

**Planning and Development Committee**  
**January 6, 2016**  
**6:00 PM**  
**Conference Room**  
**AGENDA**

1. Approval of December 16, 2015 Minutes
2. Committee Applications:
3. Updates:
  - A. Municipal Review Committee
  - B. Update on Codification
4. Old Business:
  - A. Home Occupations
  - B. Open Space Requirements
  - C. Business Friendly Certification
  - D. Dangerous Buildings  
James Butler  
758 Main Rd North
5. New Business:
  - A. Bangor Chamber of Commerce Representative
6. Zoning Considerations/Discussion
7. Citizens Initiatives:
8. Public Comments:
9. Committee Member Comments:
10. Adjourn

**Planning and Development Committee**  
**December 16, 2015**  
**6:00 PM**  
**Conference Room**  
**DRAFT MINUTES**

**Attendees:**

Committee  
Bill Shakespeare  
David Ryder  
Stephen Wilde  
Dennis Marble  
Terry McAvoy

Staff  
Dean Bennett, Com Development Director

1. Approval of December 2, 2015 Minutes:

Minutes were approved unanimously.

2. Committee Applications: None

3. Updates:

- A. Marina Sign

The Community Development Director (CDD) updated the Committee on his ongoing conversation with Chip Kelley, Right of Way Technician from MDOT, with regard to the potential placement of a Municipal/Business Sign at the Marina Road entrance.

Upon determining the road to be private, additional information was provided that in order to comply with State Statutes, the property upon which the sign is placed, must be owned by the business advertised. A Municipal sign, exclusively pertaining to the municipality is allowed as an off-premise sign pending filing of paperwork.

- B. CDD informed the Committee that Fiberright was still undecided as to whether they were going to propose a water cooled or air cooled methodology at their pending facility. CDD stated both have potential cost implications that will need to be explored.

4. Old Business: None

5. New Business:

A. Ron Hidu – Hampden Resident

Mr. Hidu spoke to the Committee of his concerns regarding the growing number of distressed properties in Hampden. Mr. Hidu handed out pics of a number of properties along with current tax information. Mr. Hidu requested of the Committee that they consider supporting policy that would encourage owners of such properties to maintain, repair, and secure the properties to protect the public interests and minimize the impact on neighboring property values.

Code Enforcement Officer Myles Block addressed each of the properties discussed and updated the Committee and Mr. Hidu on the current ongoing efforts to address Mr. Hidu's concerns. CEO further explained the limited options at his disposal that would reach beyond public health, safety and welfare, stating unsightliness could be addressed with a Property Maintenance Ordinance. Mr. Hidu expressed his concern for over-regulation. He appealed to the Committee to begin establishing reasonable measures to help prevent properties from declining into a diminished condition.

The majority of the Committee members expressed their appreciation for Mr. Hidu speaking to them of his concerns, many expressing their agreement with his position.

Councilor McAvoy stated he would not be in favor of efforts suggested by Mr. Hidu.

6. Zoning Considerations/Discussion: None.

7. Citizens Initiatives: None.

8. Public Comments: None.

9. Committee Member Comments:

Mayor Ryder stated he would like to discuss the town's requirements for open space at the next P&D Meeting and asked that such an agenda item be established.

10. Adjourn: There being no further business the meeting was adjourned at 7:07PM.



# BANGOR WATER DISTRICT

P.O. BOX 1129 · BANGOR, ME 04402-1129  
TEL: (207) 947-4516 · FAX: (207) 947-5707  
www.bangorwater.org

Kathy Marlarly  
General Manager

Mr. Jamie Holyoke, Superintendent  
Hampden Water District  
140 Main Road North  
Hampden, ME 04444

Town of Hampden  
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Dec. 18, 2015

DEC 22 2015

Office of the  
Town Manager

Dear Jamie;

We have reviewed the proposed plan for providing water to the new Fiberright facility to be located in the expanded Ammo Park industrial zone. I have drawn up a sketch plan (Figure 1) which shows the existing infrastructure and the proposed route for water to the facility to the best of my knowledge. We have reservations about the proposed plan and will discuss these after we give a brief overview of the current situation.

Bangor Water District's (BWD) 12" diameter transmission main, constructed in 1979, was originally designed to deliver approximately 1,000 gallons per minute to the IMC (Holtra-Chem) Plant in Orrington.

BWD's Perry Road Pump Station was constructed in 1987 to provide constant pressure in the transmission main when the PERC plant was located next to the IMC Plant. Our agreement with PERC is to supply up to 840 GPM but currently, they limit their usage to approximately 400 GPM. PERC has on onsite standpipe which they use to meet their peak flow demands.

In the early 90's the Perry Road Pump Station was updated with Variable Frequency Drives (VFD's) to provide a constant pressure of 78 pounds per square inch (PSI) at the pump outlet. Pump intake pressure averages about 58 PSI but varies based on the tank level in BWD's standpipes. At about the same time, the Hampden Water District constructed the Route 202 Pump Station which also draws off the BWD transmission main at a rate of up to 500 GPM.

In 2002, a 12" diameter connection was made on the BWD transmission main to serve the "New Hampden Industrial Park" (Ammo Park). This connection is made through a meter pit that has two 4 inch meters with a nominal combined capacity of 880 GPM. There are also two reduced pressure zone (RPZ's) in this pit which will restrict the flow/pressure available to the Park.

Lastly, Hampden Water District authorized a further extension of the Ammo Park main which we believe is currently under construction. When we became aware of that situation, I cautioned you that we would need to review any potential large users of water that came onto this line because the BWD has limited capacity to supply water here.

Earlier this year, we replaced the pumps at Perry Road to give us a capacity of 1,200 GPM at 60 feet of head (26 PSI). Because we normally provide a 20 PSI boost, the pump can deliver up to approximately 1,600 GPM before pressure on the discharge side starts falling below 78 PSI.

Although the pump station has two pumps, we operate only one pump with the second pump on stand-by in case of a malfunction of the primary pump. This pump station does not have a standby emergency generator so in the case of a power failure; the entire transmission main will see a pressure drop of at least 20 PSI until we can connect a portable generator.

The proposed plan we have reviewed for the Fiberight facility shows a further extension of the Ammo Park line to the planned facility and then beyond it to the Cold Brook Road. Additional commercial/industrial lots are planned on this extension with an unknown amount of future use. It would be solely up to the BWD to supply this water from our Perry Road Pump Station. While the BWD could perhaps barely meet the projected demand of 250 GPM for the FiberRight facility, you would have little or no capacity for any future development on this main. Further, we would not be able to provide much, if any fire protection on this line, especially if PERC, HWD and the new facility were drawing at the same time.

There is a perception that perhaps the new Fiberight Facility will replace PERC which would result in freeing up PERC's capacity on this line. However, our agreement with PERC is still in place and we do not know what the future status of PERC will be.

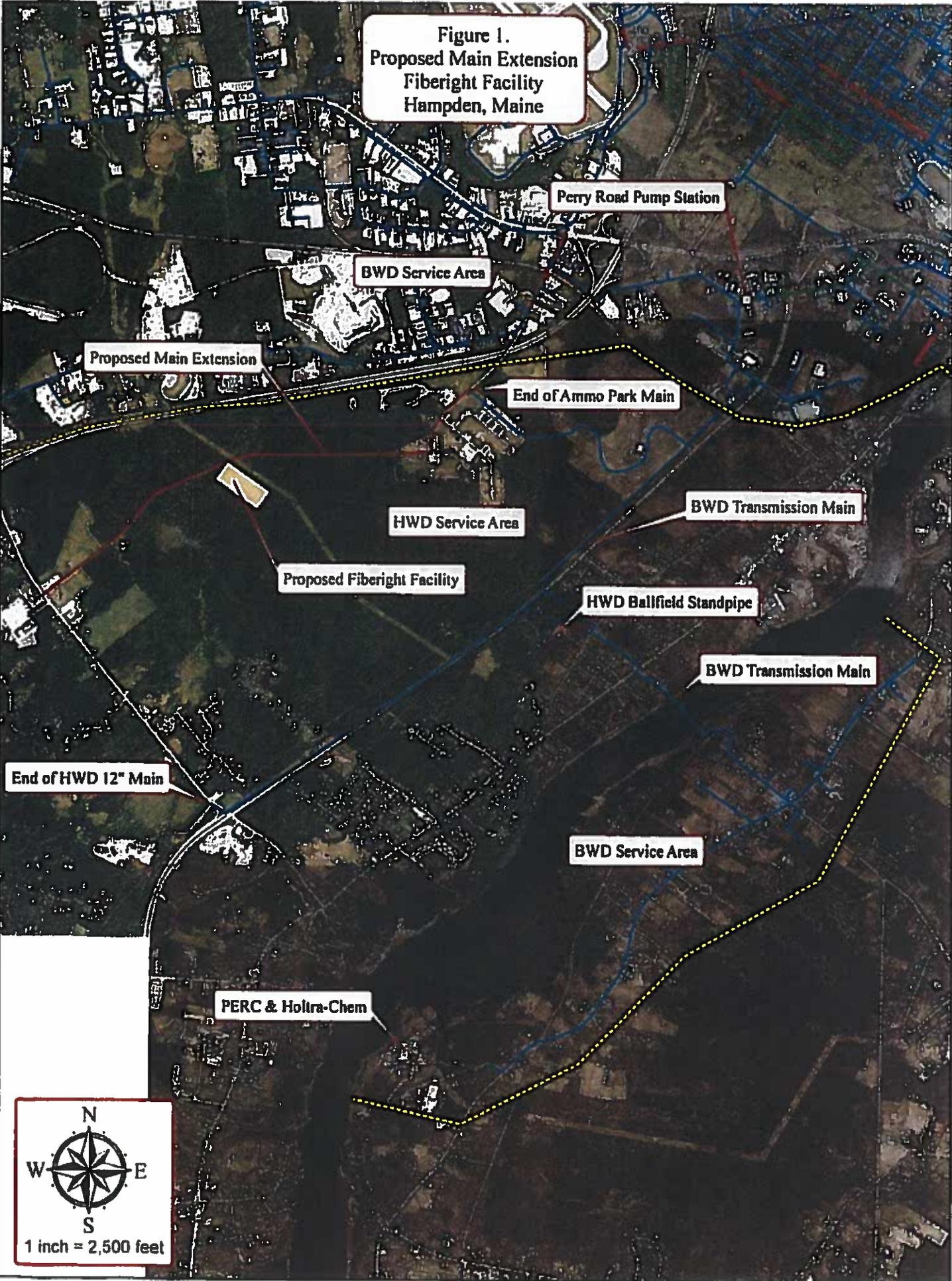
From our perspective, the proposed facility would best be served by a main extension down Cold Brook Road and into the proposed facility as indicated in Figure 2. This line would be fed and pressure maintained by your Ball Field Road Standpipe. Then, flows available at the proposed site would only be limited by water main size.

We greatly appreciate the opportunity to be involved and provide our input to these issues. Please give me a call if you have any further questions.

Rick Pershken

District Engineer  
Bangor Water District

**Figure 1.**  
**Proposed Main Extension**  
**Fiberight Facility**  
**Hampden, Maine**



Perry Road Pump Station

BWD Service Area

Proposed Main Extension

End of Ammo Park Main

HWD Service Area

BWD Transmission Main

Proposed Fiberight Facility

HWD Ballfield Standpipe

BWD Transmission Main

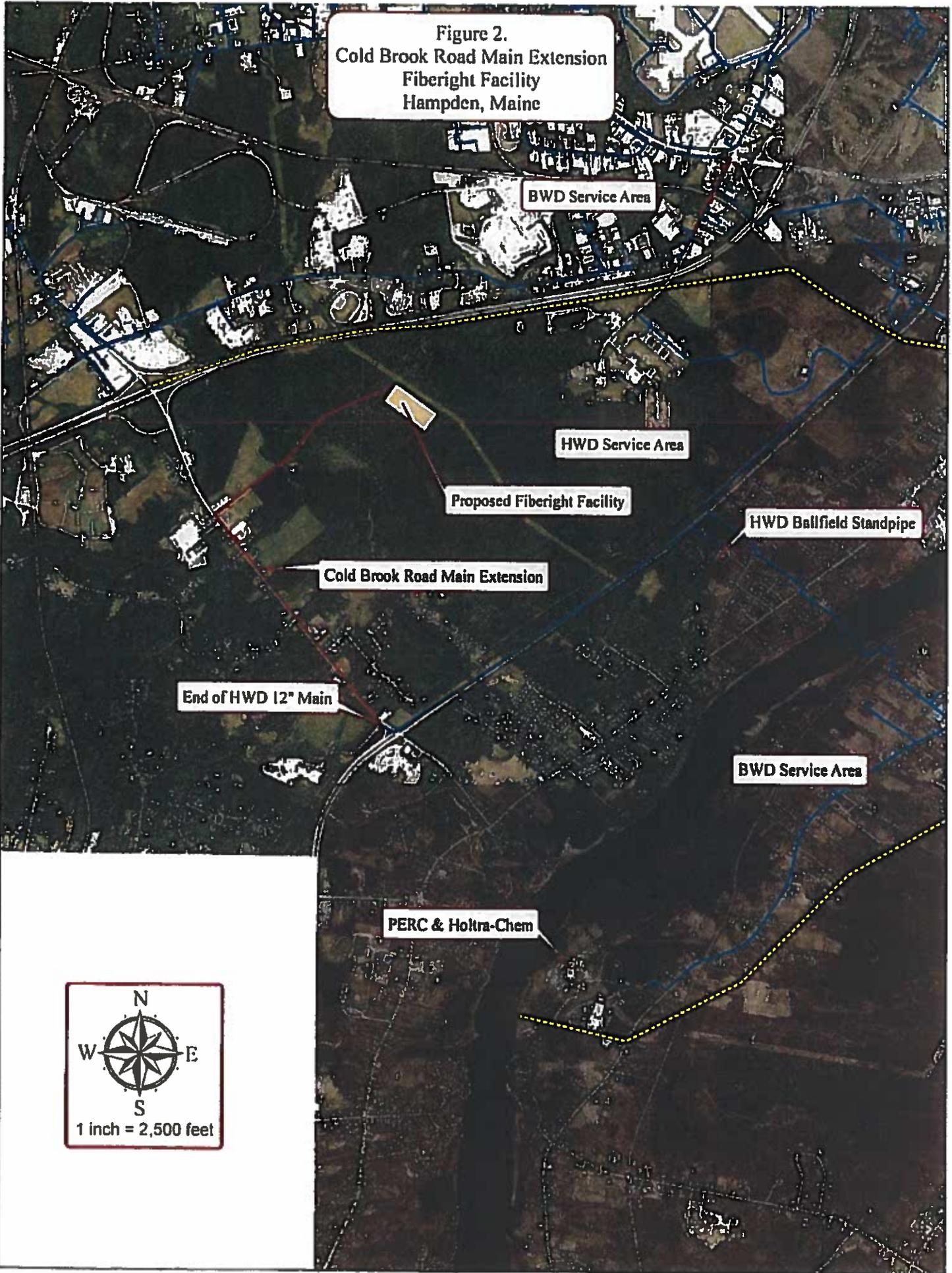
End of HWD 12" Main

BWD Service Area

PERC & Holtra-Chem

N  
W E  
S  
1 inch = 2,500 feet

Figure 2.  
Cold Brook Road Main Extension  
Fiberight Facility  
Hampden, Maine



A north arrow with 'N', 'S', 'E', and 'W' directions. Below it, the text reads '1 inch = 2,500 feet'.

## Maine Water Requirements Summary

First Fill				
Total Volume	Fill Time (Days)	GPD	GPH	GPM
3,500,000	30	116,667	4,861	81
Maintenance Fills (Possible 3-4 times per year)				
Total Volume	Fill Time (Hours)	GPD	GPH	GPM
132,000	8.0	132,000	16,500	275
Steady State Operation				
Minimum GPD	Maximum GPD	Minimum <sup>1</sup> GPM	Average GPM	Maximum <sup>2</sup> GPM
72,000	432,000	50	250	300

Note 1: At times minimum flow can be 0 GPM.

Note 2: Max. flow does not include any fire fighting requirement.

**Town of Hampden  
RECEIVED**

DEC 22 2015

**Office of the  
Town Manager**

Source: Fiberight

## Maine Wastewater Discharge Summary

Parameter	Effluent Quantity Quality			Sample Type Composite (C) or Grab (G)	Monitoring Frequency by Fiberight
	Daily Minimum	Daily Average	Daily Maximum		
Flow (Gal)	120,000	150,000	180,000	Metered	Continuous
Temperature (°F)	90	95	100	G	Prior to Disch.
pH	5	6.5	8	G	Prior to Disch.
TSS (mg/l)	1000	1200	2000	G	Prior to Disch.
TCOD (mg/l)	1500	2150	5000	G	Prior to Disch.

Source: Fiberight

Town of Hampden  
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DEC 22 2015

Office of the  
Town Manager



**To:** Angus Jennings, Town Manager  
**From:** Dean Bennett, Director of Community Development  
**Date:** December 30, 2015  
**Subject:** Codification

.....

As you are aware, the Town of Hampden contracted with General Code of Rochester, New York for the Codification of the town's ordinances and regulations in early 2015. The process involved General Code reviewing our entire body of ordinance and regulations, identifying inconsistencies, updating references to State Statutes, and ultimately compiling a list of questions that need clarification prior to completing the Codification process.

General Code provided the town with a document entitled "Editorial and Legal Analysis" which consists of approximately 75 pages of questions which identified issues that were identified upon their initial review of our set of ordinances and regulations.

Attorney Tom Russell reviewed the document and addressed a large percentage of the questions that required a legal opinion or position. In addition to the legally based questions, the memo consists of a number of questions which were policy related or needing process clarification. Staff has been working on the remaining questions for a number of months.

Per your request, I recently reviewed the remaining material in order to compile a status, timeline and ultimately a submittal package of material to be provided to General Code in order to expedite and finalize the Codification process.

I have provided you a list of the remaining issues to be addressed below:

1. **Chapter 160: Fees and Charges (Fee's Ordinance) Revisions/Clarifications**  
My understanding is that revisions are being drafted at this time. General Code has identified two issues that we may want to address:
  - Chapter 165 (Firearms) indicates a license is required to establish a Fire Range, however there is no fee established or required in the Fee's Ordinance.
  - Chapter 300 (Waste Management) requires a disposal fee of \$5.00 which is in fact \$15, and apparently not listed in the Fee's Ordinance.

2. **Chapter 178: General Assistance Current?**  
General Code indicates that our General Assistance Ordinance is dated 1996 and questions whether it is current. Attorney Russell indicated the town adopts the model and states it should be checked to see if the model has changed. I noticed the 2015-2016 Appendices has been recently adopted, not sure if this addresses the question of whether the ordinance needs to be updated.
3. **Chapter 213: Library Council Action Recommended**  
Attorney Russell has recommended that the Town Council set a fixed number of Trustees and repeal the By-Laws out of the document.
4. **Chapter 240: Peace and Good Order Council Action Recommended**  
Attorney Russell recommends the repeal of this Ordinance due to potential conflicts with State Statute. I understand that you have reviewed this recommendation with Chief Rogers and he supports repeal of this Ordinance.
5. **Chapter 318: Building Construction – Need to confirm with General Code**  
General Code was earlier advised that these ordinances were being updated. Code Officer Block has since provided General Code with the current references to adopted Codes. (Maine Uniform Building and Energy Code Ordinance; Fire Prevention Ordinance, and Life Safety Code Ordinance) Note: These Codes replaced the Building Code Ordinance and Residential Building Code Ordinance. I will contact General Code to review whether the materials provided by Myles are sufficient for them to finalize their work on this section.
6. **Chapter 327: Energy Conservation (PACE Ordinance) Current?**  
General Code was earlier advised that this ordinance was being updated. I understand that you have reviewed this with the Town Clerk and determined that, in fact, no updates to this Ordinance are pending. I will advise General Code to move forward based on the language in the current Ordinance.
7. **Chapter 377: Sewers Revisions Necessary**  
My understanding is that revisions are being drafted at this time. General Code points out a conflict within Section 377-54A and Section 377-57 NOV. One Section refers to a Town of Hampden Industrial Pre-Treatment Program and the other refers to the City of Bangor Industrial Pre-treatment Program. The reference needs to be consistent particularly since the latter references enforcement. Question comes down to does Hampden have a standalone Industrial Pre-treatment Program.

In addition..

Section 377-60 is problematic. The heading of the Section is “Penalties-Residential”. The Section does not contain any language limiting residential users, and there is no language in Sections 377-48 nor 377-49, that limits those provisions to industrial uses. Attorney Russell advised that at the very least, Section 377-60 should include language to specify that it is limited to specified residential users.

8. **Chapter 389: Storm Drainage System - Determined**  
General Code questions whether the reference to the General Permit effective July 1, 2008 is current. The reference should be July 1, 2013.
  
9. **Chapter: Zoning (Marijuana Dispensaries etc) Council Action Recommended**  
General Code points out an inconsistency with State Statutes.  
Attorney Russell informs that the original legislation did not preclude the town, under Home Rule, to be more restrictive than the State Law pertaining to Medical Marijuana Registered Dispensaries, Medical Marijuana Cultivation Facilities and Methadone Clinics. In 2011, the legislation changed to limit Home Rule authority of towns. Current provisions double the setback requirements and expanded the list of properties from which separation is required. Tom Russell suggests the ordinance provisions be consistent with M.R.S.A. 22 §2428, Subsection 6B, Subsection 10. I am aware that you have filed a request for legal review with the Maine Municipal Association and will await their opinion regarding whether the ordinance exceeds what is allowable or is otherwise incompatible with state law.
  
10. **Chapter A500: Cable Franchise Agreement Council Action Recommended**  
Attorney Russell identifies problematic language throughout and recommends removing this Agreement from the Code entirely as the town is part of a consortium of communities.

In addition to these remaining issues, those portions of the Editorial and Legal Analysis pertaining to Zoning, Subdivision and Shoreland Zoning Ordinances will be shared with the Planning Board at their January 13<sup>th</sup> Meeting. I am unsure whether they will opt to send to the Planning Board Ordinance Sub-Committee or act on the material presented as it has already had a legal review and doesn't involve regulatory questions or recommendations.

The recent amendments to the Zoning Ordinance, Subdivision Ordinance, etc., would ideally be provided to General Code for inclusion into the final draft, depending on preferred submission timeline.

Potential Timeline:

- January 13, 2016: Planning Board provided copies of applicable sections of the Editorial and Legal Analysis.
- January 19, 2016: Town Council forwards applicable sections of the Editorial and Legal Analysis to Planning Board.
- February 2016: Planning and Development make recommendation to Town Council.
- February 2016: Planning Board Ordinance Review Committee review and make recommendation back to Planning Board.(if necessary)
- Feb/March 2016: Planning Board (Public Hearing) make recommendation back to Town Council.
- March/April 2016: Town Council approve package and submit to General Code.



To: Hampden Planning Board  
From: Dean Bennett, Director of Community and Economic Development  
Subject: Home Occupations  
Date: November 9, 2015

The Planning Board Ordinance Committee reviewed and discussed proposed changes to the Home Occupation provisions of the Zoning Ordinance at their October 14, 2015 meeting. As a result of these discussions, the Committee requested that staff include provisions which require abutter notification and opportunity to request a public hearing in cases where the Code Enforcement Officer elects to act upon the application rather than forward to the Planning Board.

Those provisions have been drafted and included in the attached draft for Planning Board consideration.

The Town of Hampden hereby ordains that the following amendments to the Zoning Ordinance be enacted.

Additions **underlined**

Deletions ~~stricken~~

***4.10. Home Occupation Permits*** - A home occupation permit shall be granted to a person or corporation and is not granted to run with the land nor is the permit transferable to a subsequent owner or renter. Applicants shall demonstrate that they have adequate right, title and interest in a property in order to apply for a home occupation. Where home occupations are expressly prohibited by deed restriction, lease, subdivision covenant and or subdivision plan condition the Planning Board/**Code Enforcement Officer** shall find that the applicant lacks adequate right, title or interest to grant a home occupation permit. Application for a home occupation permit shall include a plan in accordance with *Article 4.1.9, Site Sketch*. If new construction is proposed the requirements of *Article 4.1., Site Plan Review* shall be met in addition to the requirements of *Article 4.10 Home Occupation Permits*.

**Upon receipt of a complete application, the Code Enforcement Officer may, at his discretion, act upon the application or forward to the Planning Board for consideration.**

**If the Code Enforcement Officer elects to act upon the application, a decision may not be rendered until such time that the applicant provides evidence of abutter notification. The notification shall include a description of the proposed activity and a "Home Occupation Public Hearing Request Form", provided by the Code Enforcement Officer, which may be submitted to the Code Enforcement Office within 10 days of receipt by the abutter.**

**If a such a Public Hearing is requested by an abutter, the Code Enforcement Officer will direct the application to the Planning Board for consideration. If a request for Public Hearing is not received within 10 days of receipt by the abutter, the Code Enforcement Officer may render a decision on the application.**

All home occupations shall be planned, operated and maintained according to the following standards: *(Amended: 03-21-05)*

***4.10.1. Employees*** - A home occupation shall be conducted by a member or members of the immediate family occupying the dwelling unit. There shall be no more than one person employed who does not reside on the premises.

***4.10.2. Incidental and Subordinate*** - To insure that the character of the neighborhood is not transformed from one which is primarily residential, the home occupation shall be clearly

incidental and subordinate to the use of the dwelling place as a place of residence. The home occupation shall be carried on wholly within the principal residential or accessory structure on the premises. If carried on within the principal residential structure, it shall not occupy more than thirty (30%) percent of the floor area. If the home occupation is carried on within an accessory structure the total floor area dedicated to the home occupation use shall not exceed fifty (50%) percent of the total finished floor area of the principal residential structure. Home occupations shall not utilize outdoor storage or display. (Amended: 02/06/84, 03-21-05)

**4.10.3. Appearance and Performance Standards** - In no way shall the appearance of the structure or the premises be altered or the occupation within the residence be conducted such that the structure or premises differs from its residential character by use of colors, materials, premises layout, construction or lighting. Temporary garages, instant garages or portable garages constituted of a metal or wooden frame and a tarpaulin-like canvas or vinyl cover do not satisfy the requirements of this section. The proposed home occupation shall not be overtly evident from beyond the property line of the subject premises except for the presence of a sign and customer or client parking. Home occupations shall not cause sound, noise, odors, dust, gas, fumes, smoke, light or other dangerous emissions discernable or detectable from beyond the property line of the subject property. In addition, no home occupation shall be allowed which creates a fire hazard to the premises or neighboring premises or which creates electrical interference such that it causes visual or audible interference in any radio or television receivers off the premises. The applicant shall demonstrate that the proposed home occupation will not interfere with the peaceful use and enjoyment of residential properties located in the area of the proposed use. (Amended: 03-21-05)

**4.10.4. Signs and Advertising** - Permitted: one (1) unlighted, unreflective sign no greater than four (4) square feet located on premises only. Off-premises Official Business Directional Signs, as defined in 23M.R.S.A. section 1903, are prohibited. Newspaper, radio, T.V. or telephone listing advertising may be used to the extent that Articles 4.10.5 and 4.10.6 are not violated. (Amended: 11-05-90, 03-21-05)

**4.10.5. Traffic and Parking** - The proposed site layout shall provide for safe ingress and egress to and from public and private roads by providing adequate sight distances and minimal turning conflicts with roads and driveways. Provision shall be made available for vehicles to turn around on the premises. Off-street parking which includes no more than three (3) spaces located in the front yard shall be provided for all expected customer/clients of the home occupation. No home occupation shall be approved or allowed to operate if it generates more than an average of ten (10) auto trips by customer/clients in any one day. (Amended: 03-21-05)

~~**4.10.6. Commercial Vehicles** - No commercial vehicles in excess of three quarter (3/4) ton capacity shall be used by a home occupation for the delivery of materials to and from the premises and no commercial vehicles in excess of three quarter (3/4) ton capacity shall be parked on or about the premises.~~

**4.10.7. Utilities and Public Facilities** - There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes. (Amended: 03-21-05)

**4.10.8 Additional Conditions Necessary for Approval of Home Occupations.** If in the judgment of the Planning Board/Code Enforcement Officer additional improvements or safeguards are necessary in order to make a proposed home occupation safe, sanitary or less intrusive in a neighborhood the Board/Officer may place conditions on the approval of the home occupation that further limit the operation of the business, provide for screening or bufferyards or improve traffic safety. *(Amended: 03-21-05)*

**4.10.8. Alterations to Land and Buildings of Previously Approved Home Occupations.** If additions or alterations have been constructed, or are proposed for construction to primary use residences or to accessory use buildings which in the opinion of the Code Enforcement Officer significantly alter a Planning Board/Code Enforcement Officer approved home occupation, the Code Enforcement Officer shall require that the home occupation use seek a revision from the permit issuing authority. In order to determine if the alterations or additions alter the approved Home Occupation the Code Enforcement Officer shall review the municipal documents on file including the minutes of the Board meeting at which the Home Occupation was approved, and/or permit conditions stipulated by the Code Enforcement Officer. The Code Enforcement Officer shall not issue a building permit or certificate of compliance for such additions or alterations that have not received a Home Occupation permit approval unless the applicant surrender the home occupation permit and or conditional use/site plan home occupation use approval in writing. *(Amended: 03-21-05)*

**4.10.9. Discontinuation and Abandonment of a Legacy Home Occupation.** If a home occupation, created under the provisions of the Ordinance prior to January 1, 2005, has been discontinued or abandoned for a period of 12 months the home occupation use may not be re-established without first receiving a Home Occupation Permit under the provisions of *Article 4.10* of this ordinance. The Code Enforcement Officer shall have authority to issue a determination that the use has been discontinued or abandoned for a 12-month period. *(Amended: 03-21-05)*

## What are Home Occupations

A Home Occupation is an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods or services, where the primary use of the dwelling unit is residential.

## Why are Home Occupations regulated?

Home Occupations are regulated to be consistent with the following goals:

- To maintain the residential character of neighborhoods in both appearance and characteristics.
- To allow businesses compatible with residential uses without infringing upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
- To preserve and to protect adequate public utility services and transportation facilities.
- To ensure that Home Occupations are subject to standard development review criteria, regardless of the zone district.



### Further assistance ...

If you would like more information on Home Occupation Permits, call 541-450-6060

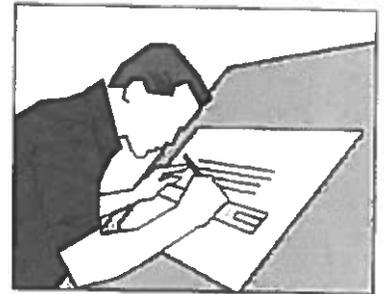
Community Development Department  
City of Grants Pass  
101 Northwest A Street  
Grants Pass, OR 97526

[www.grantspassoregon.gov](http://www.grantspassoregon.gov)

*Ordinances governing Home Occupation permits are contained in Article 14 of the City of Grants Pass Development Code. The information in this brochure is general in nature and should not be substituted for the requirements as established in the Development Code. Copies of the entire Code or specific sections are available upon request at reasonable cost.*

Revised August 2013

## Major and Minor HOME OCCUPATION PERMITS



A guide to the application process

The use of a dwelling for a Home Occupation requires a permit. A permit for a Minor Home Occupation or a Development Permit for a Major Home Occupation must be obtained from the Community Development Department prior to any said use.

All Home Occupations are required to obtain a permit with the following exemptions

- Building contractors, home builders, building tradespeople, landscaping services, janitorial services and truck drivers, where the work is conducted entirely off-site, and
- Other businesses where the office in the home serves only as a secondary office.

Occupational uses exempted still are required to comply with the standards for Minor Home Occupations described in this brochure.

## Criteria for all Home Occupations

Home Occupations and those exempted from permits shall comply with the following requirements

- Total area for the Home Occupations shall not exceed 25% of the floor area of the ground floor of the building, or 500 square feet, whichever is less
- The occupation will be conducted entirely within the dwelling unit, garage or detached building.
- Only members of the family residing in the dwelling shall be employees working at the site
- The residential character of the dwelling and lot shall be maintained.
- Only one business related vehicle, not parked in a garage, is permitted on the property. No other equipment, materials or business related vehicles, including trailers, shall be stored or parked outside onsite.

- The Home Occupation shall not involve on-site retail sales unless the items are incidental to the occupational use, such as the sale of beauty products for salons, lesson books or sheet music for music teachers, or computer software for computer consultants.
- If the applicant is not the owner, then the name, address and written authorization from the property owner or rental manager to permit the Home Occupation on the premises is required.
- The Home Occupation complies with all environmental performance standards as set forth in Article 24 of the Development Code and does not involve the storage or use of materials which are determined by the Director to be a nuisance

## Minor Home Occupations

In addition to the criteria for all Home Occupations, Minor Home Occupations must meet the following requirements

- Clients or customers are not permitted on site.
- Signs advertising the business are not permitted.
- Regular (weekly) deliveries are not permitted.

## How do I apply?

A Minor Home Occupation Permit shall be issued after a Minor Home Occupation application is filed, reviewed and approved by the Director of Parks & Community Development. The application is available from the Community Development Office (or from the City's website), and must include the following information

- Name of Home Occupation business for which the permit is being granted and the number of family employees.
- A short description of the home occupation.
- Applicant's name, address and telephone number
- Assessor's map page and tax lot number for the property of the applicant's business
- If applicant is not the owner of the property, written authorization from the property owner or rental management company

- Signature of the applicant agreeing to the terms of the permit.

- Current zoning district designation

If the applicant is doing business within the City of Grants Pass, the applicant must file an application for City of Grants Pass Business Tax, and pay the annual tax due for the business

## When do I need a Major Home Occupation Permit?

If you can't meet the criteria listed for a Minor Home Occupation, then a Major Home Occupation Permit may be required. Major Home Occupations shall comply with the following requirements in addition to those for all Home Occupations

- The property complies with all applicable Code standards regarding sidewalk and access and with all on-site improvements, including but not limited to landscaping, parking, paving, trash disposal and utility services
- Potential land use conflicts have been mitigated through specific conditions of development required by the Development Code.

An application for a Major Home Occupation must include a site plan with information required in Section 19 072 of the Development Code. The procedure method for processing the application shall be as determined in Article 12

The application fee for a Major Home Occupation includes the fee for a neighborhood mediation hearing, a requirement for obtaining a Major Home Occupation Development Permit.

*Please contact the City Planning Division for more information regarding mitigation, application requirements and procedure for Major Home Occupation approval.*

## CRITERIA FOR HOME OCCUPATION

Chapter 66-Zoning of the Code of the County of Alleghany, Virginia, allows for the use of a home occupation from a single family dwelling, providing that the following criteria are met. Home occupations are divided into two categories, Type I and Type II. Both are described below along with general criteria associated with both types.

### Article XXI.. Definitions, Sec. 66-678. Other Definitions

Home occupation is the use of part of a single family dwelling or an accessory building for financial gain, providing the following criteria are met.

#### General Restrictions:

(1) No dwelling or structure shall be altered, occupied, or used in a manner which would cause the premises to differ from a character consistent with the residential use or neighborhood. The use of colors, lighting, materials, construction, or other means inconsistent with a residential use shall be prohibited.

(2) The use of toxic, explosive, flammable, radioactive, or other hazardous materials shall not be used, sold, or stored on the site.

(3) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the family.

(4) No additional vehicular or pedestrian traffic shall be generated by such home occupation in a greater volume than would normally be expected in a residential neighborhood.

(5) No equipment or process shall be used in such home occupation, which creates noise, vibrations, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, phone, or television receivers off the premises.

(6) There shall be no show window or window display to attract customers, clients, or the general public.

(7) Any need for parking generated by the conduct of such home occupation, shall be off the street.(Art. XXIII – Off-Street Parking)

(8) No outside lighting shall be allowed in association with the home occupation.

(9) Boardinghouses, bed and breakfast inns, bed and breakfast homestays, private education institutions, the sale of firearms, or other uses specifically listed in any established zone classification unless these criteria for a home occupation are met, shall not be deemed home occupations.

(10) The hours of operation shall not exceed 7:00 a.m. to 9:00 p.m.

(11) For group instruction, no more than 5 students at one time shall be allowed.

(over)

**Type I - Additional Restrictions for Home Occupations (Acceptable in AR only)**

(1) At least one member of the family residing on the premises shall be engaged in such occupation. Two persons who do not reside on the premises may be engaged or employed in the home occupation.

(2) No more than 25 percent of the floor area of the dwelling unit, or 1,000 sq. ft. if conducted in an accessory building, shall be used in the conduct of the home occupation.

(3) Outside storage of goods, products, equipment, or other materials associated with the home occupation are acceptable as long as it is not visible from the public right-of-way or adjacent property.

(4) For the use of a home occupation that is to be utilized strictly as "office space" for a general contractor or someone who performs work off-site, the following additional requirements shall apply. These types of home occupation uses would include, but are not limited to, general building contractor, electrical contractor, excavating contractor, well and septic installation contractor, or pulp wood cutter.

- a. the "office" cannot be open to the public;
- b. only two pieces of heavy equipment shall be allowed;
- c. equipment shall be parked off the street and placed in a fully enclosed building, or shielded or screened from view;
- d. no work can be performed on site relating to the home occupation.

**Type II - Additional Restrictions for Home Occupations (Acceptable in AR, R-1 and R-2)**

(1) At least one member of the family residing on the premises shall be engaged in such occupation. Only one person who does not reside on the premises may be engaged or employed in the home occupation.

(2) No more than 25 percent of the floor area of the dwelling unit, or 600 sq. ft. if conducted in an accessory building, shall be used in the conduct of the home occupation.

(3) No outside storage of goods, products, equipment, or other materials associated with the home occupation is acceptable.

(4) For the use of a home occupation that is to be utilized strictly as "office space" for a general contractor or someone who performs work off-site, the following additional requirements shall apply. These types of home occupation uses would include, but are not limited to, general building contractor, electrical contractor, excavating contractor, well and septic installation contractor, or pulp wood cutter.

- a. the "office" cannot be open to the public;
- b. no storage of heavy equipment shall be allowed unless it is placed in a fully enclosed building;
- c. no work can be performed on site relating to the home occupation.

5) No signs shall be displayed.

6) Retail sales are not permitted on site; however, phone, mail, and Internet sales are permitted as well as off-site sales of the products relating to the home occupation.



**To: Planning and Development Committee**  
**From: Dean Bennett, Director of Community Development**  
**Date: January 3, 2016**  
**Subject: Open Space and Recreation Areas**

.....

As many of you know, Open Space, as a philosophy and/or a requirement has been mentioned several times over the past months. Mayor Ryder has asked that we agenda a discussion on open space for the January 6, 2016 meeting.

**Overview: Hampden requires set aside land for open space and recreation on all subdivisions, with a few exceptions. As an alternative, cash in lieu of land is acceptable, other than within Cluster Developments which do not allow cash in lieu.**

The intent of the Open Space and Recreation Land requirement is to “provide open space and recreation land in all areas of the community.” Although the Ordinance states that the intent is to “discourage the creation of very small open spaces that do not serve the interests of the subdivision or the Town, while maintaining the densities that the ordinance contemplates.” It can be argued that despite the intent, the Ordinance provisions have done exactly that.

Despite the practice of cash in lieu being used for the purchase or development of open space or recreation land, there is little evidence that has been practiced or if so successfully accomplished. Reference is made to Comprehensive Plan designated open space or green belts, which I have found neither. The Subdivision Ordinance further requires the developer to maintain open space and recreation areas under some circumstances or obligates future residents to do so. The Zoning Ordinance speaks to the maintenance of open space, Open Space Trusts, and/or the requirement for a Home Owners Association with prescribed rules and regulations, while lacking specific purpose or final objective.

Despite there being no shortage of ways to accomplish the intent, it is my opinion the Subdivision Ordinance lacks a major component. That component being, a lack of the strategic identification of parcels or areas within the community that warrant the establishment of open space or recreation areas, and be developed in accordance to an identified need or desire by the community.

## Subdivision Ordinance

**540. *Open Space and Recreation Land*** - All subdivisions shall be required to set aside land for open space and recreation or to provide cash in lieu of land. The primary intent of this section is to provide open space and recreation land in all areas of the community. It is understood that not all developments will have land suitable for open space or recreation within their boundaries, therefore this section is designed to be as flexible as possible. To that end, this section shall allow the provision of off-site open space and recreation areas, and cash in lieu of land. In cluster development, the cash in lieu of land provision shall not apply.

**541. *Approval Authority*** - The Planning Board shall approve the means of meeting this requirement.

The Hampden Conservation Committee and Recreation Committee shall be given opportunity to make written recommendations to the Planning Board on all open space proposals within forty-five (45) days of receiving notice. Where land is to be dedicated to the town, or otherwise requires action of the Town Council, the Planning Board shall require the subdivider provide documentation as to the Town Council's decision as provided in 545.2. *(Amended: 05-20-96)*

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

Exception: No open space dedication is required in Minor Subdivisions (four lots or less) in the Rural District if the total aggregate area of the proposed lots exceeds the minimum lot area required in the Zoning Ordinance by at least 10 percent. No fee in lieu of open space is required for subdivisions that satisfy this exception. The intent of this exception is to avoid creating very small open spaces that do not serve the interests of the subdivision or the Town while maintaining the densities that the ordinances contemplate. This exception shall also apply to further division of lots in previously approved subdivisions. *Amended 7-14-2014, Effective Date 8-13-2014*

**543. *Standards for Land*** - The purpose of this section is to provide for permanent open space. The subdivider may offer dedicated land, conservation easements, or other means to meet the requirements of this section. These areas shall be in locations designated as open space or green belts in the Comprehensive Plan. Land dedicated to permanent open space shall be in such condition, size and shape as to be readily usable for recreation or conservation. *(Amended: 05-20-96)*

- I. Where the open space requirement is in excess of ten (10%) percent of the land to be subdivided, the subdivider may elect to provide land identified in the Open Space and Recreation Plan, if one exists. Where off-site open space is proposed, the following standards apply:
  - A. Ten (10%) percent shall be provided within the subdivision.
  - B. The off-site open space shall be within one (1) mile of the subdivision.
  - C. The off-site open space shall have been previously designated in the Open Space and Recreation Plan.
  - D. The subdivider shall provide proper right, title or interest to the off-site land.

544. *Standards for Cash-in-Lieu of Land* - Where cash in lieu is proposed, the following standards shall apply.

1. At the time of Final Plan submission, the subdivider shall contribute to the Town of Hampden \$400/lot, \$200/unit or \$200/acre, whichever is greatest.
2. All monies placed in this fund shall be used for the purchase or development of open space or recreation land.
3. Land purchased or developed with these funds shall be located to serve the needs of the residents of the subdivision. *(Amended: 06-03-91)*

545. *Provisions for Ownership and Maintenance of Open Space or Recreation Areas* - If land is to be set aside under the provisions of this section, the subdivider shall make provisions for the permanent ownership, protection and maintenance of such land. The means for insuring the open space will be available in perpetuity shall be:

1. Retain ownership and responsibility for maintenance of such land; or
2. Dedicate such land to public use if the town or another public agency has indicated it will accept such dedication. If the subdivider proposed that the town accept the land, the subdivider must provide the planning board, as part of the final plan, with a copy of the minutes of the meeting of the Town Council, attested by the town clerk, in which the Town Council agreed to accept such land; or
3. Provide for and establish one or more organizations for ownership and maintenance of such land. Such organization shall be either a nonprofit homeowners' corporation or a community open space trust. If such organization is formed, it shall be formed and operated in accordance with the following rules:
  - A. The organization shall be formed by the developer and be operating, with financial subsidization by the developer if necessary, before the sales or lease of any lots or units within the development.
  - B. Membership in the organization is mandatory for all purchasers of units therein and their successors.
  - C. The organization shall be responsible for maintenance of common open spaces and property. It shall also be responsible for insurance and taxes on common open space and property.
  - D. The members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with written procedures established by them. *(Amended: 09-21-87, 06-03-91)*

***Zoning Ordinance***

**4.6.5. Open Space** - The land area not allocated to building lots and street shall be permanently and legally preserved as open space. At least twenty (20%) percent of the gross area of the development shall be so dedicated. These areas shall be in locations designated as open space or green belts in the Comprehensive Plan or, where the subdivider proposed open space in other areas, such proposals shall be subject to the approval of the planning board.

Land dedicated to permanent open space shall be in such condition, size and shape as to be readily usable for recreation or conservation.

1. ***Maintenance of Open Space*** - The developer shall make provision for the permanent maintenance of open space areas. The planning board shall approve such provision when it is satisfied that the provision, proposed by the developer, will result in the open space continuing as such and being properly maintained. No building permit shall be issued until the approval of the Planning Board has been given regarding the maintenance of open space. The developer shall either:
  - a. Dedicate such open space to public use if the town or another public agency has indicated it will accept such dedication;
  - b. Retain ownership and responsibility for maintenance of such open space;
  - c. or Provide for and establish one or more organizations for the ownership and maintenance of all common open space and property. Such organization shall be either, a non-profit homeowners corporation or a community open space trust.
2. ***Rules Governing Home-Owners Associations or Open Space Trusts*** - If a homeowners association or open space trust is formed, it shall be governed according to the following regulations:
  - a. The organization shall be formed by the developer and be operating, with financial subsidization by the developer if necessary, before the sale of any lots within the development.
  - b. Membership in the organization is mandatory for all purchasers of homes therein and their successors.
  - c. The organization shall be responsible for maintenance of common open space and property. It shall also be responsible for insurance and taxes on common open space and property.
  - d. The members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with procedures established by them.
  - e. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.



**To: Angus Jennings, Town Manager**  
**From: Dean Bennett, Director of Community Development**  
**Date: December 14, 2015**  
**Subject: Business Friendly Certification**

\*\*\*\*\*

Per your request, I have prepared an overview (attached) of the Governor’s Certified Business Friendly Community Program, and addressed the criteria as if preparing an application to illustrate how well positioned we were for obtaining Certification approval. In addition I have addressed the four questions you posed.

In short, Hampden’s policies and practices, in my opinion, exceed the criteria within the Certification standards. I have no doubt that Hampden would be awarded this Certification if in fact we were to apply. I also have no doubt that applying for the Business-Friendly Community Certification Program could potentially undue the work of the last 8 years and negate all of the success we have had in changing not only the town’s perception as to our business attitude but more importantly the businesses themselves.

We have earned the testimonies of investors and business owners. The last thing Hampden needs is a state government endorsement. One only has to look to South Portland’s experience with the Certification program to understand the substantial risk that comes with the designation.

South Portland was granted the Certification and subsequently the city (using Home Rule) voted to pass a clean air ordinance in response to the threat of tar sands. The Governor revoked the City’s designation seemingly because its actions ran contrary to the vision of the Department of Community and Economic Development.

As stated by Doug Ray, spokesperson for the Department of Economic and Community Development:

“South Portland stripped of “business friendly’ designation.”  
(The Forecaster, April 17, 2015)

“The administration is very disappointed and finds it hard to believe that local elected leaders in South Portland would then turn around and pass an ordinance (Clear Skies) that is clearly anti-business, anti-growth and anti-jobs?

This illustrates the point that if Hampden should obtain Certification designation, and the Town Council subsequently acted in a manner which DECD didn't think was consistent with the intended meaning of the designation, Hampden would find themselves the subject of similar headlines, thereby resetting the clock on the past 8 years of progress.

It is my opinion that this Certification program is simply not worth this risk nor represents a significant value given that over 30 communities have received Certification, and one revoked.

## **Business Friendly Community Certification Program**

### **Overview w/Responses:**

Eligibility is determined by a Review Team based on scoring of an application in four areas:

1. Customer Service/Product/Capacity
2. Business/local Involvement Collaboration
3. Notice for Public Comments/Application Support Letters
4. Licensing/Permitting/Mil Rates

#### **1. Customer Service/Product/Capacity**

**Citizen committee and/or professional staff qualified and dedicated to promoting and assisting business development, pursuing economic development policies, programs and projects:**

- Hampden Business Association promoting local businesses.
- Economic Development Director facilitates business development opportunity.
- Development Review Team to expedite development review/approval.

**Describe the process by which the community works to promote economic development activity. Who is responsible, who takes lead on projects:**

- Economic Development Director is first point of contact and advises developer, assembles appropriate department heads in advisory meeting with applicant

**Describe specific projects or programs that the community undertook or has in place to support existing businesses and attract new development.**

- BEAR. Business Expansion and Retention Program. Over 100 in person interviews with existing businesses to determine the current greatest challenges to business expansion, re-location and growth. Strategies developed to address all identified issues.
- Advises and participates in efforts of the Hampden Business Association in their monthly and annual meetings.
- Initiated numerous zoning changes addressing identified needs of the business community.

- Constant monitoring of zoning regulations and impacts (intended or unintended) on the business community while encouraging an approachable, welcoming philosophy on business partnering.

**Community/Business efforts to retain, expand and/or recruit new businesses:**

- Successfully recruited, retained and facilitated the expansion of the following businesses and business park expansions in the past 8 years.

Hamlin Marine- Relocation/Expansion  
 Central Maine Diesel - Attraction  
 McLaughlins Seafood - Attraction  
 Rite Aid –Relocation  
 Dennis Paper - Expansion  
 Wights Sporting Goods – Attraction  
 Emera Maine – Expansion/Attraction  
 Katahdin Trust – Attraction  
 Portland Air Freight – Expansion  
 Dunkin Donuts – Attraction  
 Historic Hampden Academy LLC – Attraction  
 Business/Commerce Park – Expansion  
 Anglers Restaurant – Attraction  
 State Farm Insurance – Attraction

**Adopted Up-to-date Comprehensive Plan with identified growth areas, pre-permitted sites/identified industrial sites, commercial and industrial zoning established, Downtown development etc..**

- Comprehensive Plan update in 2010 identifying expanded commercial/retail areas.
- Five Business Districts and Four Industrial Districts within Hampden.
- Development focus on Hampden Triangle.
- Expansion of Business/Commerce Park (18 pre-permitted sites)

**Describe programs utilized within the Community to improve water, sewer, internet, housing, local, state and federal programs, public infrastructure, downtown redevelopment etc..to support business development.**

- Stormwater management investment, both in staff and regulatory compliance.

- Tax Increment Financing utilized to establish a revenue source in order to fund downtown planning initiative and Downtown TIF District creation, along with infrastructure investment in sewer, water and natural gas.

## 2. **Business/Local Involvement Collaboration**

**Willingness to form partnerships with businesses, community, local, schools/colleges within the community and/or region to develop go-to-market strategies, pool labor and talent resources, and train people.**

- Facilitated discussion between Beal College and Hamlin Marine in efforts to satisfy labor shortage for boat construction by establishing a training course to be offered by Beal College at Hamlin Marine manufacturing location.

**Outline how collaboration within the community with businesses, chamber of commerce, development organizations, etc., has contributed to increasing time is money approach for business.**

- Provided beneficial speakers to the Hampden Business Association on tax code, employee retention, and identity theft covering a broad range across of business interests.
- Strategized with the Bangor Region Development Alliance and Eastern Maine Development Corporation on business retention, business planning, and financing options with Small Business Administration. Recommended numerous businesses for business plan development assistance.

**Describe and provide examples of partnerships formed and collaborative efforts that have been utilized in the community resulting in a positive outcome.**

- Collaborated with Hamlin Marine, and Chevron Corporation in the development of a waterfront park and the conversion of a public landing with minimal cost to taxpayer.
- Collaborated with Sargent Corporation on an agreement for the built-out and development of the Hampden Business and Commerce Park expansion at little cost to the taxpayer.
- Collaborated with the principal owners and controlling interests in the Hampden Triangle which represents the largest commercial and industrial

zoned land in Hampden. Collaboration consisted of expansion of infrastructure and evaluation of natural gas expansion and overall development investment.

**Identify quality of life amenities that your community and/or region offer.**

- Do to responsible historical zoning, Hampden is home to consistently higher value housing both in retention of value and unfaltering value in recession.
- Hampden has attracted the highest percentage of medical personnel per capita in Maine.
- Hampden has led the State in effluent community category consistently over past 5 years.
- Hampden is home to a new \$ 6,000,000 high school and an excellent achieving school system.
- Hampden funds a full time police, fire, public works and ambulance service. Hampden offers exceptional value in services for the mil rate/population.

**3. Notice for public comments and application support letters.**

**Community and/or business efforts to seek support of citizens to apply for the certification.**

- No formal process has been undertaken.

**Three letters of support from businesses, as least one being from a prominent/well known Maine business in the community, one from a business not dependent upon retail sales. Letter should contain examples and details of how the community has supported, demonstrated and impacted their efforts to be successful.**

- Andy Nickerson: Wights Sporting Goods  
“Hampden was extremely cooperative with the construction of our new showroom, screen print, and embroidery facility.”

- **Ron Dennis: Dennis Paper and Food Service**  
“The town of Hampden was extremely flexible and business minded in helping me through our warehouse expansion.”
- **Dan Higgins: Hamlin Marine**  
The town of Hampden helped our business to grow from a backwater marina to a booming boat dealership, service center, and manufacturer.”
- **Bud Hall: Anglers Restaurant**  
The town of Hampden made it easy to open my business. They were committed to my timeline.”

#### **4. Licensing Permitting Mil Rates**

**Describe the communities licensing and permitting process and the associated timeline to complete the process.**

- The Development Review Team process was conceived with the intention of facilitation and expediting the development review and approval process. If it is followed and adhered to by the developer, the time of review and approval is outstanding. Timeframes depend upon the complexities of the application and nature of the development.
- Competitive mil rates? I am at a loss for predicting the next 5 years.

## Responses to your questions:

1. What are the criteria for eligibility?

I listed and responded to the current criteria in the Overview provided.

2. Do Hampden's policies and practices meet established standards?

I feel that Hampden exceeds the overall intent of the Certification given that we have not only performed those tasks and strategies envisioned by the Program, but have successfully initiated and developed additional "deals" not contemplated with the criteria.

3. What benefits would there be to Hampden's participation?

Two signs, a certificate, and acknowledgement on the State website. As stated previously, I don't feel the risk is worth it. I would prefer to think of Hampden as a leader and not a follower or conformist.

4. Are there costs associated with obtaining Certified Business status?

It depends how you look at it. Staff time? Not much as the work is principally completed. The risk and damage of revocation is immeasurable.



**HAMPDEN PUBLIC SAFETY**  
**Police – Fire – EMS – Code Enforcement**  
 106 Western Avenue  
 Hampden, Maine 04444  
 Phone 207-862-4500  
 Fax: 207-862-4588



October 14, 2015

Mr. James Butler, Jr.  
 691 Main Road North  
 Hampden, Maine 04444

FILE COPY

**REGULAR MAIL**  
**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Reference Property: 758 Main Rd North, Hampden, Maine  
 Tax Map: 21 Lot: 008

Dear Mr. Butler,

On October 8, 2015, Fire Inspector Lundstrom met with you at your place of business reference the above property. It was discussed at that meeting that the building is in danger of collapse because of the lack of a foundation.

As the building currently sits it is a danger to public safety and steps must be taken to protect the public.

In consultation with Joseph Rogers, Director of Public Safety, you are requested to put in place a fence around the building that is at least 6 feet high, with no openings greater than 4 inches, with a locking gate and to have the chimney removed from the structure. The building appears to be collapsing in on itself and the chimney appears to be leaning toward Main Rd N. There is a possibility the chimney could fall into the roadway and anyone can currently access the interior of the structure.

After the fence is erected and chimney removed please contact us in the Code Enforcement Office to discuss the future of the building.

If, within 30 days of the receipt of this letter, the fence is not erected and chimney is not removed, the Town will start the process under M.R.S. Title 17 §2851 Dangerous Buildings to have the building removed.

Please contact us or Chief Rogers if you have any questions

Respectfully,

Myles M. Block  
 Code Enforcement Officer

Lt. Jason Lundstrom  
 Fire Inspector

<b>Date</b>	<b>Type</b>	<b>Description</b>
12/30/2015	Phone Call	Phone conversation with James Butler <p>On December 30th at 1147 a.m, I spoke with James butler reference his property located at 758 Main Road North. James stated that he had still not completed the work to make the property safe. James stated that there was a lot going on in his life and that he was focusing on other things at this point. James stated that he was aware of the danger of the building and knew that it needed to be addressed but stated that he could not make the needed repairs to the building at this point and could not identify a time as to when the work would be completed. I expalined to Mr. Butler that I would speak with the Town Manger about this matter to determine which direction the town council wants to proceed with this matter. I advised Mr. Butler that either the Town Manager or myself would contact him by phone and in writing as to the direction the Town of Hampden wishes to move forward.</p> <p>I spoke with the Town Manager and he stated that we would proceed to Planning and Development Committee with this matter. The meeting will be held on 01/06/2016 at 1800.</p>
11/30/2015	Phone Call	Phone Conversation with James Butler reference the property at 758 Main Rd North <p>On Monday November 11, 2015 at 1608, I received a phone call from James Butler, owner of 758 Main Road North. Mr. Butler indicated that he has assessed the property damage at the above listed property and has realized that the repairs needed are more extensive than he initially anticipated. He stated that he was going to use a jack hammer to cut up pieces of the concrete foundation that have failed. He stated he would then remove the concrete, placing temporary cribbing. He stated that he would then place railroad ties as semi permanent cribbing until he is able to replace the foundation under the building. He explained that he should have the work done within a two week time frame but stated that it could take as long as 30 days. I advised him that I would follow up with him in two weeks to check on the status of the project.</p> <p>I asked Mr. Butler if he consulted with a structural engineer to assist him with a plan to stabilize the building. He stated that he did but did not indicate who the engineer was. I advised him that per our conversation in early November, he was to have a letter submitted to the Town of Hampden stamped by the enigneer outlining the scope of the work and approving the means to stabilize the building. Mr Butler stated that he would consult with the engineer again and assured that he would submit the stamped letter to the town as part of the remediation plan.</p>
11/30/2015	Inspection	NOT READY <p>On Monday November 11, 2015 at 1608, I received a phone call from James Butler, owner of 758 Main Road North. Mr. Butler indicated that he has assessed the property damage at the above listed property and has realized that the repairs needed are more extensive than he initially anticipated. He stated that he was going to use a jack hammer to cut up pieces of the concrete foundation that have failed. He stated he would then remove the concrete, placing temporary cribbing. He stated that he would then place railroad ties as semi permanent cribbing until he is able to replace the foundation under the building. He explained that he should have the work done within a two week time frame but stated that it could take as long as 30 days. I advised him that I would follow up with him in two weeks to check on the status of the project.</p> <p>I asked Mr. Butler if he consulted with a structural engineer to assist him with a plan to stabilize the building. He stated that he did but did not indicate who the engineer was. I advised him that per our conversation in early November, he was to have a letter submitted to the Town of Hampden stamped by the enigneer outlining the scope of the work and approving the means to stabilize the building. Mr Butler stated that he would consult with the engineer again and assured that he would submit the stamped letter to the town as part of the remediation plan.</p>
11/20/2015	Initial	Created Permit
10/8/2015	Verbal Communication	Spoke with James Butler reference a dangerous building at 758 Main Rd North

<b>Date</b>	<b>Type</b>	<b>Description</b>
		<p>On October 8th 2015 I spoke with James Butler in his office about the property he owns at 758 Main Road North in Hampden. I advised James that we have received multiple compliants from people regarding the property. The concern was that the building would collapse or that the chimney would fall off the structure in to traffic on the heavily travelled Main Road North. James stated that he realized the status of the building and that he did not plan to stabilize the building in the near future.</p> <p>I advised James that it was imperative that the building be stabilized or removed from the property as it is currently causing posing a risk to the public. James stated that he was going to have to think about it and that he needed to come up with a plan because he did not want to tear the building down. He said " I will fight the town every step of the way if they try to tear my building down".</p> <p>After the meeting with Mr. Butler, I consulted with CEO Myles Block and PSD Joe Rogers as to their position on the above mentioned property. It was a consesnus that the property posed risk to the public and passing motorist. A certifed letter was sent to Mr Butler outlining that he was to put a fence around the property and to remove the chimney until the spring, in which time we would revisit the status of the building. We felt that this would give Mr. Butler time to properly stabilize the building. Mr. Bulter stated that he was not going to put a fence up at the property.</p> <p>Mr Butler asked if he could stabilize the building himself. I advised him that if he was to stabilize the building, it would need to be done under the direction and approval of a structural engineer. I told him that the engineer would have to provide a stamped letter indicating the scope of the work and that he approved the work to be completed. Mr Butler stated that he agreed and would be opting in for that option. He stated that he would call us to give us a timeline for the work to be completed.</p>

<b>Date</b>	<b>Type</b>	<b>Description</b>
10/17/2015	Received Return Receipt	Received Return Receipt Received Return Receipt signed by Mr. Butler at the Town office from USPS on 10/17/15. The Letter was signed for on 10/15/15, Follow Up on 11/16/15.

10/14/2015	Correspondence	2nd Letter to Mr. Butler HAMPDEN PUBLIC SAFETY Police - Fire - EMS - Code Enforcement 106 Western Avenue Hampden, Maine 04444 Phone 207-862-4500 Fax: 207-862-4588 October 14, 2015
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Mr. James Butler, Jr.  
691 Main Road North  
Hampden, Maine 04444

REGULAR MAIL  
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Reference Property: 758 Main Rd North, Hamdpen, Maine  
Tax Map: 21 Lot: 008

Dear Mr. Butler,

On October 8, 2015, Fire Inspector Lundstrom met with you at your place of business reference the above property. It was discussed at that meeting that the building is in danger of collapse because of the lack of a foundation.

As the building currently sits it is a danger to public safety and steps must be taken to protect the public.

In consultation with Joseph Rogers, Director of Public Safety, you are requested to put in place a fence around the building that is at least 6 feet high, with no openings greater than 4 inches, with a locking gate and to have the chimney removed from the structure. The building appears to be collapsing in on itself and the chimney appears to be leaning toward Main Rd N. There is a possibility the chimney could fall into the roadway and anyone can currently access the interior of the structure.

After the fence is erected and chimney removed please contact us in the Code Enforcement Office to discuss the future of the building.

If, within 30 days of the receipt of this letter, the fence is not erected and chimney is not removed, the Town will start the process under M.R.S. Title 17 §2851 Dangerous Buildings to have the building removed.

Please contact us or Chief Rogers if you have any questions

Respectfully,

Myles M. Block  
Code Enforcement Officer

Lt. Jason Lundstrom  
Fire Inspector

<b>Date</b>	<b>Type</b>	<b>Description</b>
10/1/2015	Return of Certified Letter	Returned Letter Letter requesting a meeting was returned via USPS for non-pickup by addressee.
10/1/2015	Initial	Created Violation
8/31/2015	Correspondence	Letter to Owner requesting an on-site meeting Sent via Certified Mail

Tracking Number: 7015 0640 0005 2268 4125

August 31, 2015

Mr. James Butler, Jr.  
691 Main Road North  
Hampden, Maine 04444

Reference Property: 758 Main Rd North, Hamdpden, Maine  
Tax Map: 21 Lot: 008

Dear Mr. Butler,

On August 25, 2015 we conducted a visual outside inspection of the above referenced property after receiving numerous complaints on the condition of the building. You are listed in municipal records as the owner of the property and building.

We would like to meet with you on-site to discuss the condition of the building and possible mitigation of the condition.

Please schedule an on-site meeting with us within one week of receipt of this letter. If you do not schedule a meeting we will have no choice but to start proceedings under Maine Revised Statutes Title 17 §2851 Dangerous buildings.

Please contact us at 207-862-4500 to schedule the on-site meeting.

Respectfully,

Myles M. Block  
Code Enforcement Officer

Jason Lundstrom  
Building/Fire Inspector



Angus Jennings <townmanager@hampdenmaine.gov>

---

## Re: Update re 758 Main Road North

1 message

---

Jason Lundstrom <jlundstrom@hampdenmaine.gov>  
To: Angus Jennings <townmanager@hampdenmaine.gov>

Wed, Nov 25, 2015 at 5:37 PM

Angus,

I am in this Saturday for a 24 hour shift and intend to drive by the property to check the status of the work. Mr. Butler has not provided written notice of the intended scope of his work. This will absolutely be required due to the nature of the project. I will follow up with you when I have a better handle on what he has accomplished. I plan to make contact with him Monday morning as well. Sorry you're not feeling well. I hope you and your family have a great Thanksgiving and I hope you feel better soon.

Sincerely,

Jason

Jason Lundstrom  
Town of Hampden  
Fire Inspector  
Health Officer  
Lieutenant-Hampden Fire Department  
(207)862-8422

On Wed, Nov 25, 2015 at 1:16 PM -0800, "Angus Jennings" <townmanager@hampdenmaine.gov> wrote:

Following on your office's recent correspondences to Mr. James Butler, the owner of the above-named property:

Mr. Butler called me Monday afternoon to report his plans to work on his property over this holiday weekend, including clearing junk out of the house and "jacking up" the foundation. He said he hopes to make a lot of progress by this coming Monday.

I told him that he'd been directed to respond in writing by that day (Monday), and asked whether he intended to provide anything to Code. He said he didn't at this time, that it would take him hours to write something up because that's not what he's good at.

I told him I'd notify you of his call, and that if this response was not acceptable that you'd be on site; but that in any case you'd visit the site this Monday to review the work that was done. I strongly advised that he provide a written update, directly to Code, this coming Monday. I advised him that, while it would not be the Town's preference to take action to secure his property against his objection, that under the law that was an option available to us and one we would take if it was in the interest of public safety.

I was going to leave town this weekend for the holiday but am battling flu-type symptoms so will likely be in Hampden all weekend. I'll be checking email periodically and always reachable by cell, 617-719-1019.

If we're not in touch before then let's talk this over on Monday. I'll plan to attend the Code Enforcement meeting Monday morning.

Thanks,  
Angus

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**Angus Jennings**  
*Town Manager*

*Town of Hampden*  
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