space must be undisturbed land.~~

Add a new section to deal with buffers to read:

§4.6.5, Tract Buffers

4.6.5.1 All cluster housing developments are required to provide a buffer along all tract boundaries per the table in §4.6.2.

4.6.5.2 Any existing vegetation which provides a dense buffer is to be retained.

4.6.5.3 Any area of the required buffer area which has no existing buffering vegetation must be planted with trees or shrubs to provide a dense buffer.

4.6.5.4 Notwithstanding the above, roads and associated utilities (water or sewer lines, electric or communications cables, or other linear utilities) may be located within the tract buffer provided no portion of the physical improvement, easement, or right-of-way is located within 25 feet of the tract boundary and the encroachment area is minimized. However, an entrance road may be located in any portion of the tract buffer when either the Hampden DPW or Maine DOT requires such a location for the intersection with the existing public road, from the intersection into the site to the shortest distance necessary to move the road out of the buffer. The intent of this provision is to allow flexibility to account for tract configuration and the location of natural features on the site.

4.6.5.5 The required buffer area must be protected from development and from removal of vegetation by either:

1. including the entire buffer with the common open space under §4.6.4.3, restriction of future development, or
2. by deed restrictions on the buffer area where included in individual, privately owned lots within a single family cluster development. In such cases, the minimum lot size for individual lots per §4.6.2 must be outside of the buffer area.

4.6.5.6 Notwithstanding the above requirements, the Planning Board has the option, upon the written request of the applicant, to reduce the depth of the buffer up to a maximum of 50 percent of the requirement for a distance along the boundary up to a maximum of 20 percent of the total length of the buffer in cases where the Board finds that such a reduction would result in a design that would provide some public benefit, such as but not limited to additional housing units targeted for moderate income households, or more land included in the common open space, or an increase in the buffer depth in other locations adjacent to developed areas of the proposed cluster development.

Amend §4.7.5.3.9, political signs, to read:

9. Political Signs – Signs bearing political messages relating to an election, primary or referendum may be placed per 23 MRSA §1913-A and Maine DOT Department Regulations, as follows:
 - ~~1. May be erected on private property outside the Right of Way limits of public ways at any time prior to an election, primary or referendum, limited in size to a maximum surface area of 50 square feet.~~
 - ~~2. May be erected within the Right of Way limits of public ways no sooner than six weeks prior to an election, primary or referendum and must be removed no later than one week following that date of the election, primary or referendum. Provided, however, that political signs may not be located within the right-of-way limits of any Controlled Access Highway (Route 202 from I 395 to Western Avenue) or within any right-of-way of the Interstate Highway System.~~

Amend §4.25, Accessory Apartments

§4.25 Accessory Apartments. Notwithstanding the minimum lot size requirements of this Zoning Ordinance, construction of an accessory apartment is allowed upon the granting of a Conditional Use Permit either within or attached to a new or existing detached single-family dwelling or within or attached to a new or existing detached accessory structure subject to the requirements below. 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.

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).

Buffer: An area of land along with natural vegetation, landscaping, berms, walls, or fences, that is located between land uses to mitigate visual and sound impacts of one land use on abutting properties.

~~Buffer strip: An undisturbed area or belt of land that is covered with trees or other vegetation.~~

Buffering vegetation: Shrubs or trees which provide a screen that is opaque or nearly opaque year-round from the ground to a height of at least six feet at maturity. Where existing vegetation is present which is not opaque year-round, but where the depth of the vegetated area is large enough to provide a similar effect, such vegetation will be considered consistent with this definition.

Multi-family development: A development that consists of three or more dwelling units in one or more buildings on a single parcel of land. This includes developments with two or more two-family buildings on a single parcel, except for those that can meet the provisions of §3.4.2.12.