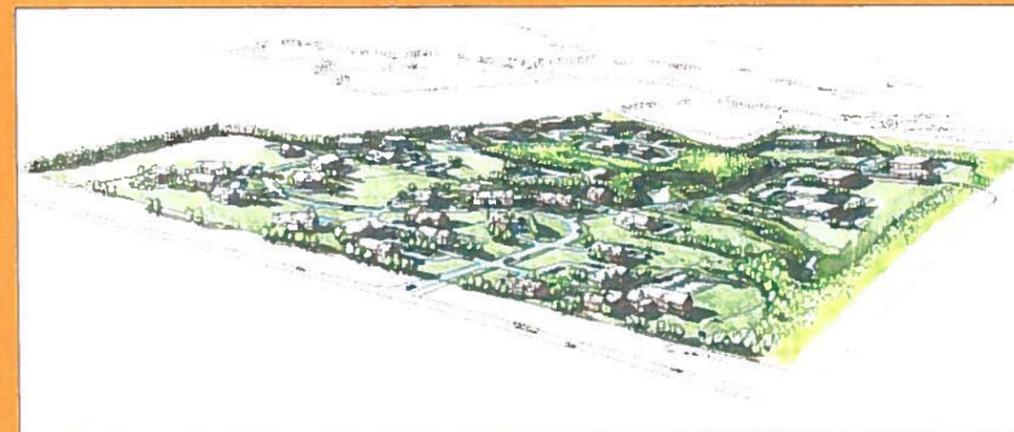
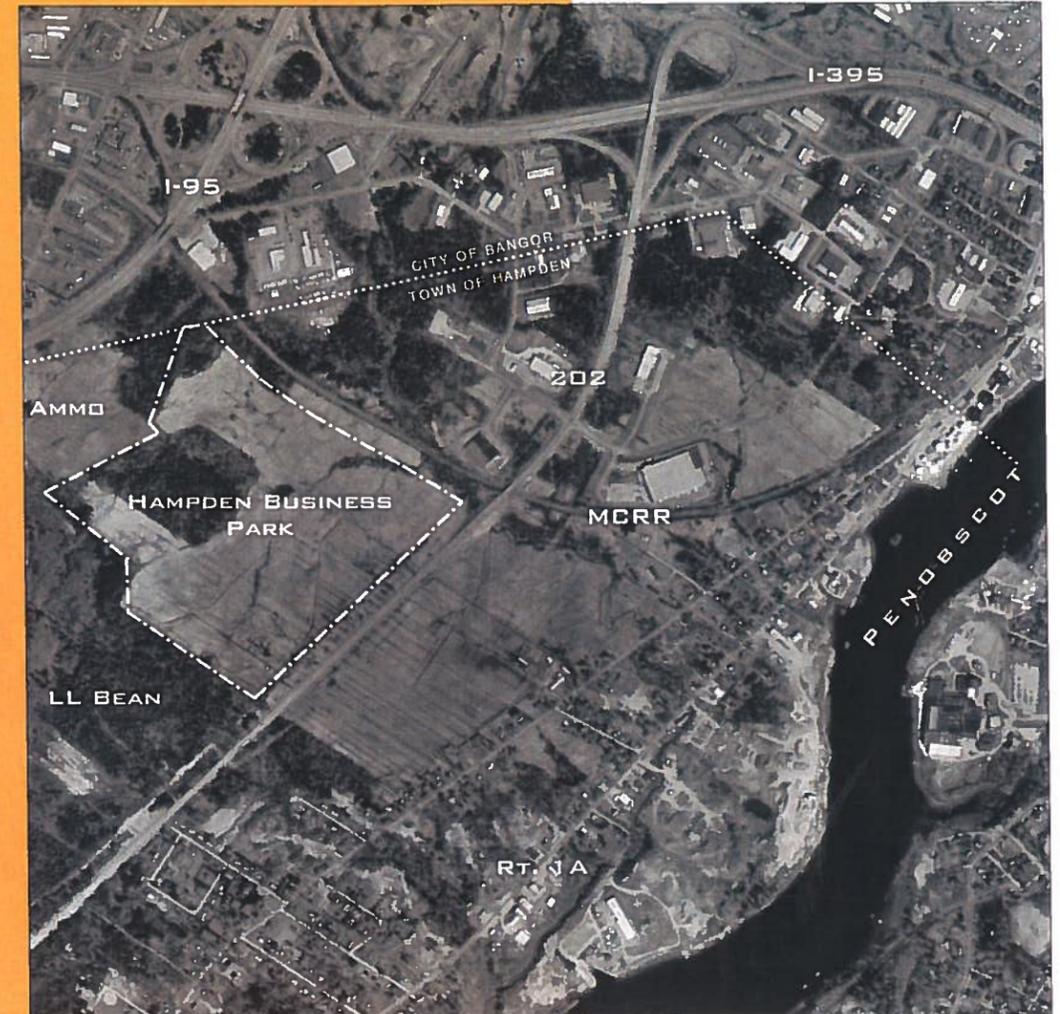


MASTER PLANNING STUDY

FOR THE

HAMPDEN BUSINESS
&
COMMERCE PARK



PREPARED FOR THE

TOWN OF HAMPDEN ECONOMIC DEVELOPMENT COMMITTEE

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<i>Utility</i>	<i>CU 101, 102</i>
<i>Landscaping</i>	<i>LP101, 102</i>

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Preface

In September of 2000, WBRC Architects-Engineers was commissioned by the Town of Hampden to prepare a study for a new Business and Commerce Park on the 135 acre parcel adjacent to Route 202 known as the "Perry Farm". The study area extended from the Bangor / Hampden Municipal Boundary to the "LL Bean" parcel and "Ammo" Parcels, bounded to the East by Route 202 and to the North by the MCRR and Bangor Hydro Electric Company right of ways.

The Townspeople endorsed the project by public referendum on November 2, 1999 whereby funds were approved to develop a Commerce Park in an area zoned and targeted for Industrial / Commercial growth for nearly twenty-five years.

To be responsive to the Town's best interest, the planning process incorporated the full participation of the Town Council, Economic Development Committee, and the Staff of the Town of Hampden. Throughout the development of the Business & Commerce Park Master Plan, the Town was involved in formulating and evaluating goals and objectives, planning recommendations, and insightful feedback.

Guidelines were established to insure the protection of natural and manmade determinants such as wetlands, Sucker Brook, and view corridors towards a forested stand of evergreens and across the project expanse.

The study consists of comprehensive field data inventory, review of published economic and marketing trends, Town ordinances and codes, and formulation of density and "clustering" guidelines. This preliminary work provided the basis for the Park's road infrastructure, interconnection to the surrounding 1500 plus acre environ, and pedestrian-oriented service centers and circulation.

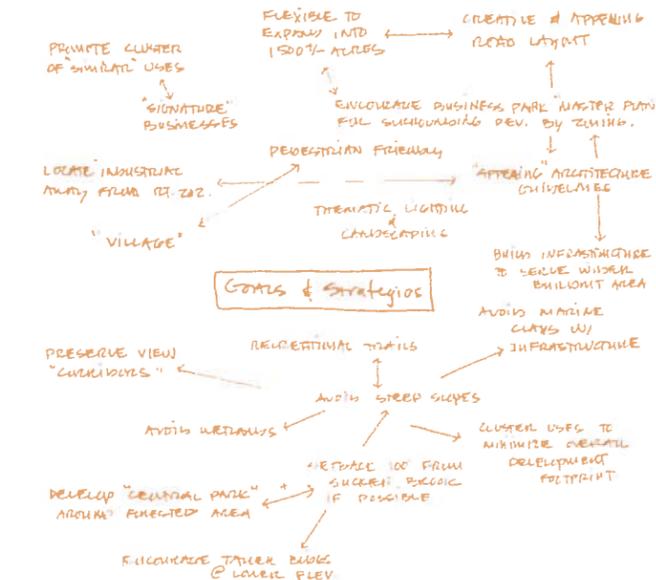
The latter part of the Study refined several layout alternatives which preserve green corridors and central cores, create a convivial atmosphere for pedestrian interaction and chance meetings, and offer the Town and Park tenants a return on their investment by capturing a "signature" approach to development with similar use and architectural style.

The Town of Hampden Economic Development Committee, Planning Board, and Town Staff were instrumental in refining the concepts and guidelines that became the physical framework and review process by which this and future Business Parks can be coordinated to produce the maximum benefit to the Community.

During each step of the process, meetings were held with Town staff, EDC Committee Members, Town Councilors, and eventually a Public informational setting to evaluate progress and obtain decisions that allowed the Design team to advance to the next step.

This Master Plan is not a final plan, but the design guidelines it promotes will be used as a framework for implementing immediate development within the Business and Commerce Park and as a future benchmark for development on other parcels as the Town evolves in the years to follow.

Goals and Strategies



The configuration of the Park should include a central core of shops and useable open space, with a scale of development that balances pedestrian and auto comfort, visibility, and accessibility, while permitting transit-oriented *Light Industrial* and *Service Sector* tenants to take advantage of a strategic adjacency to a limited access arterial, and strong network of utility, telecommunication, and service infrastructures. This blend of uses must allow for social opportunities between tenants and visitors and provide reasonable walking distances in order to promote that interaction.

The internal park configuration is intended to enhance the Commercial experience within the Town, rather than detract, and it's permitted uses have been carefully outlined by the Design team and implemented by the Town through recommended zoning changes for *Business Park* uses. As a major Gateway element for the Town, the park's character should have a more traditional "Main Street" appeal than high volume retail developments. Careful arrangement of campuses containing similar building clusters with adjoining pedestrian "plazas", and purposefully laid out sidewalk and recreational trail elements is important.

Buildings should also be clustered and arranged with proper separation between clusters to permit reorganization into single-user, larger combined parcels, without visually impairing the landscape or significantly changing the park's overall appearance.

Architectural, Landscape, and Lighting guidelines must be established to incorporate design elements at the street level that draw in pedestrians and reinforce the overall "Main Street" strategy. Screening elements, unifying facades, and architecture with rhythm and human scale are favored towards the front half of the Park to create a sense of place and intrinsic value for adjacent businesses.

Parking lots should be sited to avoid domination of frontage, and sized to be visually and functionally segmented into smaller lots. Parking areas sited towards the "rear" of lots facing the Park Drive are preferred, with exceptions where visibility from Route 202, building cluster conflict, or lot constraints prohibit.

Part I - Introduction

This Master Plan is the culmination of several months of study, which focused on:

- o Project Organization
- o Obtaining Field Data and Site Reconnaissance
- o Reviewing Marketing Trends and Strategies
- o Planning Concepts
- o Planning Development
- o Environmental and Local Permitting
- o and Implementation of Phase 1 development.

The Master Plan supports the creation of a Commerce Center that is compatible with all aspects of the Town's Comprehensive Plan. It provides infrastructure and framework for development that will provide a return on investment for the Town and Park tenants, and encourages the siting of preferred "signature" businesses along the Route 202 view corridor.

Implementation of Phase 1 of the Park development should provide access to most of the Park's open space, and over half of it's land area. This will permit the majority of the Park's anticipated 500,000 gsf of business space to immediately begin strengthening the Town's economy and tax base.

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Project History

Hampden historically has been a very popular "bedroom community" in the Bangor region, and has experienced significant residential growth. The Town business community lacked development on land zoned for commercial and industrial purposes, and much of the existing business growth and expansion had been in close proximity to residential neighborhoods.

The Town Council recognized this shortage of commercially-zoned properties, and created an Economic Development Committee in 1995 to consider expansion alternatives for commercial and industrial uses. After extensive studies and evaluation, the Committee recommended the creation of a business park along the Route 202 corridor. Development in this area has been identified in the Town's Comprehensive Plan as providing significant commercial expansion potential for substantial development. This land would not be in close proximity to existing neighborhoods and is immediately adjacent to existing commercial uses. The land is in close proximity to all modes of transportation, and all public utilities are immediately accessible to this site.

Due to the "up-front" cost of extending public utilities to the site of the Hampden Business & Commerce Park, the Committee and the Council felt it was highly unlikely that development in this attractive area would occur unless this investment was made in order to encourage development. In order to provide for



Fig. II-1.



Fig. II-2 Environs, and fig. G— Multi Modal Transportation Systems).

this expansion of business and industrial growth, the recommendation was made for the Town to take the initiative to extend public utilities to the site, and proceed to development the Park in order to recoup its investment.

The Hampden Town Council unanimously approved the recommendation of the Economic Development Committee to proceed with the development of the Hampden Business and Commerce Park, the first phase of which will include the development of 132 acres +/- of land, and create 37 developable lots.

Part II – Site Inventory

The Site Inventory and Analysis was performed using a composite of base information derived from US Geological Survey Arc-Info data, Town of Hampden Aerial topographic maps (40' scale topo maps at 2' Contour Interval), Town of Hampden Comprehensive Planning Maps, various field observations, Owner provided sketches, and Local Utility Company information.

Existing Land Use

The existing Hampden Business and Commerce Park parcel is comprised of 135 acres of undeveloped land used for agricultural purposes. The land cover is mainly hay-meadow, with the remaining wooded (see figure II-1). The site is surrounded by three major travel corridors: I-95 to the Northwest; MCRR to the Northeast, and Route 202 to the Southeast (See Figure A - Project

Existing Industrial/Commercial development is generally to the Northwest and Northeast of the Project site, while residential neighborhoods lie further to the Southeast buffered by a large expanse of rolling open meadow (Perry Farm see figure D).

A tract of largely undeveloped land (Ammo and LL Bean parcels) lie to the Southwest, separating another residential development area almost 1-3/4 miles to the West, fronted by Cold Brook Road and Route 202.

Access to the parcel will be at an MDOT approved limited access point along Route 202. Several additional points are shown on Figure A.

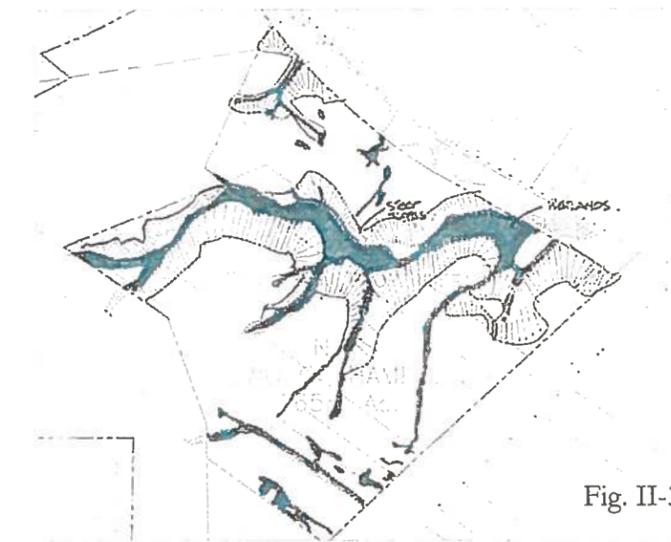


Fig. II-3

Flood Plain and Steep Slope Topography

(See Fig. II-3, and Figure B - Flood Plain & Steep Slope Topography)

Topography - The site can be characterized as gently rolling, except for some areas immediately adjacent to the unnamed tributary of Sucker Brook. Elevations range from a low of 70 to a high of 144 feet (NGVD 1929). There do exist areas within the Site that exceed 20% slopes, generally as the result of embankments created by the unnamed tributary of Sucker Brook..

A natural break exists along the perimeter of the

property, essentially diverting offsite runoff away from the project site surface. Offsite runoff does collect and travel through the center of the site within the tributary of Sucker Brook. Grades generally slope towards the Northeast onsite. The poorest draining portion of the site occurs near the central drainage way and to the West on Ammo Industrial property towards I-95, as evidenced by the presence of freshwater wetlands.

Natural topography in undeveloped portions of the site becomes steeper to the Northeast of the Site, with slopes exceeding 20% along the Sucker Brook stream corridor, continuing down grade to the Penobscot River.

Floodplain - While a portion of the Sucker Brook Tributary is mapped as part of the FIRM floodplain map (FEMA flood zone 'X'), it is generally confined to the streambed of Sucker Brook adjacent to either stream bank at the intersection of Route 202/MCRR, and does not show a history of leaving the confines of the stream bank due to flooding.

Existing Infrastructure

(See Figure C—Existing Infrastructure)

Sanitary Sewer Distribution - The Town, at an estimated cost of \$300,000 (including contingency, permits, design, etc.) is developing a new sanitary sewer interceptor.

Water Distribution - A 12" water main (for a future loop) is being developed to tie into a 12" Bangor Water District (BWD) main that currently serves the PERC Plant in Orrington.

Electrical Distribution - Power to the park is available for three-phase service. Transformers within the Park could step down to three-phase 208/240/480 volts or single phase 120/240 volts as dictated by the tenant. The ownership of the primary transmission lines is by the Bangor Hydro Electric Company. The distribution is uniformly placed.

Although underground is a more costly alternative than aerial, Business Park aesthetics will be greatly improved with the installation of these underground lines.

Communications - Communications to the park will likely tie into the Verizon infrastructure. Fiber optic and multiple phone pairs should extend into the park.

Storm Drainage - Given the relatively well-situated position of the Park within the Sucker Brook tributary area, it is likely that peak quantity of runoff issues will be minimal, permitting peak discharge of runoff to occur well prior to the larger offsite watershed peak runoff.

Natural Gas - The Bangor Gas Company has permitted Natural Gas lines along Perry Road from the Outer Hammond I-395 intersection. Bangor Gas plans to bring natural gas to the park and Route 202 corridor, by routing along the Perry and Mecaw Road. New natural gas lines will be installed as part of the park phase I infrastructure, for activation in the year 2002.

Existing Property and Existing Property and Tax Map

(See figure I - Project Environs).

This figure illustrates the ownership of the Hampden Business and Commerce Park and surrounds. It is based on town Tax Map records and USGS data.

Existing Zoning

(See figure D - Existing Zoning, figure H - Rezoning for New Zoning recommendations).

Surrounding Land uses were categorized into seven (7) land use groups:

- Industrial
- Industrial 2
- Industrial Park
- Interchange;
- Residential A
- Residential B
- Commercial Service

3.1 Industrial Park District (Current Language)

3.1.1 Purpose - This district is established to provide a location for fully serviced industrial development. It is intended that land within this district will be protected from encroachment of non-industrial uses.

3.1.2 Permitted Uses (Subject to Site Plan Review)

Manufacturing, compounding, assembling, packing, treatment, warehousing, wholesaling of goods and products, research and testing operations, essential service, consulting operations, public or private utility service providers and their related operation, service and maintenance activities, accessory uses or buildings, other industrial operations which

conform to all performance standards in this Ordinance.

3.1.3 Conditional Uses(Subject to Site Plan Review)

Living quarters for security personnel, buildings necessary for essential services, buildings greater in height than thirty-five (35) feet. (Amended 3-5-88, 6-15-92)

3.1.4 Lot Dimensions

- Minimum Lot Area - 1 Acre
- Minimum Road Frontage - 200 Feet
- Minimum Depth Street Yard - 50 Feet
- Minimum Depth Other Yard - 50 Feet
- Maximum Ground Coverage - 25%

Soils

See figure E - Soils Inventory).

The soils profile boundaries shown on this illustration were developed from the Class "D" Penobscot County Medium Intensity Soils Map #238. The site soils range from a moderate-draining Buxton Series (BxC) to slower draining and weaker/ frost-susceptible Scantic (ScB) soil classifications. The soils classifications and

Table - II-1 : Soils Descriptors

Symbol	Series	Hyd. Group	Potential for Development
BoA/BoB	Boothbay Series	C	Medium - high frost, med. wet.
BxC	Buxton Series	C	Medium – moderate wet, shrink/swell
ScA,B,C	Scantic Series	D	Poor – wet,frost,low strength
LaA,B,C,D,E	Lamoine Series	D	Poor – wet,frost,low strength
SwA	Swanville Series	C	Poor – wet, frost
Ud	Udorthants (made land)	n/a	variable—field qualified

soils map units are identified on fig. E.

Table II-1 identifies the limitations presented within the USCS Penobscot County Soils Report, by alphabetical symbol. It is likely that some of the hydric soils identified as Buxton and Scantic, not already identified as wetland areas could be classified as such if the proper vegetation and hydrology exist after careful field delineation. Soils having poor development potential are identified.

During the preliminary soils exploration, the site was found to be underlain with blue-marine clays at a 10' depth or greater which typically exhibit poor bearing and working characteristics. A regime to avoid these clay materials should be exercised during the design of the road and infrastructure of the park. It is likely that

excavation and replacement, or shallow pile supported foundations will be required for buildings with significant bearing characteristics.

Natural Resources

(See figure F - Natural Resources)

- Wooded areas
- Riverine and Stream
- Viewsheds and corridors
- Wetland areas (NWI and Delineated onsite)
- Deer wintering areas

Natural resources should be evaluated for avoidance, protection, or mitigation. It is suggested that wetland avoidance be minimized to below one acre for road crossings, and access to upland areas. Wherever possible, a generous stream setback should be created to provide a buffer from development, and for the

preservation of riparian areas and natural drainage treatment areas.

The preservation of view corridors within the park through a “clustering” or “coving” approach should be initiated, permitting combining of lots into larger (10+ acre parcels) without jeopardizing the openness of the site.

Multimodal Transportation Systems

(See Figure G - Multimodal Transportation System)

- Bus Routes
- Trail Systems
- Snowmobile Trails
- Rail
- Navigable Waterways
- Sidewalks (proposed and existing)

- Bikepaths

Existing pedestrian, automotive, and public transportation systems routes and locations are identified. The park is well-situated to take advantage of many types of transportation. It is important to note that the Route 202 corridor has been limited to eight access points, as determined by a joint agreement between MDOT and the Town of Hampden. The park entrance will take advantage of one of these access points. The *East Coast Greenway* (traffic-free trail from Maine to Florida) appears to intercept the park, and current Bus service to the Greater Bangor area is being evaluated by BACTS. Both could easily serve the Park with some Municipal coordination.

*It is recommended that relaxed zoning be established to permit a PUD/cluster approach to development. Stricter development guidelines and deed covenants should be established to guide this increase development.

Part III—Economics

III.A - Current Trends in Business Park Development

Existing Business Parks Near Capacity

There are currently 17 business parks in the Bangor area, comprising a total of 1,248 acres.¹ About 297 acres are currently vacant (for a vacancy rate of 24 %), of which about 15 % are undevelopable. In the existing business & industrial parks, the median lot size is 3.9 acres and the range is from 0.75 to 32.9 acres. Only about 74 lots (22 % of the total 329 lots) are available for development, and two-thirds of these are in just five industrial parks.² The existing parks are almost at capacity: About half of the parks cannot accommodate a contiguous lot of more than ten acres. Only four parks have enough remaining developable land to attract more than one business requiring greater than 10 contiguous acres, and only about 10 such lots could be created in the region.³

Annual Lot Sales Strong In Region

Key factors affecting the sale of land in the various parks include the overall strength of the economy, the physical characteristics and location of the land, existing land covenants, ownership restrictions, and the total supply of industrial property in the region. From 1970 to date, industrial park space in the 17 parks in this region has sold at an average of 6.4 lots (about 35 acres, or 11.8 % of the available land) per year. Thus, despite the appearance of a large inventory of industrial land in the region (about 250 usable acres in the existing parks), there is strong potential for the development of additional business park capacity. At recent sales rates, the available acreage could well be absorbed by the market in just over seven years.⁴

Business Park Tenants

A quarter of the existing industrial parks' tenants are service firms and about 15 % each are manufacturing, warehouse, and wholesale enterprises. Over half of the service enterprises are business services: 17 % were auto related businesses, and a combined total of 20 % were

health or recreation services. This emphasis on the service sector, rather than on heavy manufacturing or research and development, reflects the Bangor area's economic base and market conditions rather than a deliberate effort to attract service firms. However, given the proportion of Bangor area manufacturing, trucking distribution, and wholesale firms that are located in business parks (30.8 %, 18 %, and 12.5 %, respectively), it is clear that deliberately planned parks have also developed a niche market in these economic sectors.⁵

Growth Potential

Hampden's Route 202 area will offer the potential for large acreage (10+ acre) development sites, which are at a premium in other business parks in the Greater Bangor Area. The strength of recent regional growth in these services sector (12% between 1993 and 1996), construction (9%) and wholesale trade (9%) indicates that these sectors are still viable market niches for the Hampden development.⁶

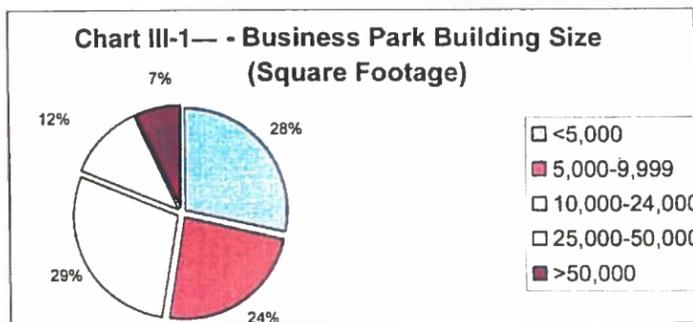
Importantly, the Route 202 park is in an excellent position to offer amenities now being sought by emerging industries such as precision manufacturing, software development, insurance and financial services, environmental services, and advanced telecommunications. Amenities such as advanced electrical distribution systems (three-phased power with backup systems); advanced telecommunications infrastructure (fiber optic cables, high speed digital services, etc.), efficient circulation systems for both motorists' and pedestrians, architecturally controlled structures and design, underground utilities, and large landscaped lots and attractive common areas, are not generally found in business parks in this region.⁶

A business-to-business service core will feature such amenities as: food court; day care; gym/exercise facilities, etc. The Park is well situated to expand into neighboring parcels, and has adequate infrastructure available to assure the continued development in many directions.

Building Siting & Size

Business Park buildings comprise over 4 Million gsf in

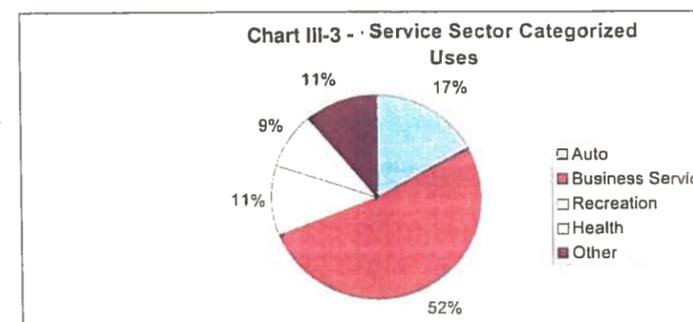
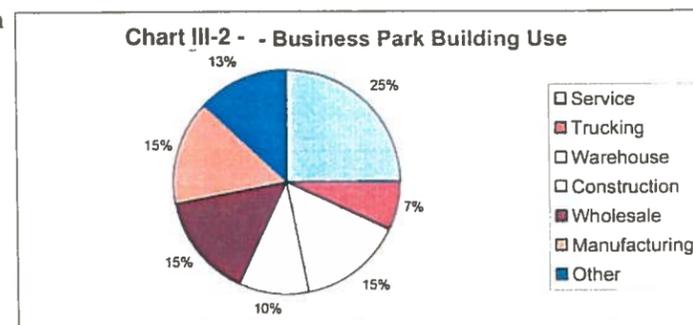
the Bangor Metropolitan Statistical Area. The development of buildings within Hampden's Park should target users with average building footages of 16,000 gsf. In fact, the average building size ranged from 10,000 to 28,000 twenty-eight percent of the time.¹ (Chart III-1) This suggests a minimum 5,000 gsf per acre requirement for lots of as little as 2 acres each.



Business Uses

A recent categorization of Business Park uses in the Bangor MSA broke the Parks uses into seven major categories: *service; trucking; warehouse; construction; wholesale; manufacturing; and other* (see Chart III-2).

Of these, the service sector comprised over half of the observed uses. This sector was categorized even further



into the following uses: auto; business service; recreation; health; and other. *see Chart III-3*). Collectively, Bangor area parks have catered more towards service-sector industries, and recently, there has been a growing trend to provide space for Medical and Professional Service Sector Businesses in Campuses of clustered similar uses.

Tax Revenues

In a case study of the Dowd Industrial Park in Bangor, it was determined that the initial investment of approximately \$66,000 in 1984 yielded \$914,000 of tax collections between the period of 1991 through 1996.

Hampden's Competitive Advantages

In addition to the potential for positioning the Route 202 Business Park to attract firms requiring large parcels of land, and for developing a park with amenities that other area industrial parks do not offer, Hampden has certain other strategic advantages:

- **Location:** All roads go through Hampden. The proposed development area has convenient road access to Interstates 95 and 395 and to the Bangor International Airport, as well as the potential for rail access via the Maine Central Railroad tracks that form the area's northeastern boundary. The area is near the U. S. Postal Service distribution facility at the Hampden Industrial Park, the new Federal Express distribution facility at the Banair Industrial Park in Bangor, and several large motor freight carriers.
- **Labor Attraction:** Hampden businesses have demonstrated the ability to attract workers from other labor market areas. Based on 1990 Census data, 24 % of all persons working in Hampden already commute from other communities.
- **Competitive Wages:** Wage levels in Hampden are competitive for existing and potential businesses. In all sectors but agriculture, manufacturing, and services, 1996 wage levels in Penobscot County were below statewide averages.

III.B - ECONOMIC DEVELOPMENT PROFILE - TOWN OF HAMPDEN, MAINE THE LOCAL & REGIONAL ECONOMY

The Economy

The economy of the Town of Hampden and the surrounding region can best be characterized as both diverse and flourishing. This economic climate provides Hampden businesses with ample opportunities for growth and development.

The following is a profile of Hampden's local and regional economy. Included in this profile is an overview of the key factors upon which business development decisions are based: labor force, commuter patterns, employment by industry, wage levels, and the retail environment. Highlights of Hampden's local and regional economy in terms of supporting future business growth and development include:

- The Town of Hampden is located within a large labor market area which provides its businesses with the ability to attract and retain workers for all levels of employment. The Bangor MSA in which Hampden is located comprises the third largest labor market area in the state, representing 8% of the entire statewide labor force.
• Hampden and the Bangor MSA are able to attract workers from other labor market areas. Based on 1990 Census commuting data, 21% of all persons working in the Bangor MSA commute from another labor market area, and 24% of all persons working in Hampden commute from other labor market areas.
• The regional economy in which Hampden is a part of is very diversified with no one employment sector dominating. Based on non-farm wage and salary employment in 1996, the largest sectors of the Bangor MSA were services (30% of total non-farm wage and salary enrollment) and retail (22% of total non-farm wage and salary employment).
• The regional economy in the Hampden area has been growing since 1993 and this growth is being experienced by most industry sectors. Based on non-

farm wage and salary employment, all sectors in the Bangor MSA except government and manufacturing experienced growth in employment between 1993 and 1996 with an overall growth of 3.2%. The largest increases during this period were experienced in services (12%), construction (9%), wholesale trade (9%), and finance insurance and real estate (8%).

- Wage levels in the Hampden area are very competitive which helps businesses in the community contain costs. Based on 1996 wage data by industry, average wage levels in Penobscot County in seven (7) of the ten (10) industry sectors were below averages paid to workers state wide.
• The region in which Hampden is located functions as a significant retail center serving consumers from eastern and northern Maine as well as Canada, in addition to residents of the region. Based on 1996 retail sales data, the Bangor and Bangor suburban sales area, which includes Hampden, had 11% of all consumer retail sales statewide.
• Retail sales in Hampden and its surrounding region continue to experience significant growth. Based on total consumer sales data, between 1990 and 1995 total consumer sales in Hampden increased 34% and retail sales in the Bangor suburban region which includes Hampden increased 24%. These were higher than the statewide increase of 21% for the same period.

The People

The Town of Hampden has been growing in terms of both population and households, providing a healthy base for future business activity. Based on data from the U.S. Census, between 1980 and 1990 the population of the Town of Hampden grew 13%. This was higher than the population growth experienced in the Bangor MSA (7%) and statewide (9%) for the same period. During the same period the total number of households in Hampden increased 27%. This was higher than the increase in households for the Bangor MSA (17%) and statewide (18%) for the same period.

The Town of Hampden has a high percentage of households that are family households. This provides the Town with a strong sense of community which businesses can benefit from. Based on the 1990 U.S. Census, 78% of all Hampden households were family households in comparison to 67% in the Bangor MSA, and 71% statewide.

Residents of the Town of Hampden enjoy a high level of wealth. Based on 1990 U.S. census data, median household income in Hampden for 1989 was \$32,403. This was higher than the median household income level in the Bangor MSA (\$27,428) and statewide (\$27,896) for the same year.

Hampden residents have a high educational level, making it an ideal location for businesses demanding well-educated, highly skilled employees. Based on the 1990 U.S. Census, 27% of all persons 25 years or older in the Town of Hampden have attained a Bachelor's degree or higher. This is higher than percent experienced in the Bangor MSA (23%) and statewide (19%) for the same year.

The Town

The Town of Hampden provides a full offering of municipal services that is managed by professional staff including: public safety; public works; parks & recreation; community services; economic development; and planning.

Hampden has a consolidated public safety department consisting of police, fire, and emergency medical services. Consolidation allows the community to provide high quality public safety services at an efficient cost level.

Hampden has experienced a healthy growth in revenues that have allowed the Town to provide consistent funding for services as well as maintain adequate reserves and surplus. Between 1990 and 1996 the Town of Hampden experienced a 52% growth in General Fund revenues. In FY 1996 the Town ended the year with an undesignated, unreserved fund balance that represented 15% of total General Fund revenues, well above the recommended benchmark of 8%.

Hampden has a moderate property tax rate in comparison to other communities in the region, and one that is lower than communities in the region that provide comparable service levels. Hampden's full value, property tax mil rate for 1997 was 17.77 which was lower than the rates for the nearby communities of Bangor 23.10, Brewer 22.42, Orono 21.32, Pittsfield 20.78, Fairfield 20.20, Belfast 18.73, and Old Town 18.03.

Hampden has experienced a healthy growth in the property tax base signaling a steady economic development climate. Between 1993 and 1997 Hampden's total state valuation of property grew 7.2%, which was substantially higher than the growth rate for all of Penobscot County (3%) and the State of Maine (0.6%) for the same period.

Education and Training Opportunities

Businesses and citizens in the Town of Hampden have a wide range of opportunities, facilities, and resources available locally and regionally for education, training and workforce development. These include a top rated public school system for grades K-12, the largest vocational training center in the State, a full offering of adult education programs, five institutions of higher education including the Universities of Maine's flagship campus, and State supported training programs and services. Each of these assets play an integral part in supporting business and economic development in Hampden.

The Transportation Network

The Town of Hampden is bordered by Interstate 95, the State's major north-south highway and by Route 1A, the U.S. highway that connects Hampden to Ellsworth/Bar Harbor coastal region. This provides businesses in Hampden with ideal motor vehicle routes for shipping, receiving and commuting.

Hampden has access to many transportation opportunities including: neighbor to the Bangor International Airport, the State's largest airport in terms of land-size and runway width; local bus service

Part IV- Planning Concepts

Acreage

The current 132-acre Town holding will be permitted as a whole and developed in phases, offering lots tentatively sized from 2 to 5 acres. When fully built-out, the growth in this area could approach 1500 acres when combined with adjacent like-zoned parcels, representing one of the largest Commercial Developments in Maine. The master plan anticipates approximately 37 lots, with several consisting of rear, or flag lot configuration



Fig. IV-2

Amenities

The Park's size and location within the Region will satisfy Tenant's Business needs on a local, regional, and national or global basis. A proposed "Service" center will provide many of the amenities lacking in similar competing developments, supported by the critical mass of the Park's Tenants and Route 202 commuters. (fig. IV-3)

The "Greater Bangor Region" and its member communities offer amenities that make marketing this site to potential businesses competitive on a Regional and state-wide basis. The development and marketing of this Park will send a clear message that this perceived "bedroom community" is open for business, and has the means to attract and maintain businesses on a local and regional basis.

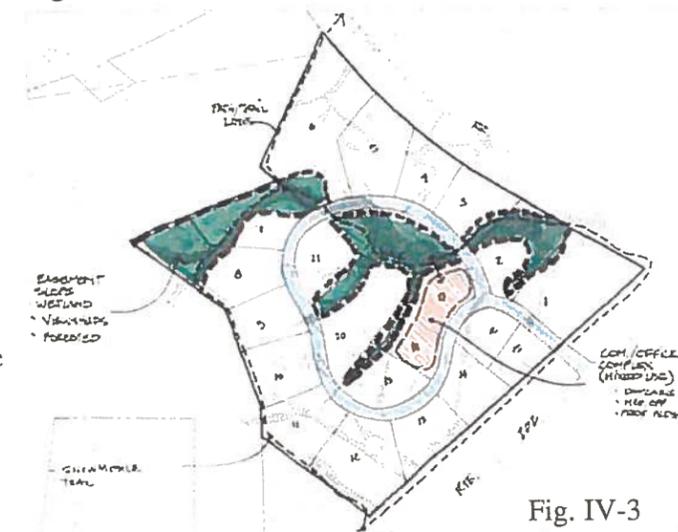


Fig. IV-3

Zoning

The 132 acres in the Park designated for business and commercial (technology favored) development will have been rezoned to an "industrial park" classification which permits all intended uses, including the "Business Park" use. When the Park was initiated, officials very carefully considered whether the zoning language changes should be approached as a function of the existing zoning ordinance in the community or whether new zoning Districts should be introduced. It appears that it would be wiser to simply work within the structure of the existing ordinance, and to rezone the Hampden Business Park parcel to *Industrial Park*, having more similar use and compatibility with the adjacent, contiguous-zoned parcels to the North. However, as part of the rezoning process, several "industrial" uses should be carefully reviewed as being permissible within the "Business Park Use".

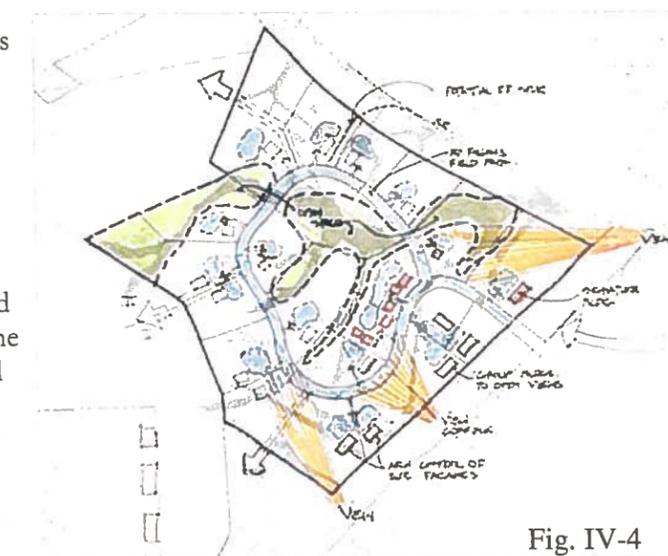


Fig. IV-4

Traffic & Circulation

Entrance into the Park must be developed from a single point of access that has already been identified by MDOT on the limited access Route 202 corridor. Development of the park roadways should be sufficient to handle the larger Industrial users (WB-60 truck traffic), generally proposing 250' or larger centerline radiuses. To provide a return-on-investment for the Town, the main roadway should serve frontages on both

sides, and be developed to form a circuitous loop to avoid unnecessary cul-de-sacs in the full build out.

Several common "cluster" drives may be necessary (short drive serving clustered lots) to permit multiple lot development in areas that extend beyond the normal lot depth from the main roadway. Pedestrian trails should be developed within the park to minimize the "blocking" effect many commercial developments have on adjacent recreational parcels. It is anticipated that park tenants, as well as those using adjacent trail systems (East Coast Greenway) or corridors will actively use the trail system. Pedestrian movement should not be directed towards Route 202, as this is a high speed, limited access roadway. Rights-of-Way for future roadway connections to abutting parcels (LL Bean, AMMO) should be incorporated into the Park roadway infrastructure. (fig. IV-4)

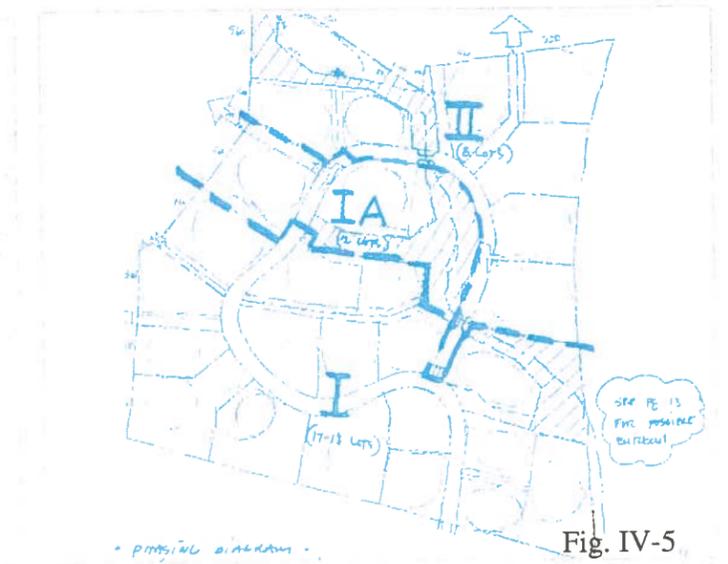


Fig. IV-5

Phasing

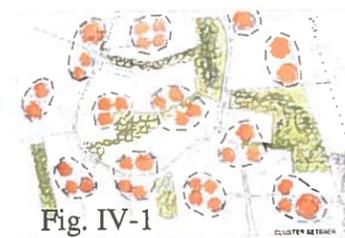
Phase I will likely consist of development of approximately 55+/- acres adjacent to Route 202, which fronts the site in a South-East to North-East fashion. An additional 20+/- acres of central green space abuts and is directly accessible for the benefit of Phase I, for a total offering of nearly 2/3 of the entire 132 acre parcel. (fig. IV-5)



This figure illustrates the traditional "linear" setback common of many Municipal Subdivision Standards, where uniform front, side, and rear yard setbacks apply.



An alternative approach is to assign steadily increasing and decreasing front and rear setbacks, respectively. This approach creates more green space opportunities within the development parcel.



The "coving" approach

Fig. IV-1

Coving & Cluster Development

The "coving" approach permits "clusters" of development to occur on upland or suitable development zones, creating a maximum amount of open space within a development parcel. Roadways are subsequently run between the clusters, minimizing infrastructure length and therefore project cost. (fig. IV-1)

Design Review Board

Costs associated with increased landscaping and architectural elements required by Park Covenants should be offset by time-savings and resulting cost savings associated with a streamlined permitting and approval process. Tenants willing to provide an increased level of landscaping and architecture should be rewarded with no more than a two-week turnaround time for the site plan review and building permit process, after an application is deemed complete.

A Design Review Board (DRB) has been used by several communities as a way to administer the pre-permitted full-build master plan, which has already addressed significant technical issues for: traffic; sewer; water; stormwater; and wetlands impact.

A DRB comprised of Municipal staff, planning board members, and appointed Town agents should be established to administer the architecture, landscape, and site improvements proposed by park tenants.

The initial step in this approach will be obtaining Municipal subdivision approval for the "full" Park Master Plan, which "illustrates" a 38% to 50% impervious coverage, proposed landscaping, and site improvements. At this time, Park covenants will be reviewed and approved as part of the subdivision plan, which include binding reference to the Architectural and Landscaping guidelines for the park.

Note: The MDEP permit contemplates a 70% buildout for Traffic, Stormwater, Sewer, and Water issues, thus the review will be less technical and more planning oriented.

The DRB will be charged with administering approval only for projects that resemble the density and placement of development "illustrated" on the Park Master Plan having moderate lot coverage (pp. 14-16)

Development denied approval by the DRB or exceeding the 38%-50% "illustrated" coverage levels would require Planning Board review, for compliance with the overall Master Plan design intent.

Tenants

Three firms representing developments totaling nearly 100,000 g.s.f have already approached the Town. The Park covenants will contain language, as will the master plan, suggesting the following business locations. The preference will be for occupants to own (fee purchase) vs. lease lots.

Front "Signature Businesses" (High employee count preferred business)

- Information and Communications Businesses
- Technological Support Businesses
- Healthcare and Medically related Businesses
- Laboratory or Research Businesses
- Telemarketing Businesses
- Research and Testing Businesses
- Light Manufacturing (Computer Hardware, Software, Precision Manufacturing, Accessories)
- Essential Service
- Business Services (restaurant, conference center, recreation, etc.)
- Consulting Operations
- Public or Private Utility service providers

Rear "Traditional Businesses" (Low employee count business)

- Intermodal and freight processing
- Manufacturing, compounding, processing, treatment or warehousing of goods and products
- Wholesale distribution
- Wholesale sales.



Fig. IV-6 - Unacceptable:

Buildings with untrimmed roof edges, lack of column or window fenestration, use of metal siding with "deep" corrugation look, and poorly defined entrances should not be permitted within the park, which will be highly visible from the Route 202 corridor. Improper roof overhang.

Covenants and Development Standards.

Development of the Park should be guided by Master Plan and regulated by Covenants and Development Standards that are a required component of each land development purchase. In conjunction with adherence to the Park Master Plan and Subdivision Plan, the covenants will assure standards of development that are characterized by quality and consistency without imposing an additional cumbersome layer of bureaucracy in the approval process. They address such things as density and open space requirements, building setbacks, parking requirements, drainage, waste disposal, noise, air quality, landscaping, building design and materials specifications, etc.

Architectural Guidelines

The park Architecture will be governed by zoning specific to business parks and by covenants enacted for development within the park. The intent will be to permit creative approaches to traditional Commercial/Business park architecture, to insure a higher level of "Curb Appeal" than most parks of this type.

Roof height, setback, screening of mechanical/ rooftop elements, and façade treatments will be dictated by zoning or park covenants. Additionally, location of



Fig. IV-7 - "Signature"

Well articulated entrance, introduces proper rhythm of solids to voids, and well-balanced use of "commercial" storefront window fenestration. Proper roof overhang.



Fig. IV-8 - "Signature"

Well integrated roof form with intersecting gable elements on main roof to identify building entrance, well articulated entrance elements, appropriate use of multiple cladding materials. Proper roof overhang.

parking lots for parcels that abut Route 202 will be directed such that they are screened from view or by building placement from Route 202.

The park "Master Development Plan" that will be the basis for full buildout approvals and expedited review will serve as a visual tool for interested developers to locate and properly develop within the park. While it is important that these covenants do not extend to a level that prohibits development by interested parties, it is believed that many will choose to locate here knowing that their investment value will be upheld by the common standard that is applied to all located within the park.



Fig. IV-9 - "Signature"

Entrance well articulated and identified by intersecting gables of main roof, proper rhythm of window fenestration, columns used to break up building mass. Proper roof overhang



Fig. IV-10 - "Traditional"

Entrance well articulated and identified by change in curtain wall system, proper weighted roof trim width or overhang, architectural detailing reinforces the arrangement of a larger building, well-balanced mix of multiple cladding.

Landscape Guidelines

-Existing-

Current zoning requires buffer yards only in severe relationship instances such as industrial uses adjacent to a residential use.

Minimal parking lot buffering is required in all zones under certain instances only. In larger lots of 50 spaces or more, islands are required to separate travel lanes and to provide 10% interior planting space.

Current cluster design regulations provide a broad statement requiring the screening of parking, dumpsters, utility structures and other non-residential buildings, but no specific designation of tree or shrub types or budget systems for determining the number and quality of planting screens.

A broad statement allows the Planning Board to require planting at its discretion in any zone, but

there are no specific guidelines for developers to follow. There is significant emphasis and direction in the area of clearing and existing tree preservation, which describes a point value system determined by tree size. This point system could be valuable in ranking existing material in lieu of new plantings in buffer areas.

-Proposed-

Incorporating new Landscape Guidelines in the Master Plan and specific requirements in the Deed Covenants for Planning Board approval up front would keep existing requirements in place, permitting the Design Review Board and/or Planning Board with ample guidelines for reviewing submission

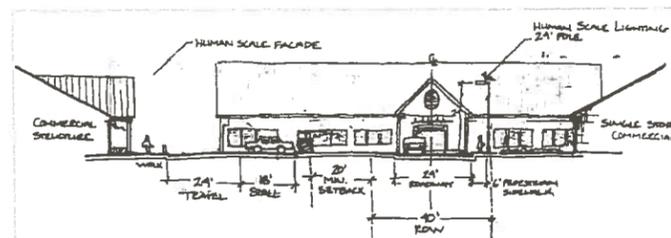
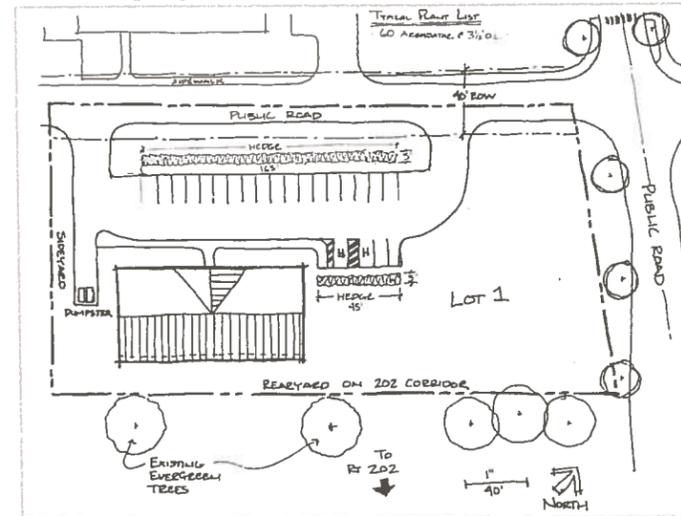


Fig. IV-11a & 11b - Existing Zoning: Landscaping

Typical Section illustrating current landscape standards in zoning ordinance.

proposals.

In addition, developers would be required to provide a planting budget based on a maximum 2% of total site development costs, creating baseline criteria for planting and site character in the park. Minimum planting size guidelines should be established and screening methods called for under Cluster Design Regulations could be adopted as well.

Parking buffers would be modified to include the use of shallow earth berms which would allow for a diversity of planting types to effectively buffer parking areas from both off site uses and interior circulation ways, while allowing sightlines to

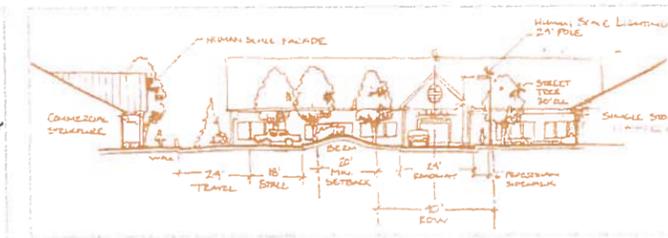
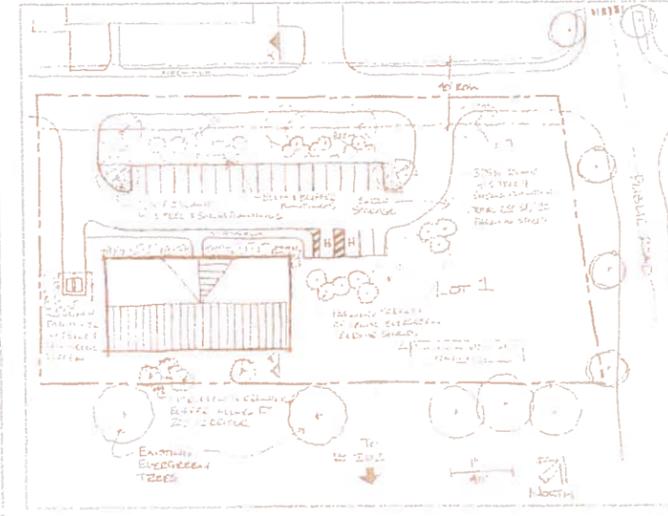


Fig. IV-12a & 12b—Proposed Covenants: Landscaping

Typical Section illustrating proposed landscape standards contained in Deed Covenants. Architecture is softened by deciduous plantings, a sense of place and human scale is developed by overhead plane and spatial definition, and heat, glare and noise of vehicles is buffered by earth berms and low plantings.

building facades and views beyond.

Islands are strongly suggested between travel lanes for parking lots of 30 spaces or more (or more than one double loaded row) and 650 SF of island creation for each 20 spaces should be required.

A transition zone would be developed between streets and buildings that would provide buffers in lieu of parking buffers if not already present.

Finally, park Covenants and newly adopted zoning regulations should require that all landscape plans must be stamped by a licensed landscape architect, which will provide responsible and sensitive design.

Figure IV-11 and IV-12 contrast the visual study of strictly interpreted zoning-required landscaping vs. the landscaping resulting from 2% of improvement costs.

This approach is desirable to developers due to the offsetting of these additional costs with a time-based cost savings and in return increasing the value of the park.

Site Furnishings and Elements

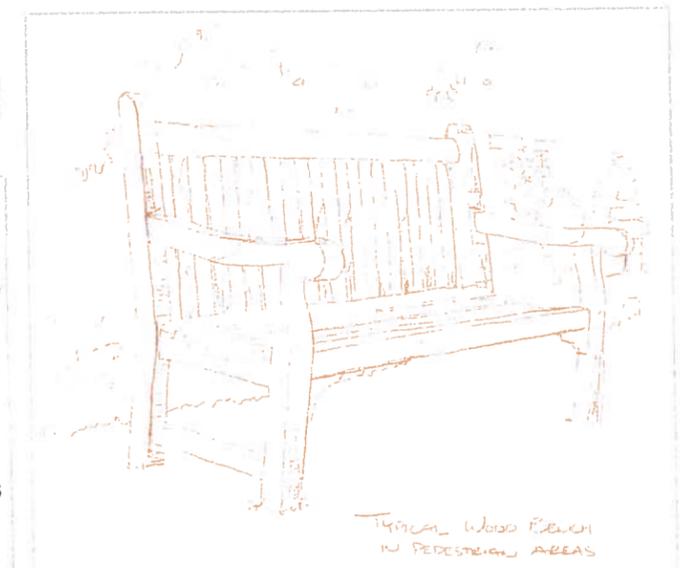


Fig. IV-13 - Bench Standards

Pedestrian plazas should include seating and site

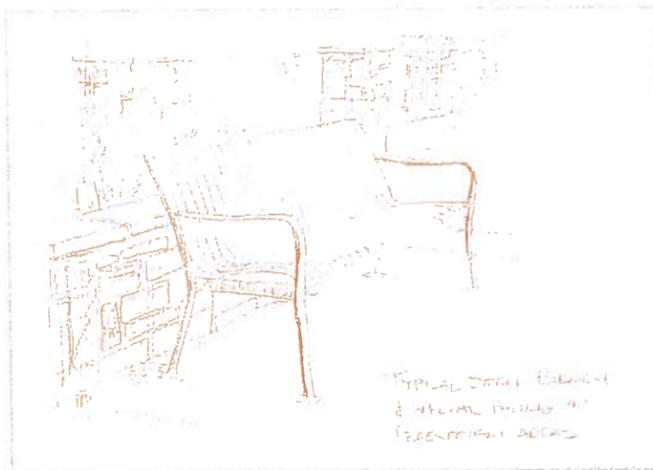


Fig. IV-13—Seating cont.

elements that create a human scale and promote chance meetings by users.

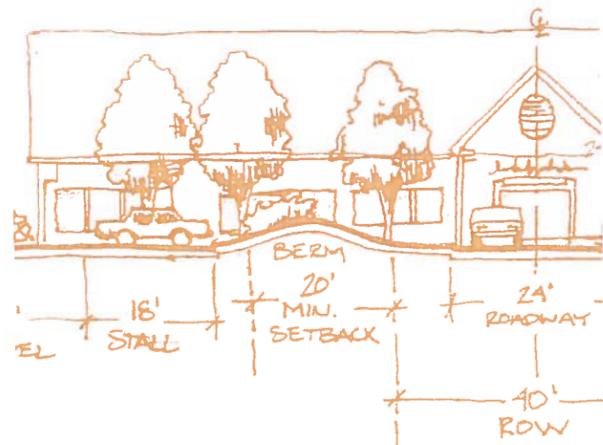


Fig. IV-14 - Parking Buffers

In addition to current zoning requirements, parking buffers shall include the use of earth berms and plantings to maintain a minimum of 70% screening of parked cars. It is not intended for buffers to completely screen out parking areas rather a moderating buffer should be provided that breaks up the views to parking areas.

Buffer areas will be incorporated into the planting plan and be present between parking and all public ways. Existing planting, naturally occurring or otherwise, may be used in determining needed buffer areas.

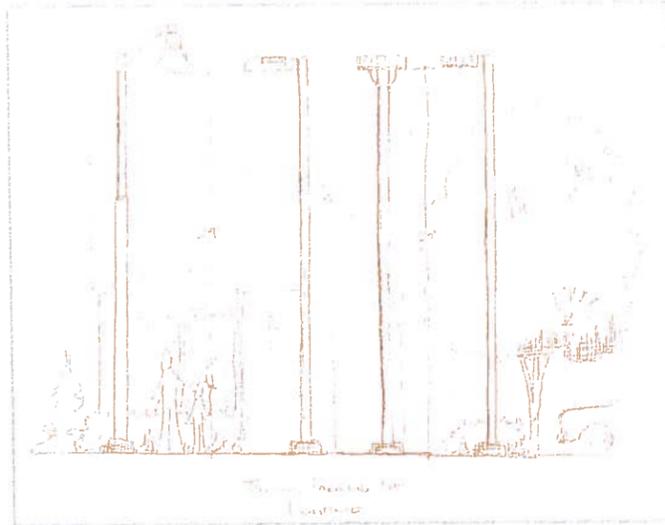


Fig. IV-15 - Lighting Standards

Lighting - Throughout the Park, "shoe-box" style light fixtures fastened to circular steel light poles with concrete bases will be used to light parking areas and access roads. Maximum luminaire height to be 24'. A minimum light level will be established at 1 ft. candle and a maximum of 3.5 ft. candle. Lights used to illuminate parking areas and drives shall be so arranged and designed as to deflect light downward and away from adjacent residential areas and public highways. Lights shall be of a "downshield luminaire" type where the light source is not visible from any public highway or from adjacent properties.

Pedestrian plazas and sidewalks will have a minimum light level of 1 ft. candle. Luminaries and poles shall be of a pedestrian scale at a maximum height of 14'. All pedestrian lighting will require the use of down casting light fixtures. It is not intended

for recreation paths to be lighted except at road crossings and plaza connections.

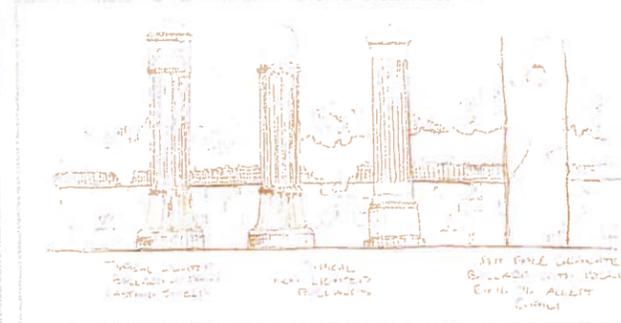


Fig. IV-16 - Bollards

Bollards may be used to define circulation routes and to control traffic flow into service areas. Lighted bollards must be down casting and may be used to provide accent lighting and pedestrian lighting if desired.

Park Statistics

Location

The Business and Commerce Park is located along the Route 202 limited access corridor, is immediately accessible from I-395 and conveniently accessible (90 seconds) to the interstate highway network. The Mall and Medical Center are 5 and 9 minutes away, respectively.

Acreage

132 contiguous acres comprise the Business and Commerce Park. An additional 234 acres are under option by the Town, and an adjacent 1250 acres are vacant, and similarly zoned.

Land Uses

The principal land uses that comprise the 132 acre parcel are:

- The *Business Service Sector* in the core of the park for service business-to-business bases companies.
- A *High-Tech. Sector* component earmarked for the development of medical and high tech. research alternatives servicing both the University of Maine community and the surrounding Industrial community.
- The *Support Sector* component for the development of meeting/ conference center, daycare center, restaurant, recreation and additional transit-oriented service or commuter support facilities.
- The *Medical Office Sector* component which intends to build upon the region's strong medical community, providing service sector office support and light outpatient services in a professional office park setting.
- An *Open Space* component of approximately 32 acres preserving the forested slopes between the Sucker Brook riparian corridor and wetland and meadowed areas.
- *Traditional Light Industrial* component

Buildings

There will be approximately thirty-nine buildings in the

Park, four of which are likely to be commonly owned multi-tenant service facilities (food court; day care; gym/ exercise facilities, etc.) and thirty-five single purpose tenant owned facilities. Total proposed footage should eventually reach 500,000, with a projected mix of 350,000 g.s.f. of Business/ Office Use and 150,000 g.s.f. Light Industrial/ Warehousing Uses.

Tenants

Three firms, representing developments totaling nearly 100,000 g.s.f, have already approached the Town. The Park covenants will contain language , as does this Master plan, suggesting the following business locations.

The preference will be for occupants to own (fee purchase) vs. lease lots. There will be over 39 unique lot tenants in the Park representing a wide diversity of technologies ranging from electronic to physics research, from biotechnology to software, from medical office to E-Commerce, and light industrial to warehousing.

Employees

There should be an estimated 1,500 employees at full build out.

Preferred Uses

Uses that develop a product or provide a service relating to advanced technologies, business- to-business, and medical and technical research and support are preferred uses in the Park. Assembly and manufacturing, inter-modal warehousing, and support services relating to technology are also allowed.

Front "Signature Businesses" (High employee count preferred business)

- *Information and Communications Businesses*
- *Technological Support Businesses*
- *Healthcare and Medically related Businesses*
- *Laboratory or Research Businesses*
- *Telemarketing Businesses*
- *Research and Testing Businesses*
- *Light Manufacturing (Computer Hardware, Software, Precision Manufacturing, Accessories)*
- *Essential Service*
- *Business Services (restaurant, conference center, recreation, etc.) Consulting Operations*

Rear "Traditional Businesses" (Low employee count business)

- *Public or Private Utility service providers*
- *Inter-modal and freight processing*
- *Manufacturing, compounding, processing, treatment or warehousing of goods and products*
- *Wholesale distribution*
- *Wholesale sales.*

Hours of Operation

The hours of individual business operations within the park may vary. It is expected that some businesses will be open 24 hours a day 7 days a week.

Drainage

There exists natural drainage ways, freshwater wetlands, and streams (Tributary of Sucker Brook) within the project site.

Rail Access

A Railroad runs 150 feet away and parallel to the Northern Boundary separated only by a strip of land owned by Bangor Hydro Electric Company.

Infrastructure Features

The Park has a road network built to arterial specifications and all underground utility services, including: fiber-optic cabling, power internally looped, telephone, natural gas, public water and sanitary and storm sewers.

Utilities

1. The Town is developing a new sanitary sewer interceptor that originates at the Main Road (Route 1A) Main Trunk Line, extending overland up to the project site adjacent to Sucker Brook.
2. A new 12" water main (for a future loop) is being developed to tie into an existing 12" Bangor Water District main that currently serves the Perc Plant in Orrington. A new meter vault and pressure-reducing assembly will be installed as part of this project to provide metered water for this development. Fire

protection within the park will be developed with a series of hydrants at ISO governed spacing. A review of similar installations was conducted jointly between WBRC Architects/ Engineers and the Bangor and Hampden Water District to review specific requirements related to connection details, telemetry systems, and other District requirements for this new vault.

An additional Hampden Water District project at the top of the Hill on Rte. 202 will connect a new 12" stub to the the Bangor Water District (BWD) 12" main at the existing Hampden standpipe location, and will provide a second means of direct supply for the Town of Hampden (Hampden Water District), which obtains it's water from the BWD.

3. The capacity exists in the Park to tie into a fiber loop fed from the Verizon central offices. Communications will therefore tie into the Verizon infrastructure. Fiber optic and multiple phone pairs will extend into the park to meet the demand for open high-speed connectivity (DSL, T1/T3) of its users.
4. Storm drainage will consist of open channel swales into level lip spreaders to encourage sheet flow across undeveloped buffer areas. It is likely that ponding areas or detention/sedimentation basins will be integral to the storm systems to meet the treatment (TSS) removals required under the MDEP Site Law guidelines.
5. The primary source of power to the Park is from the nearby Bangor Hydro Electric Company Easement and Route 202 Right-of-way. Power for the park is available for single and three-phase service.
6. Mail delivery will be through the Town of Hampden Postmaster.

Traffic/Circulation

The interior circulation will include 15' paved travel lanes (12' travel, 3' full depth shoulder) and an esplanade/curb/ sidewalk on the super-elevated side of the park road. Access will be from a controlled access point on Route 202, using a modified "shopping center/ industrial park" entrance configuration.

Part V - Master Plan

The preservation of view corridors within the park through a "clustering" or "coving" approach should be initiated, permitting combining of lots into larger parcels (10+ acres) without jeopardizing the appearance of the site.



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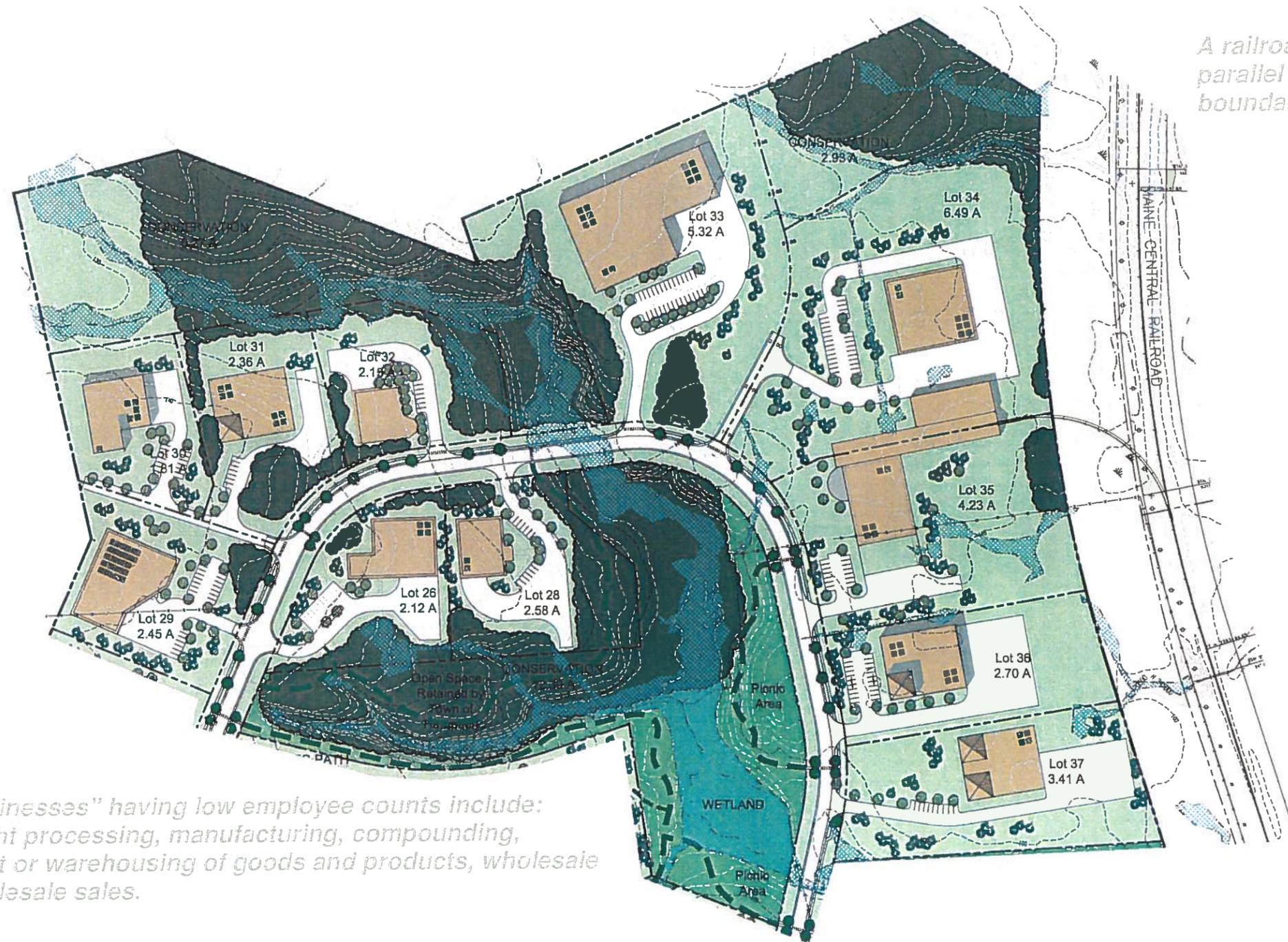
PLANNER/ ARCHITECT / ENGINEER:

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 44 Central Street
 Bangor, Maine 04401
 207-947-4511
 www.wbrc-architects.com

Phase 1 Plan

MASTER PLANNING STUDY

FOR THE
**HAMPDEN BUSINESS
 &
 COMMERCE PARK**



A railroad runs 150 feet away and parallel to the Northern boundary. . . .

. . . . Two (2) rail systems provide service to Central and Northern Maine, and close proximity to several marine transport facilities and major ports and harbors.

Rear "traditional businesses" having low employee counts include: inter-modal and freight processing, manufacturing, compounding, processing, treatment or warehousing of goods and products, wholesale distribution, and wholesale sales.

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PLANNER/ ARCHITECT / ENGINEER:

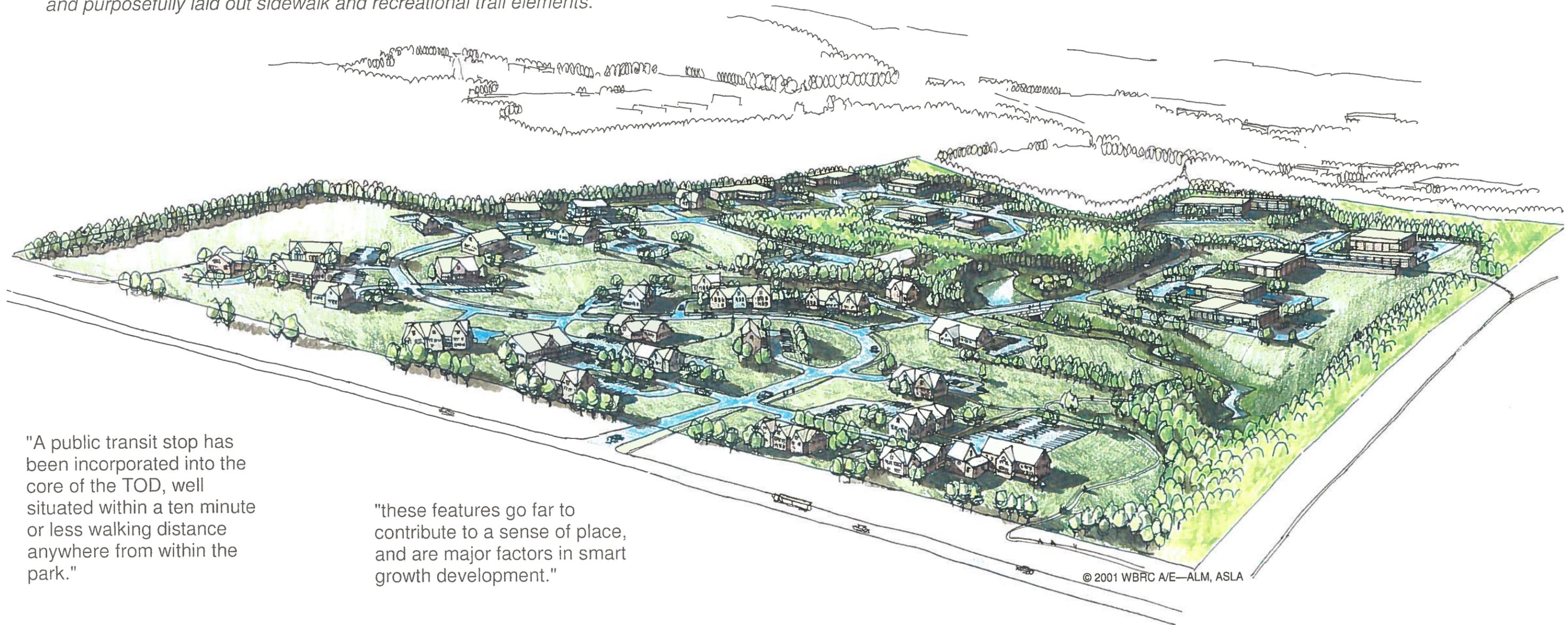
WBRC Architects—Engineers
44 Central Street
Bangor, Maine 04401
207-947-4511
www.wbrc-architects.com

Phase 2 Plan

MASTER PLANNING STUDY

FOR THE
**HAMPDEN BUSINESS
&
COMMERCE PARK**

"The configuration of this park will favor a core of shops and open space, with a "Main Street" appeal of carefully sited "signature" building clusters, adjoining pedestrian plazas, and purposefully laid out sidewalk and recreational trail elements."



"A public transit stop has been incorporated into the core of the TOD, well situated within a ten minute or less walking distance anywhere from within the park."

"these features go far to contribute to a sense of place, and are major factors in smart growth development."

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PLANNER/ ARCHITECT / ENGINEER:

WBRC Architects—Engineers
44 Central Street
Bangor, Maine 04401
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www.wbrc-architects.com

Aerial Perspective

MASTER PLANNING STUDY

FOR THE

**HAMPDEN BUSINESS
&
COMMERCE PARK**

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8. *Draft Comprehensive Plan*, Town of Hampden, May 2000.

LEGEND

-  Access Points
-  Industrial and Business Parks
-  Project Boundary
-  Project Roads



NORTH

2000 0 2000 4000 Feet



Scale: 1"=24,000'

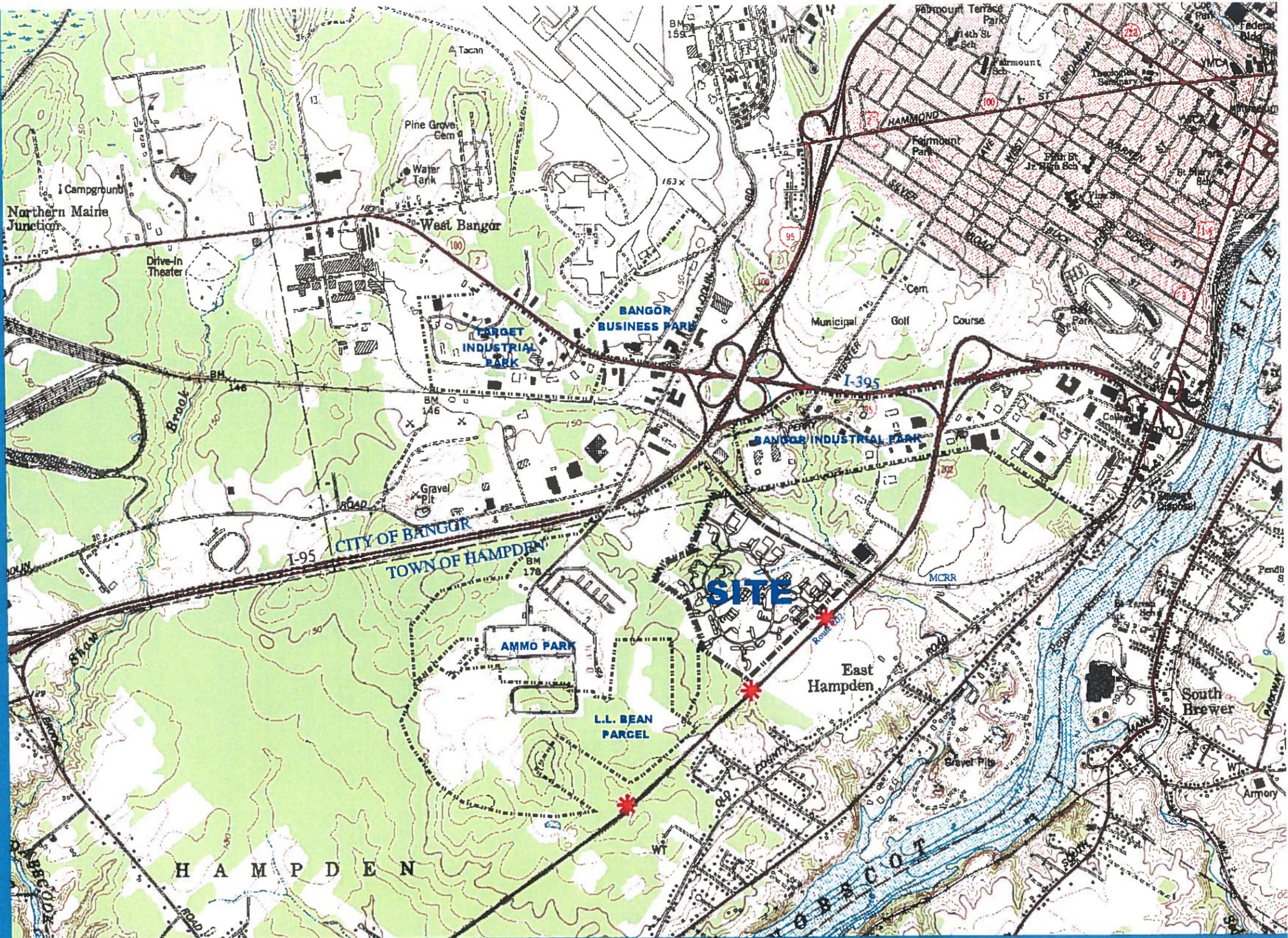
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Project Environs

MASTER PLANNING STUDY

FOR THE
HAMPDEN BUSINESS
&
COMMERCE PARK



LEGEND

-  Town Line
-  Hampden Tax Map
-  Project Roads
-  Project Boundary
-  Roads
-  Streams
-  Rail
-  Contours
-  Industrial Use
-  Business Use
-  Fema Flood Zone 'X'
-  Rivers
-  Ponds
-  Slopes Over 20%

Color Banding Represents 10' Change in Elevation

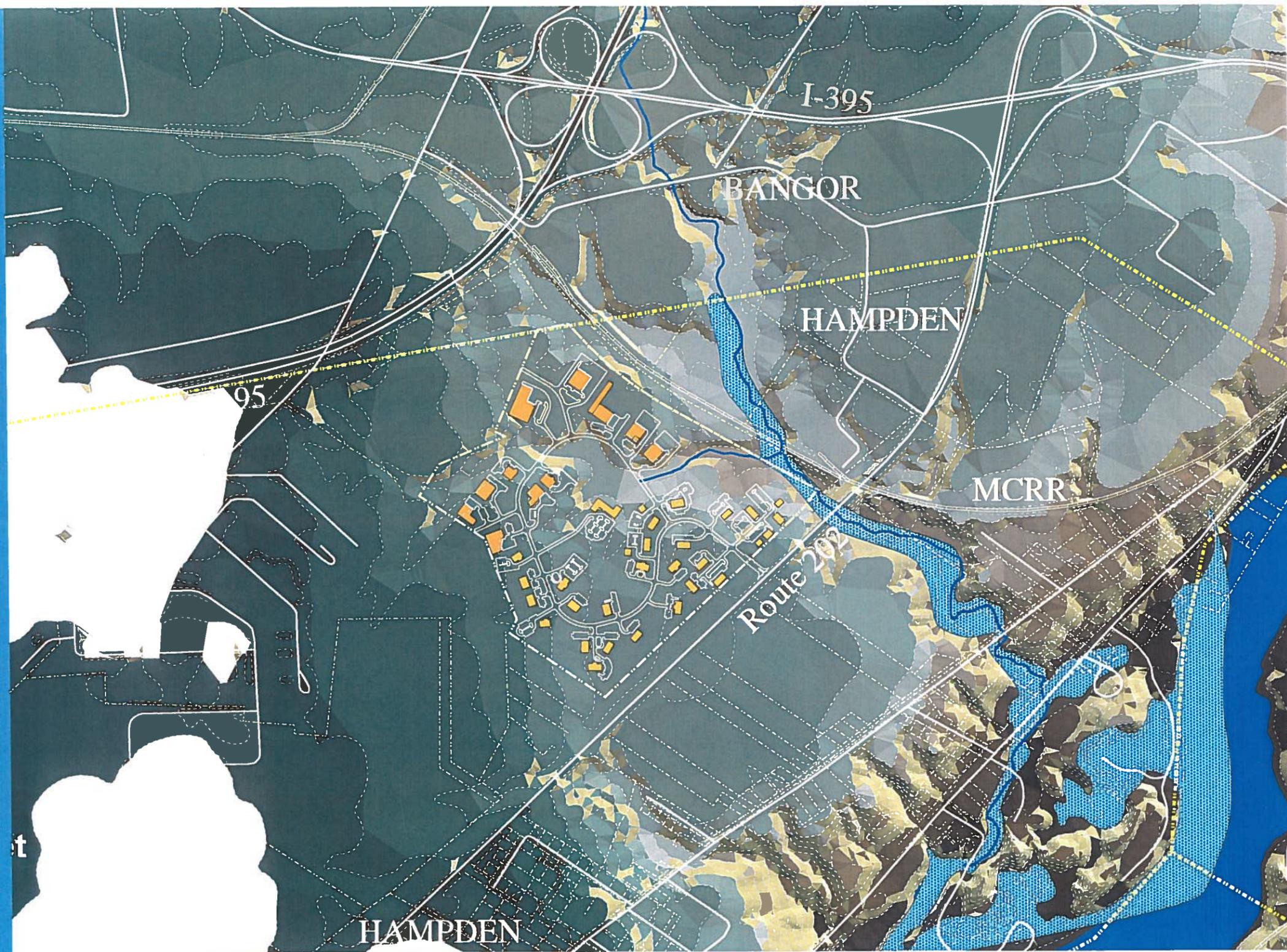


NORTH

1000 0 1000 2000



Scale: 1"=12,000'



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WBRC Architects—Engineers
 44 Central Street
 Bangor, Maine 04401
 207-947-4511
www.wbrc-architects.com

Flood Plain and Steep Slope Inventory

MASTER PLANNING STUDY

FOR THE
**HAMPDEN BUSINESS
 &
 COMMERCE PARK**

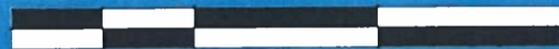
LEGEND

-  Gravity Feed Sewer
-  Proposed Natural Gas
-  Natural Gas - Permitted
-  Natural Gas Service
-  Strategic Pipeline
-  Waterlines
-  Forced Main Sewer
-  Sewer
-  Project Boundary
-  Project Roads
-  Town Line
-  Roads
-  Streams
-  Rail
-  Contours
-  Industry
-  Business
-  Rivers
-  Ponds
-  Existing Water Service Area
-  Town Proposed Water Service Area



NORTH

1000 0 1000 2000



Scale: 1"=12,000'



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Infrastructure

MASTER PLANNING STUDY

FOR THE
**HAMPDEN BUSINESS
 &
 COMMERCE PARK**

LEGEND

-  Town Line
-  Roads
-  Project Roads
-  Project Boundary
-  Streams
-  Rail
-  Industry
-  Business
-  Industrial
-  Industrial 2
-  Industrial Park
-  Interchange
-  Residential A
-  Residential B
-  Commercial Service
-  Rivers
-  Ponds
-  Kenduskeg Stream

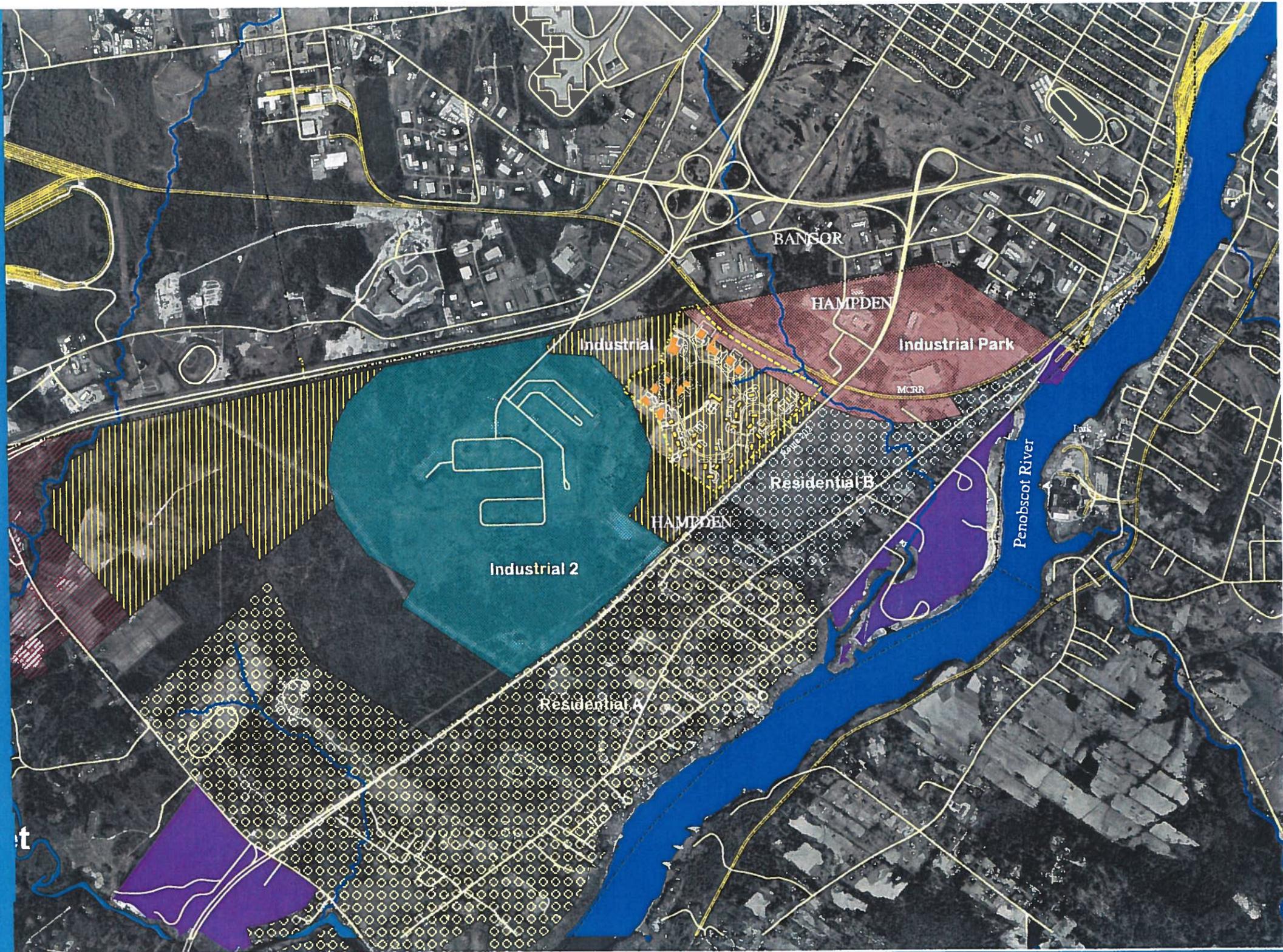


NORTH

2000 0 2000 4000



Scale: 1"=24,000'



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Existing Zoning

MASTER PLANNING STUDY

FOR THE

HAMPDEN BUSINESS
 &
 COMMERCE PARK

LEGEND

-  Soils Outline
-  Poor Soils
-  Project Roads
-  Town Line
-  Business
-  Industry
-  Rivers

Table - II-1 : Soils Descriptors

Symbol	Series	Hyd. Group	Potential for Development
BoA/BoB	Eolith Series	C	Medium - high frost, med. wet
BxC	Furton Series	D	Medium - moderate wet, shrink/swell
SsA,B,C	Scanlon Series	D	Poor - wet, frost, low strength
LaA,B,C,D,E	Lancette Series	D	Poor - wet, frost, low strength
SwA	Swanville Series	C	Poor - wet, frost
Uc	Udonthans (made land)	n/a	variable field qualified

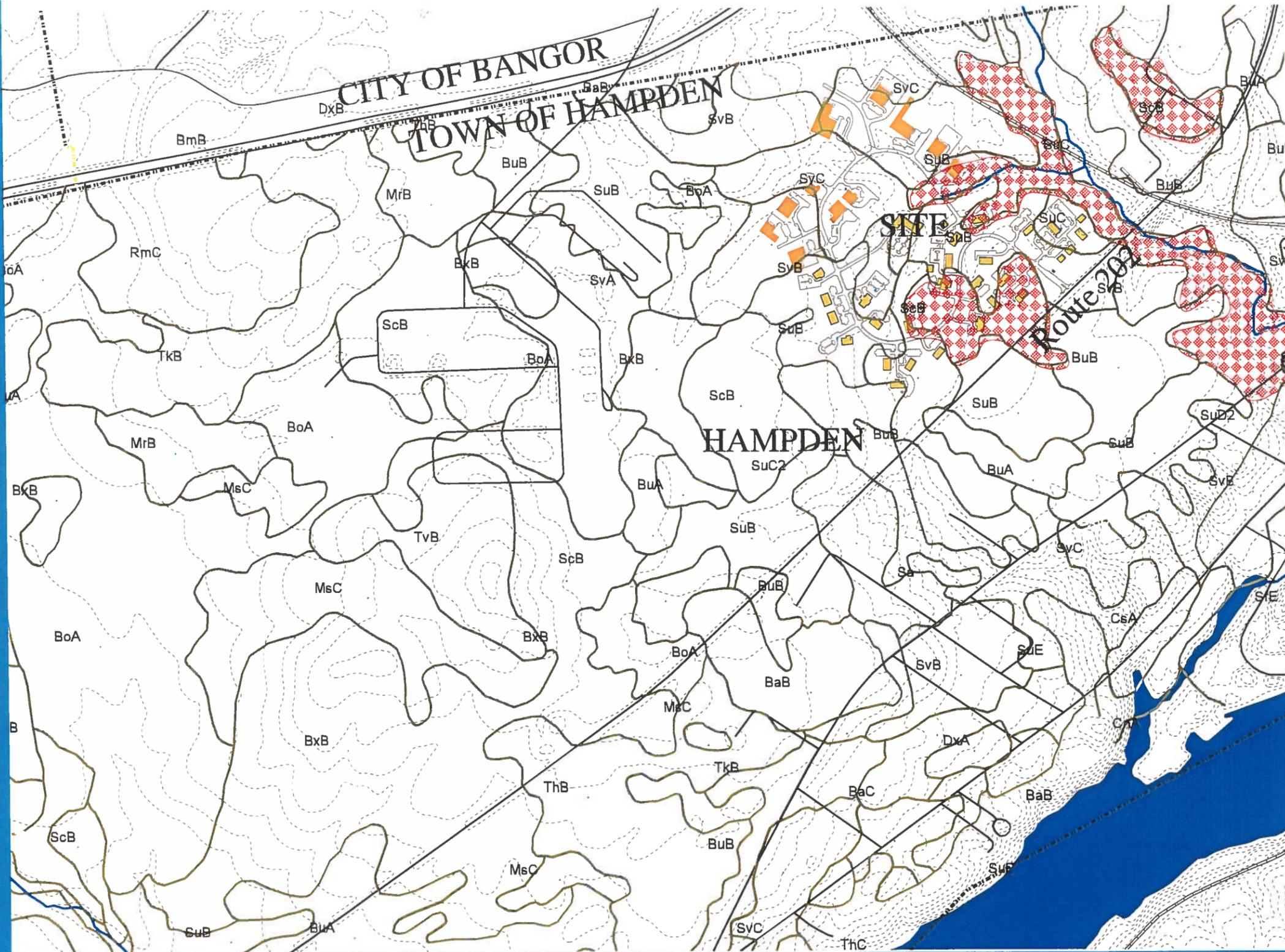


NORTH

1000 0 1000 2000



Scale: 1"=12,000'



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Soils Inventory

MASTER PLANNING STUDY

FOR THE
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 &
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LEGEND

-  Town Line
-  Woods
-  Scenic Viewpoints
-  Deeryards
-  Surveyed Wetlands

-  National Wetland Inventory
-  Project Boundary
-  Project Roads
-  Roads
-  Streams
-  Rail
-  Contours
-  Industry
-  Business
-  Rivers
-  Ponds



NORTH

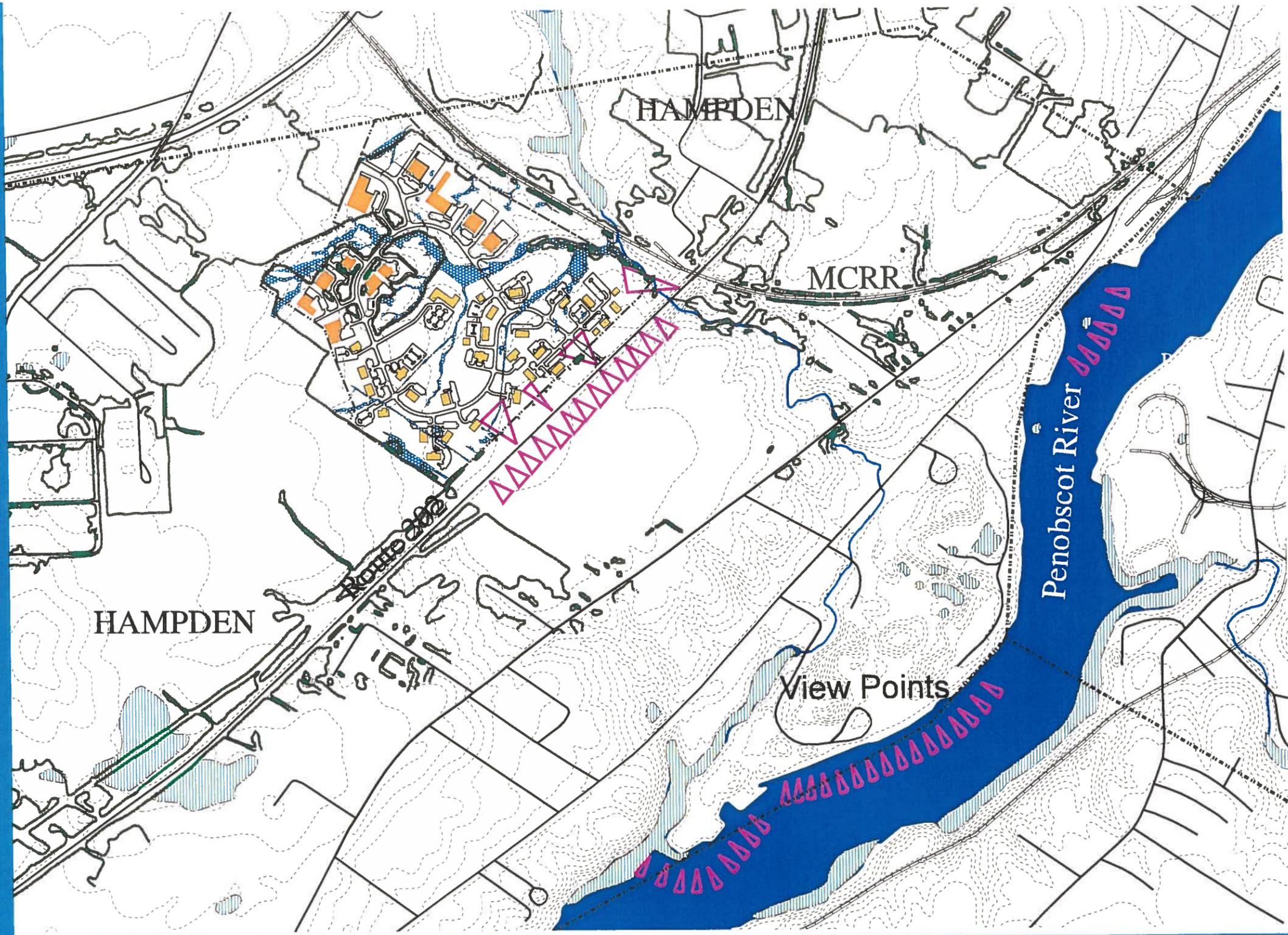
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Scale: 1"=12,000'

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Natural Resources

MASTER PLANNING STUDY

FOR THE
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 &
 COMMERCE PARK

LEGEND

-  Bus Route
-  Snowmobile Trail
-  Trails
-  Town Proposed Sidewalks
-  Existing Sidewalks
-  Bikepaths
-  Project Boundary
-  Roads
-  Streams
-  Rail
-  Rivers
-  Ponds
-  Kenduskeg Stream



NORTH

2000 0 2000 4000



Scale: 1"=24,000'

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Multimodal Transportation System

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FOR THE
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 &
 COMMERCE PARK**

LEGEND

-  Modified Zoning
-  New Zone
-  Town Line
-  Roads
-  Project Roads
-  Project Boundary
-  Streams
-  Rail
-  Industry
-  Business
-  Industrial 2
-  Industrial Park
-  Interchange
-  Residential A
-  Residential B
-  Commercial Service
-  Rivers
-  Ponds
-  Kenduskeg Stream

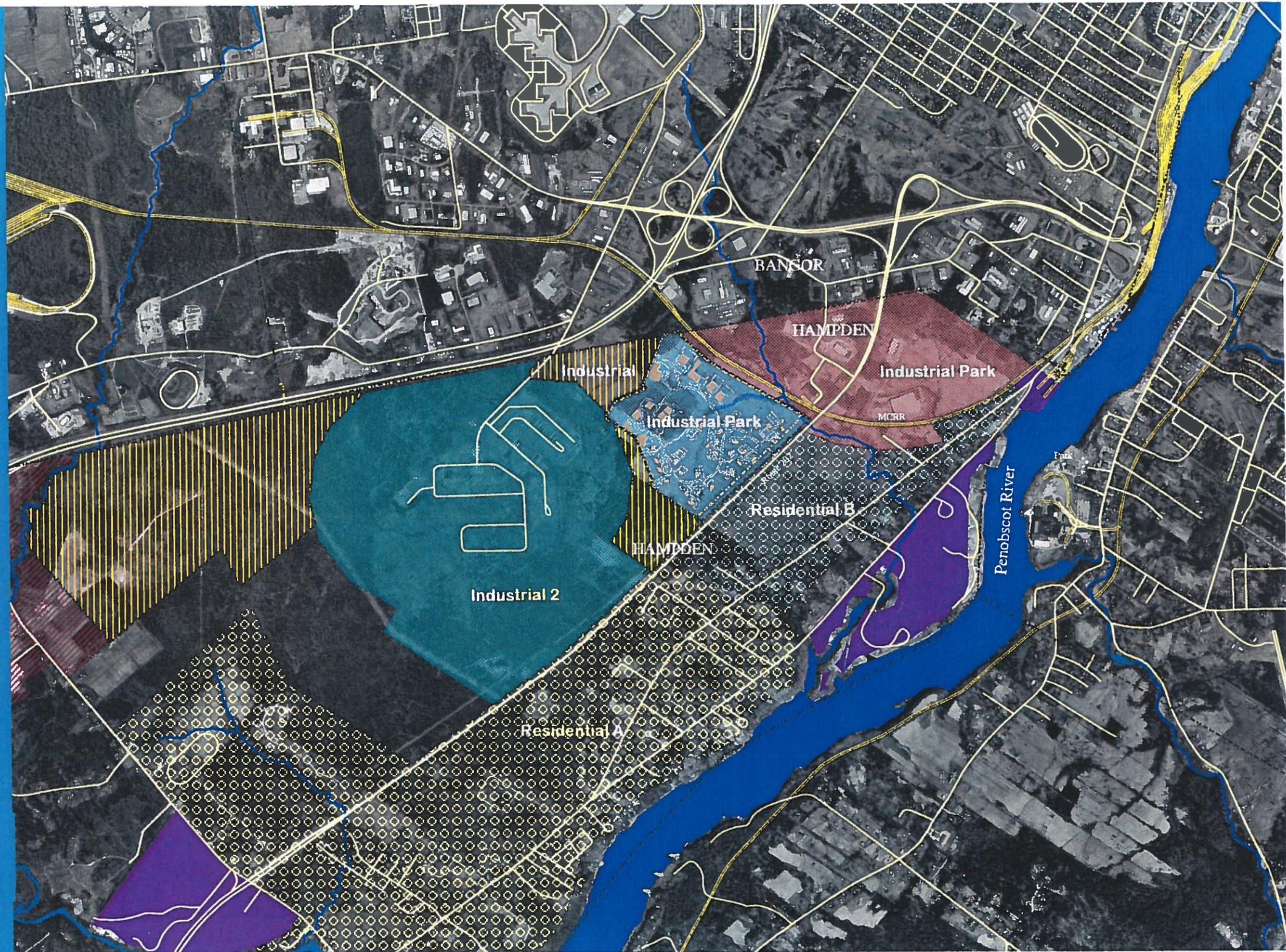


NORTH

2000 0 2000 4000



Scale: 1"=24,000'



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Rezoning

MASTER PLANNING STUDY

FOR THE
**HAMPDEN BUSINESS
 &
 COMMERCE PARK**

LEGEND

-  Project Boundary
-  Hampden Tax Parcels
-  Town Line
-  Roads
-  Streams
-  Rail
-  Rivers
-  Ponds

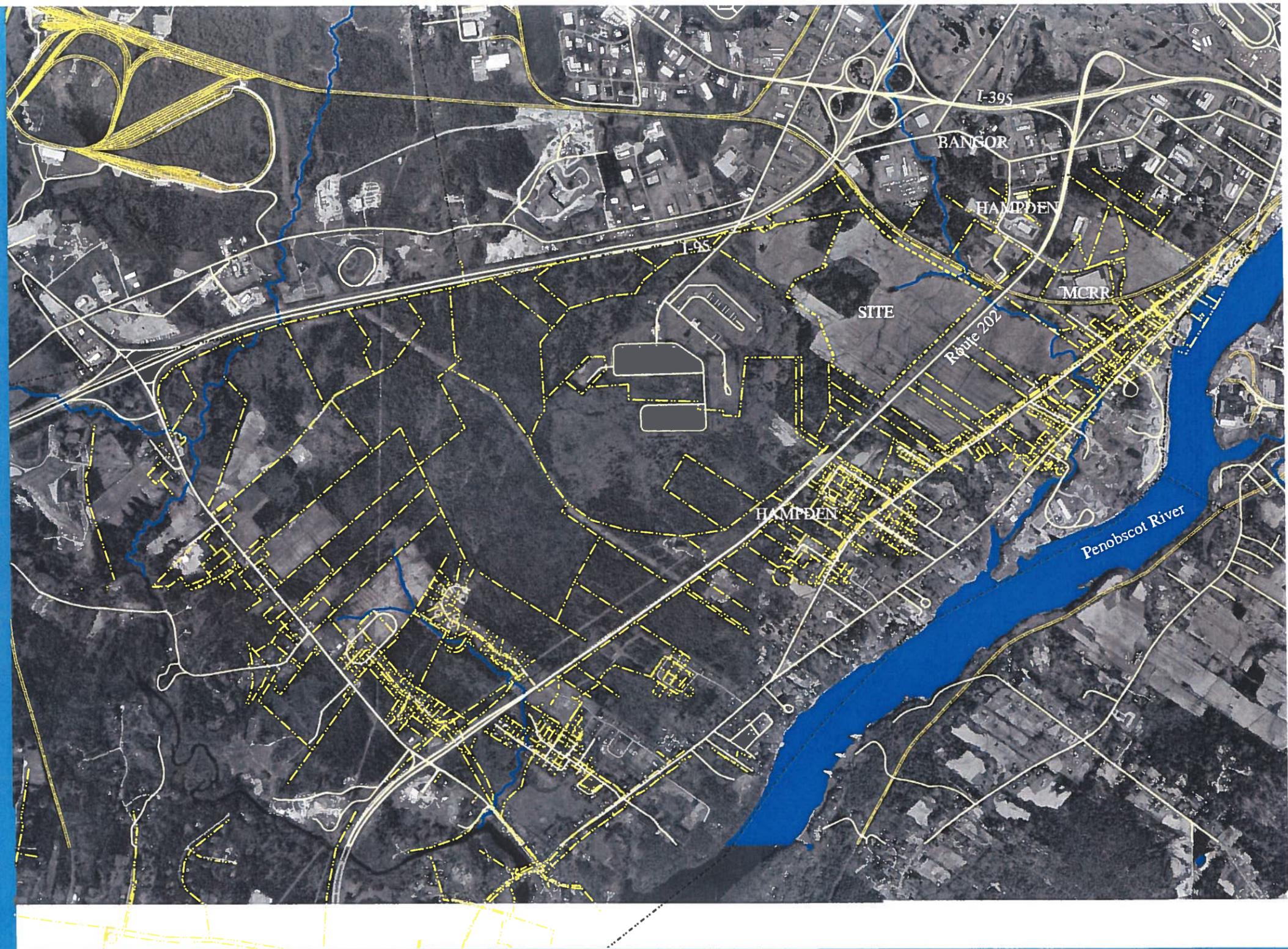


NORTH

2000 0 2000 4000



Scale: 1"=24,000'



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Existing Property and Tax Map

MASTER PLANNING STUDY

FOR THE
HAMPDEN BUSINESS
&
COMMERCE PARK

APPROVED: TOWN OF HAMPDEN PLANNING BOARD

CHAIRMAN
DATE
CONDITIONS

Stevenson W. Sheppard
Maine Prof. Land Surveyor #2086

Robert J. Garster
Maine Prof. Land Surveyor #7047

CERTIFICATION

MAINE STATE CERTIFICATION
SHYKA, SHEPPARD & GARSTER, Land Surveyors, hereby certifies that the Town of Hampden, exclusively, to the best of our knowledge and belief, this survey conforms to the Standards of Practice adopted by the Maine Board of Licensure for Professional Land Surveyors for Category 1 (Land Title Survey), Condition 1, except as stated in note 8.

LEGEND table with columns for EXISTING and PROPOSED, listing symbols for TREELINE, INTERIOR BOUNDARY, EXTERIOR BOUNDARY, UTILITY POLE, PROPOSED BUILDING AREA LIMITS, and PROPOSED IMPERVIOUS AREA LIMITS.

- NOTES: 1. Title Reference for Surveyed Parcels... 2. Plan References... 3. Area Information... 4. Tax Map References... 5. Basis of Bearings... 6. Abutting property owner information... 7. Utility Information... 8. Some variations between distances and bearings... 9. Although not shown on this plan, additional survey evidence...

State of Maine
Penobscot, SS
Registry of Deeds
Received and Filed
h m . n .
Attest
RECORDED AS MAP FILE:

SHYKA, SHEPPARD & GARSTER
LAND SURVEYORS
193 EXCHANGE STREET
BANGOR, MAINE 04401
TEL: (207) 942-1955

REV. DESCRIPTION DATE
APPROVAL DRAWINGS
04/20/01
CURRENT ISSUE STATUS:



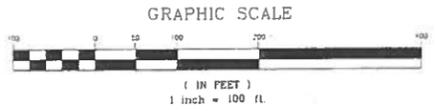
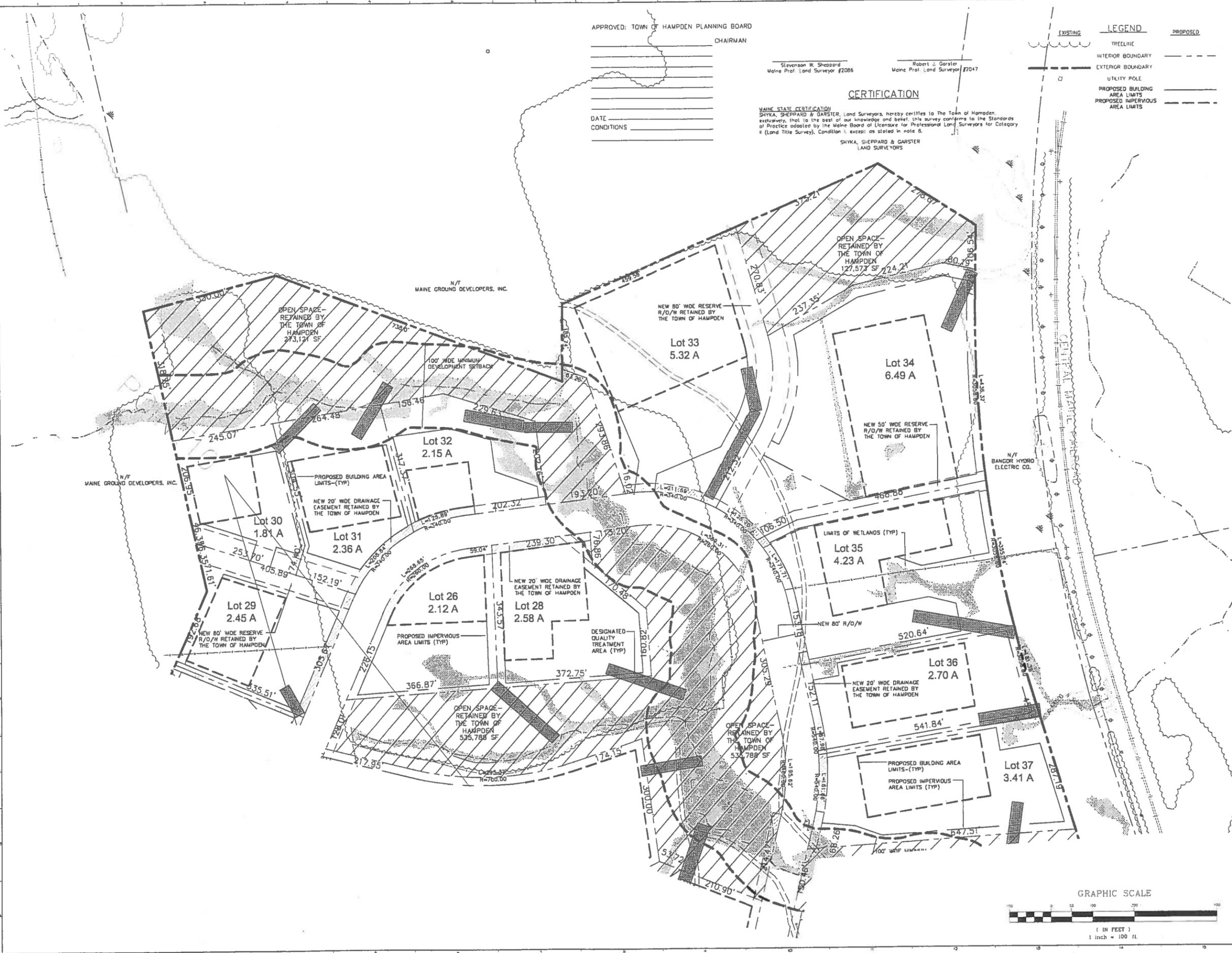
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ARCHITECTS • ENGINEERS
44 Carroll Street
Bangor, Maine 04401
Tel: (207) 941-4511
Fax: (207) 941-4828

HAMPDEN BUSINESS & COMMERCE PARK
HAMPDEN, MAINE

SITE SUBDIVISION
PLAN SEGMENT "B"

Table with columns for SHEET TITLE, SCALE, PROJECT MANAGER, JOB CAP/DRAWN, CHECKED BY, PROJECT No., DATE, GRAPHIC SCALE, and SHEET No. Includes a graphic scale bar and the text 'SUB102'.

May 01, 2001 - 1:02pm
\\WBRC-SERVER\data_2\0101-3000\014000 Hampden Business & Commerce Park\shykg1\GETV\AR???.dwg_prelim





REV.	DESCRIPTION	DATE
APPROVAL DRAWINGS 04/20/01		
CURRENT ISSUE STATUS:		
		
WBRC ARCHITECTS • ENGINEERS 44 Central Street Bangor, Maine 04401 tel (201) 441-4511 fax (201) 441-4628		
HAMPDEN BUSINESS AND COMMERCE PARK HAMPDEN, MAINE		
SITE PLAN ABUTTING PROPERTIES		
SHEET TITLE		
SCALE: 1" = 300'-0"	DATE: 12/28/00	
PROJECT MANAGER: RMF	GRAPHIC SCALE: 0" 1"	
JOB CAP/DRAWN: DHP/EDM		
CHECKED BY: RMF	SHEET No.	
WBRC CAD #294000-CP-100	CP100	
PROJECT No. 294000		

LAYOUT NOTES:

1. SEE SHEETS SUB101 AND SUB 102 FOR SUBDIVISION PLAT.
2. SEE NOTES L1 THROUGH L5 ON SHEET CG101.
3. SEE SHEETS CP301 THROUGH CP308 FOR DETAILED LAYOUT INFORMATION OF THE PROPOSED ROADWAY.

LOT DATA TABLE:

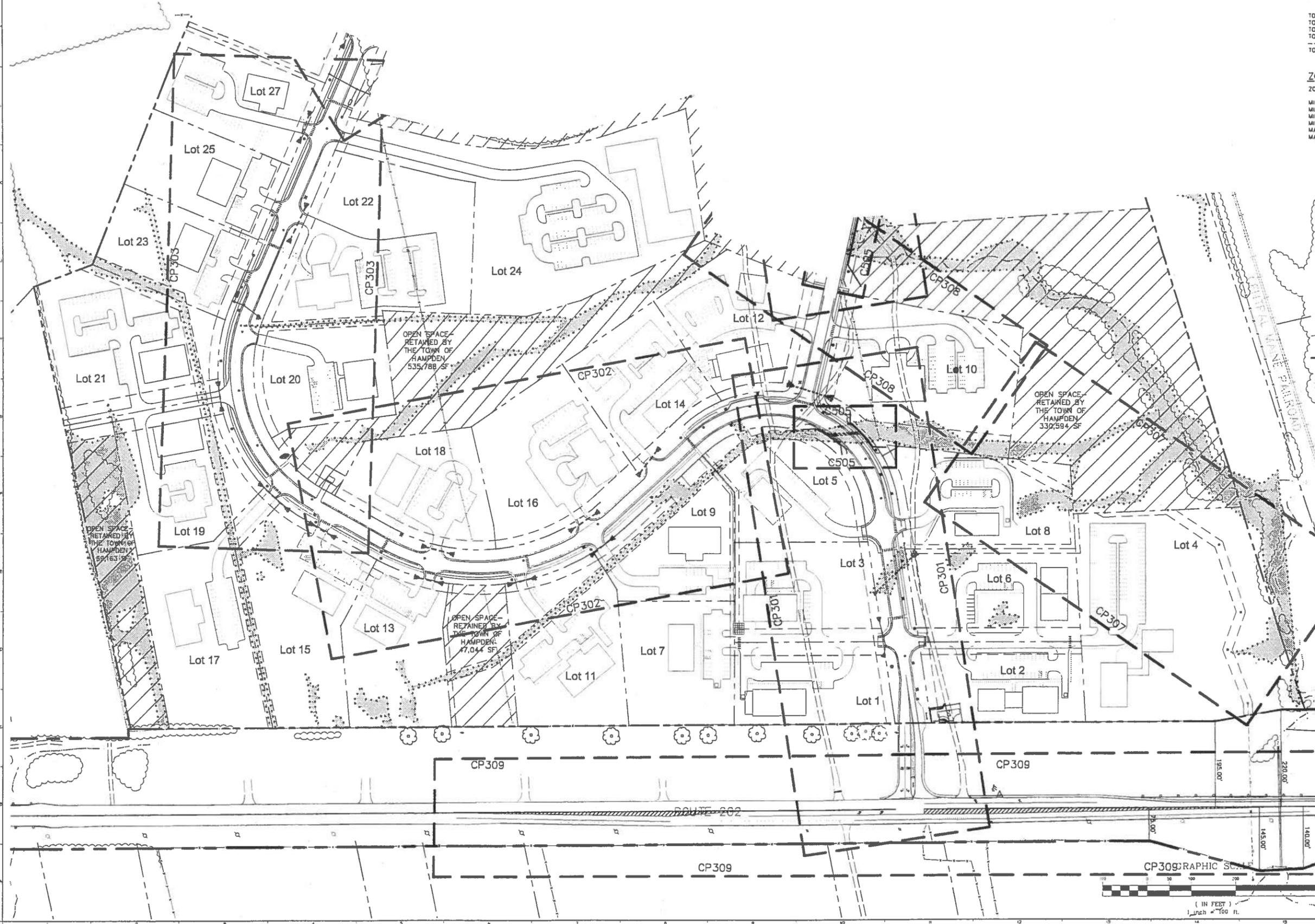
TOTAL INDIVIDUAL LOT AREA: 89.20 AC.
 TOTAL R/O/W AREA: 10.4 AC.
 TOTAL RESERVED R/O/W AREA: 2.8 AC.
 TOTAL OPEN SPACE: 29.5 AC.
 TOTAL PARCEL AREA: 132. ACRES

ZONING DATA:

ZONE: INDUSTRIAL PARK (1B)-BUSINESS PARK ONLY
 MIN LOT AREA: 20,000 S.F.
 MIN. ROAD FRONTAGE: 50 FT.
 MIN. FRONT YARD: 20 FT.
 MIN. SIDE/REAR YARD: 20 FT.
 MAX. LOT COVERAGE: 30%
 MAX. IMPERVIOUS SURFACE: 70%

EXISTING	LEGEND	PROPOSED
	STREET LIGHTING	★
	WATER SHUTOFF/GATE VALVE	⊕
	TRANSFORMER/PAD	●
	THRUST BLOCKING	⊠
	PULL BOX	⊞
	SWITCH PANEL	⊙
	SEWER MANHOLE	⊗
	FIRE HYDRANT	⊕
	TREELINE	—
	INTERIOR BOUNDARY	- - - - -
	EXTERIOR BOUNDARY	— · — · —
	UTILITY POLE	⊕

Mail 01_2001 - 11:55am
 \\WBRC_SERVER\data_2\0101_3000\014000 Hampden Business 4 Commerce Park\chgs\1\GETV\AR?? draw_prelis



REV.	DESCRIPTION	DATE
	APPROVAL DRAWINGS	04/20/01
	CURRENT ISSUE STATUS:	



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HAMPDEN BUSINESS & COMMERCE PARK
 HAMPDEN, MAINE

SITE LAYOUT PLAN SEGMENT "A"	
SHEET TITLE:	
SCALE: 1"=100'-0"	DATE:
PROJECT MANAGER: ARB/RMF	GRAPHIC SCALE:
JOB CAP/DRWING: DHP	
CHECKED BY: ARB/RMF	SHEET No:
WBRC CAD FILE: 294000-CP101	
PROJECT No: 294000	CP101

LAYOUT NOTES:

1. SEE SHEETS SUB101 AND SUB 102 FOR SUBDIVISION PLAT.
2. SEE NOTES L1 THROUGH L5 ON SHEET CG101.
3. SEE SHEETS CP301 THROUGH CP306 FOR DETAILED LAYOUT INFORMATION OF THE POPOSED ROADWAY.

LOT DATA TABLE:

TOTAL INDIVIDUAL LOT AREA: 89.20 A.C.
 TOTAL R/O/W AREA: 10.4 A.C.
 TOTAL RESERVED R/O/W AREA: 2.8 A.C.
 TOTAL OPEN SPACE: 29.5 A.C.
 TOTAL PARCEL AREA: 132 ACRES

ZONING DATA:

ZONE: INDUSTRIAL PARK (IB)-BUSINESS PARK ONLY
 MIN LOT AREA: 20,000 SF.
 MIN. ROAD FRONTAGE: 50 FT.
 MIN. FRONT YARD: 20 FT.
 MIN. SIDE/REAR YARD: 20 FT.
 MAX. LOT COVERAGE: 30%
 MAX. IMPERVIOUS SURFACE: 70%

EXISTING	LEGEND	PROPOSED
	STREET LIGHTING	★
	WATER SHUTOFF/GATE VALVE	⊕
	TRANSFORMER/PAD	⊙
	THRUST BLOCKING	⊠
	PULL BOX	⊞
	SWITCH PANEL	⊞
	SEWER MANHOLE	⊙
	FIRE HYDRANT	⊙
	TREELINE	⊞
	INTERIOR BOUNDARY	---
	EXTERIOR BOUNDARY	---
	UTILITY POLE	⊞

REV.	DESCRIPTION	DATE

APPROVAL DRAWINGS
 04/20/01
 CURRENT ISSUE STATUS:

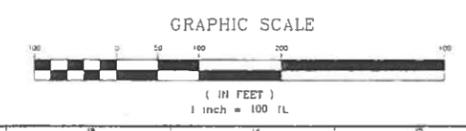
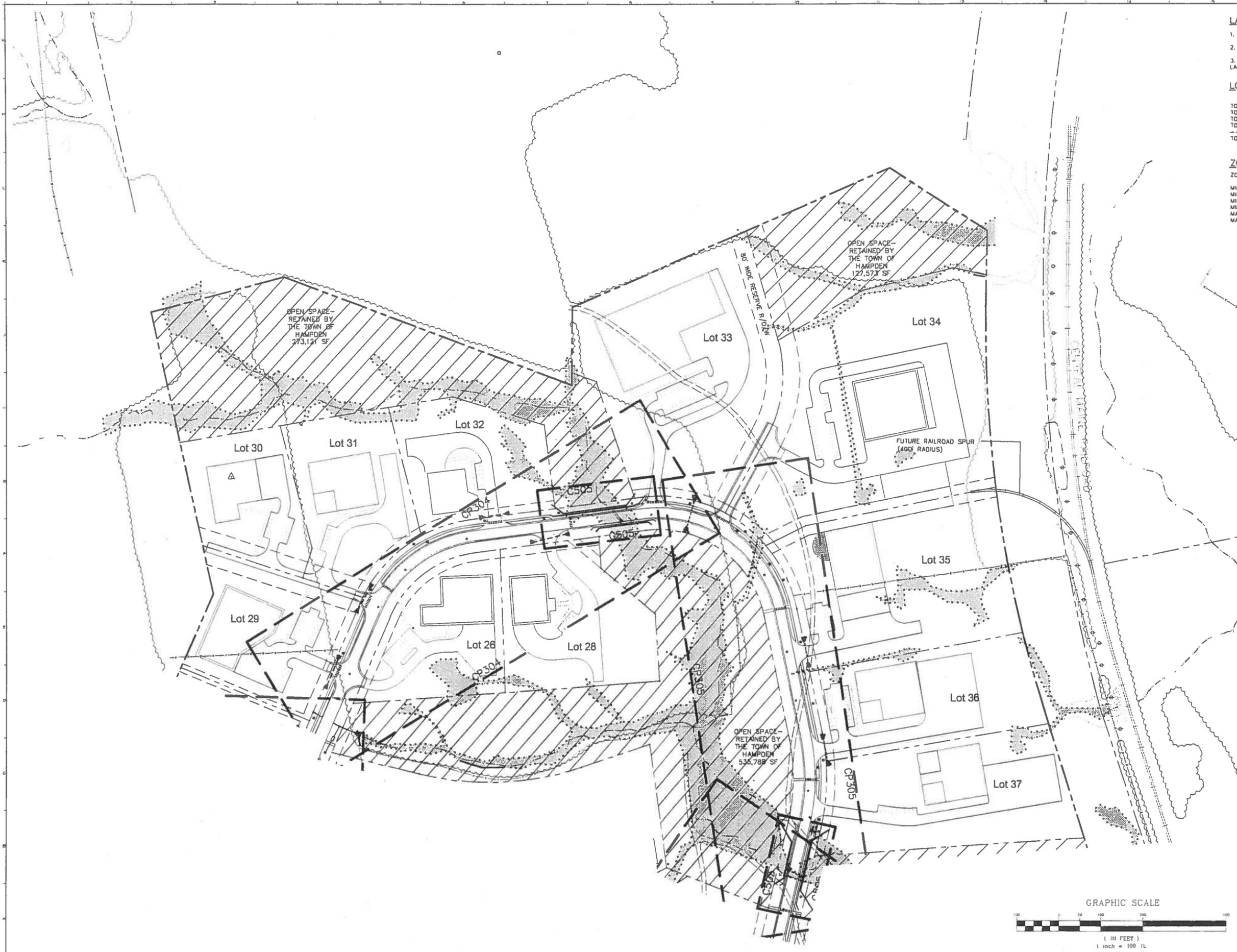


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 tel: (207) 941-4511 fax: (207) 941-4628

HAMPDEN BUSINESS AND COMMERCE PARK
 HAMPDEN, MAINE

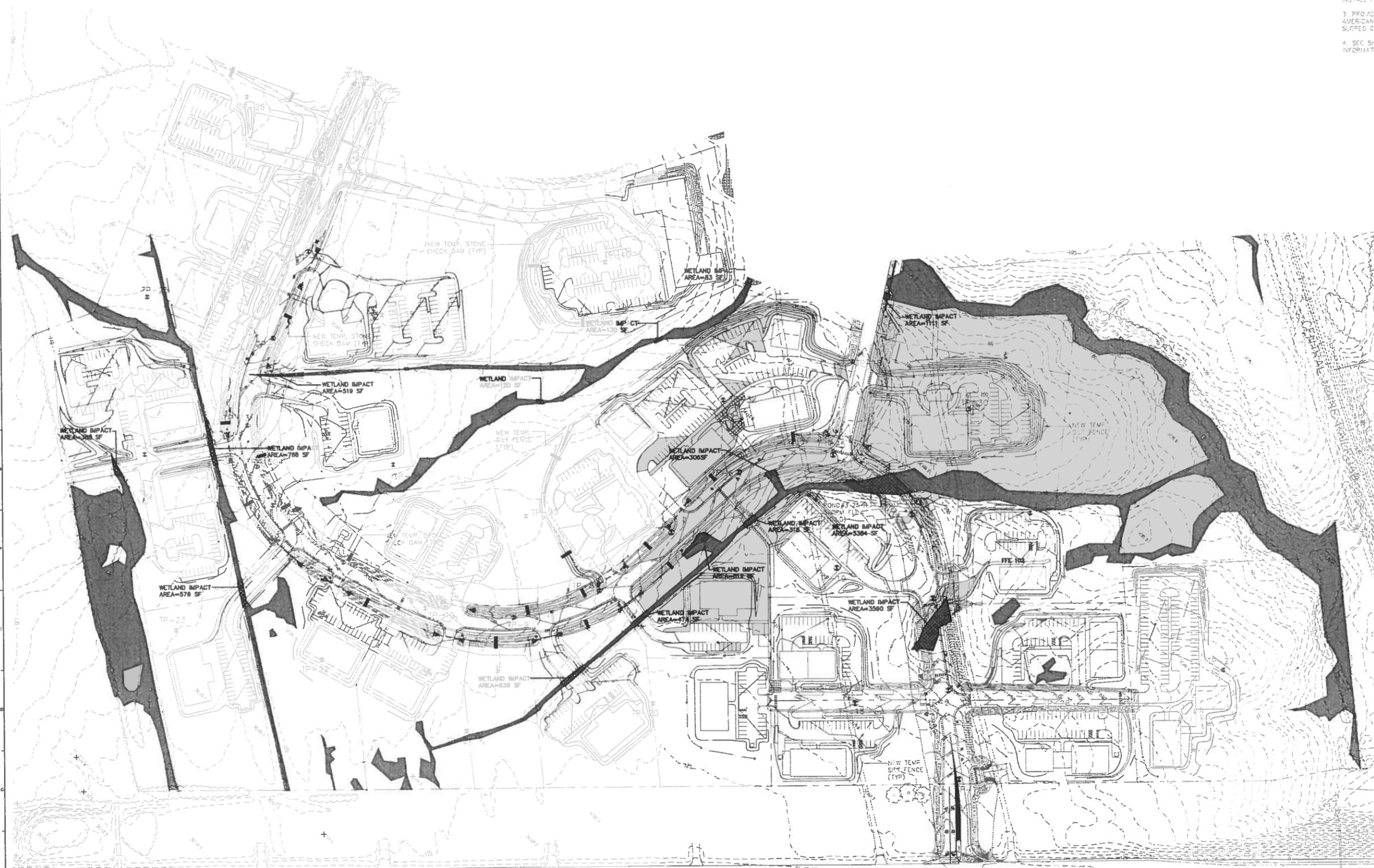
SITE LAYOUT PLAN SEGMENT "B"

SHEET TITLE:	
SCALE: 1"=100'-0"	DATE: 01/02/01
PROJECT MANAGER: RMF	GRAPHIC SCALE:
JOB CHAIRMAN: DHP	
CHECKED BY: RMF/ARB	SHEET No:
WBRC CAD 10294000-CP-102	
PROJECT No. 794000	CP102



GRADING NOTES:

1. SEE NOTES G1 THROUGH G5 ON SHEET G101 FOR ADDITIONAL GRADING INFORMATION.
2. PROVIDE EROSION CONTROL MESH EQUAL TO "NORTH AMERICAN GREEN-SHIELD" IN ALL DITCH INVERTS, 6'-0" MIN. WIDE. INSTALL PER MANUFACTURERS RECOMMENDATIONS.
3. PROVIDE EROSION CONTROL MESH EQUAL TO "NORTH AMERICAN GREEN-SHIELD" FOR ALL DISTURBED SLOPES AND SLOPES CREATED DURING CONSTRUCTION.
4. SEE SHEET G101 THROUGH G103 FOR ADDITIONAL GRADING INFORMATION ALONG PROPOSED DRIVEWAY.



EXISTING	LEGEND	PROPOSED
	STREET LIGHTING	●
	WATER SHUTOFF/GATE VALVE	○
	TRANSFORMER/PAD	●
	TRUSST BLOCKING	○
	PULL BOX	□
	SWITCH PANEL	□
	SEWER MANHOLE	○
	FIRE HYDRANT	○
	FREETIE	○
	INTERIOR BOUNDARY	- - -
	EXTERIOR BOUNDARY	- - -
	UTILITY POLE	●
	TEST PIT/BORING	○
	CONTOUR LINE	- - -
	WETLAND AREA	■

REV.	DESCRIPTION	DATE
APPROVAL DRAWINGS		
04/20/01		
CURRENT ISSUE STATUS:		

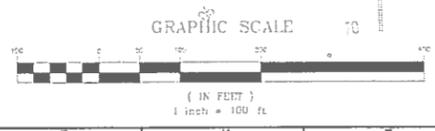


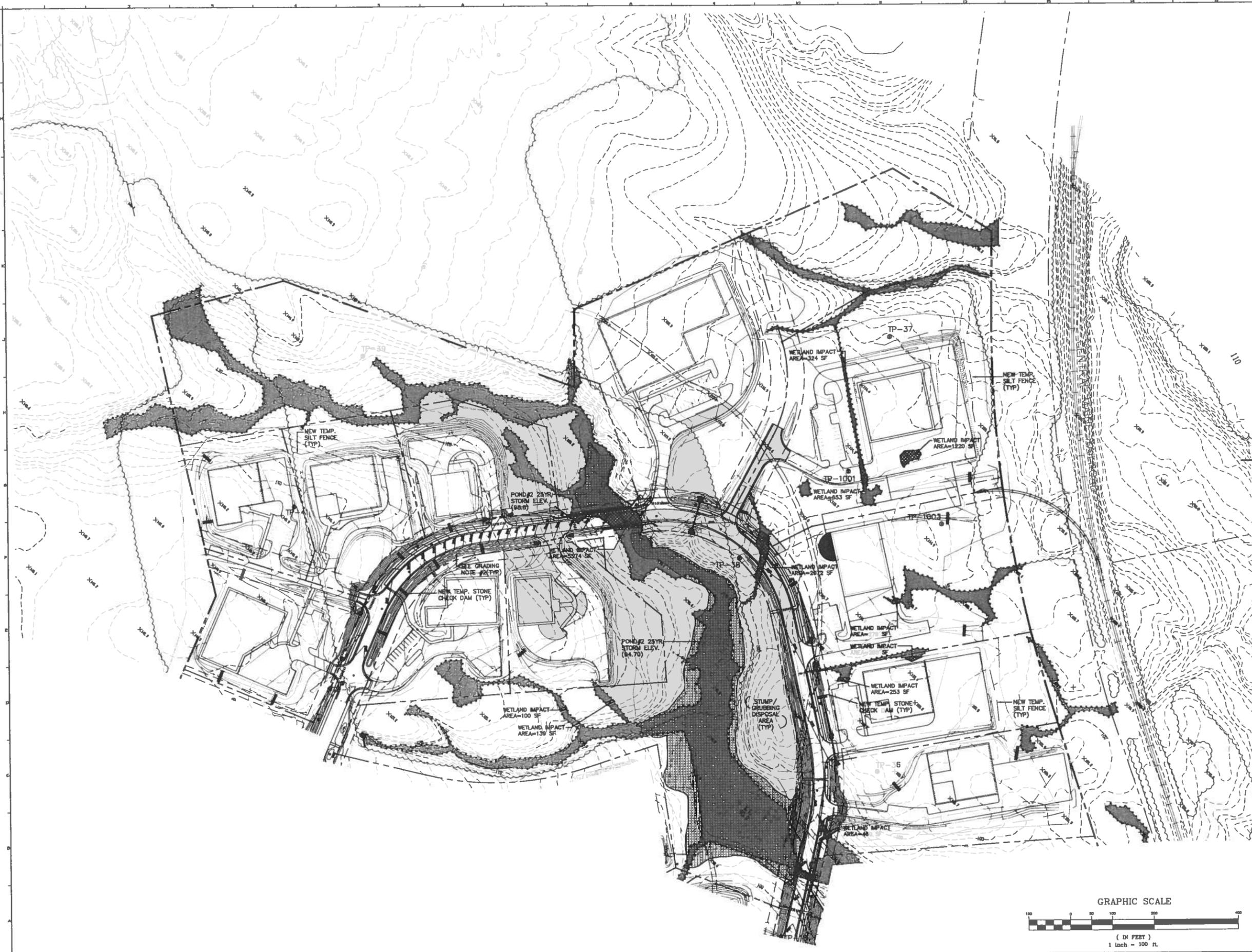
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HAMPDEN BUSINESS AND COMMERCE PARK
 HAMPDEN, MAINE

SITE GRADING & EROSION CONTROL PLAN

SHEET TITLE:	1"=100'-0"	DATE:	3-16-01
PROJECT MANAGER:	RMF	GRAPHIC SCALE:	0'
JOB CHP/DRAWN:	DHP/EDM		
CHECKED BY:	RMF	SHEET NO.:	CG101
WBRC CAD FILE#	4000-CG-101		
PROJECT NO.:	294000		





SYMBOL	DESCRIPTION
★	STREET LIGHTING
⊕	WATER SHUTOFF/GATE VALVE
⊙	TRANSFORMER/PAD
⊠	THRUST BLOCKING
⊞	PULL BOX
⊟	SWITCH PANEL
⊠	SEWER MANHOLE
⊞	FIRE HYDRANT
—	TREELINE
- - -	INTERIOR BOUNDARY
- - -	EXTERIOR BOUNDARY
⊕	UTILITY POLE
⊕	TEST PIT/BORING
- - -	CONTOUR LINE

REV.	DESCRIPTION	DATE
	APPROVAL DRAWINGS	04/20/01
	CURRENT ISSUE STATUS:	

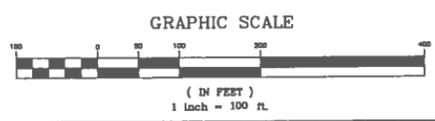


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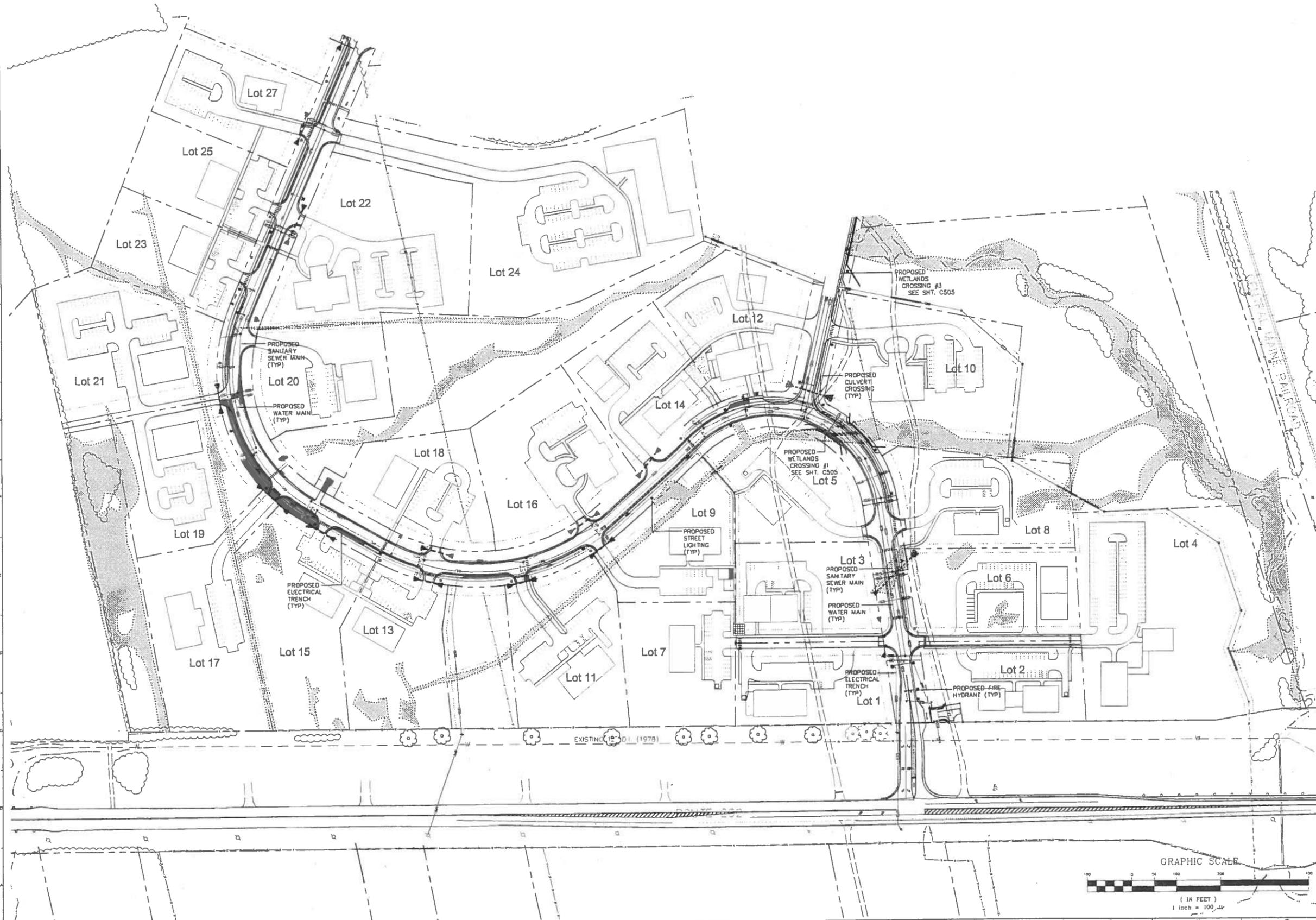
HAMPDEN BUSINESS AND COMMERCE PARK
 HAMPDEN, MAINE

SITE GRADING & E.C. PLAN
 SEGMENT "B"

SHEET TITLE:	1"=100'-0"	DATE:	01/02/01
PROJECT MANAGER:	RMF	GRAPHIC SCALE:	0'
JOB CHG/DRAWN:	DHP/EDM	SHEET NO.:	CG102
CHECKED BY:	RMF	PROJECT NO.:	294000
WBRC JOB FILE:	294000-CG102		



- UTILITY NOTES:**
1. SEE SHEET SUB101 AND SUB102 FOR SUBDIVISION PLAT.
 2. SEE NOTES E1 THROUGH U7 ON SHEET C101.
 3. SEE SHEETS CP301 THROUGH CP306 FOR DETAILED INFORMATION OF THE PROPOSED ROADWAY.



EXISTING	LEGEND	PROPOSED
	STREET LIGHTING	★
	WATER SHUTOFF/GATE VALVE	⊙
	TRANSFORMER/PAD	⊙
	THRUST BLOCKING	▲
	PULL BOX	⊠
	SWITCH PANEL	⊙
	SEWER MANHOLE	⊙
	FIRE HYDRANT	⊙
	TREELINE	⊙
	INTERIOR BOUNDARY	---
	EXTERIOR BOUNDARY	---
	UTILITY POLE	⊙
	WATER SERVICE/MAIN	—(W)—
	SEWER SERVICE/MAIN	—(S)—
	UNDERGROUND PRIMARY	—(UP)—
	AERIAL PRIMARY	—(AP)—

REV.	DESCRIPTION	DATE
APPROVAL DRAWINGS 04/20/01		
CURRENT ISSUE STATUS:		

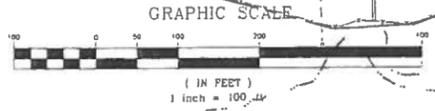


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HAMPDEN BUSINESS & COMMERCE PARK
HAMPDEN, MAINE

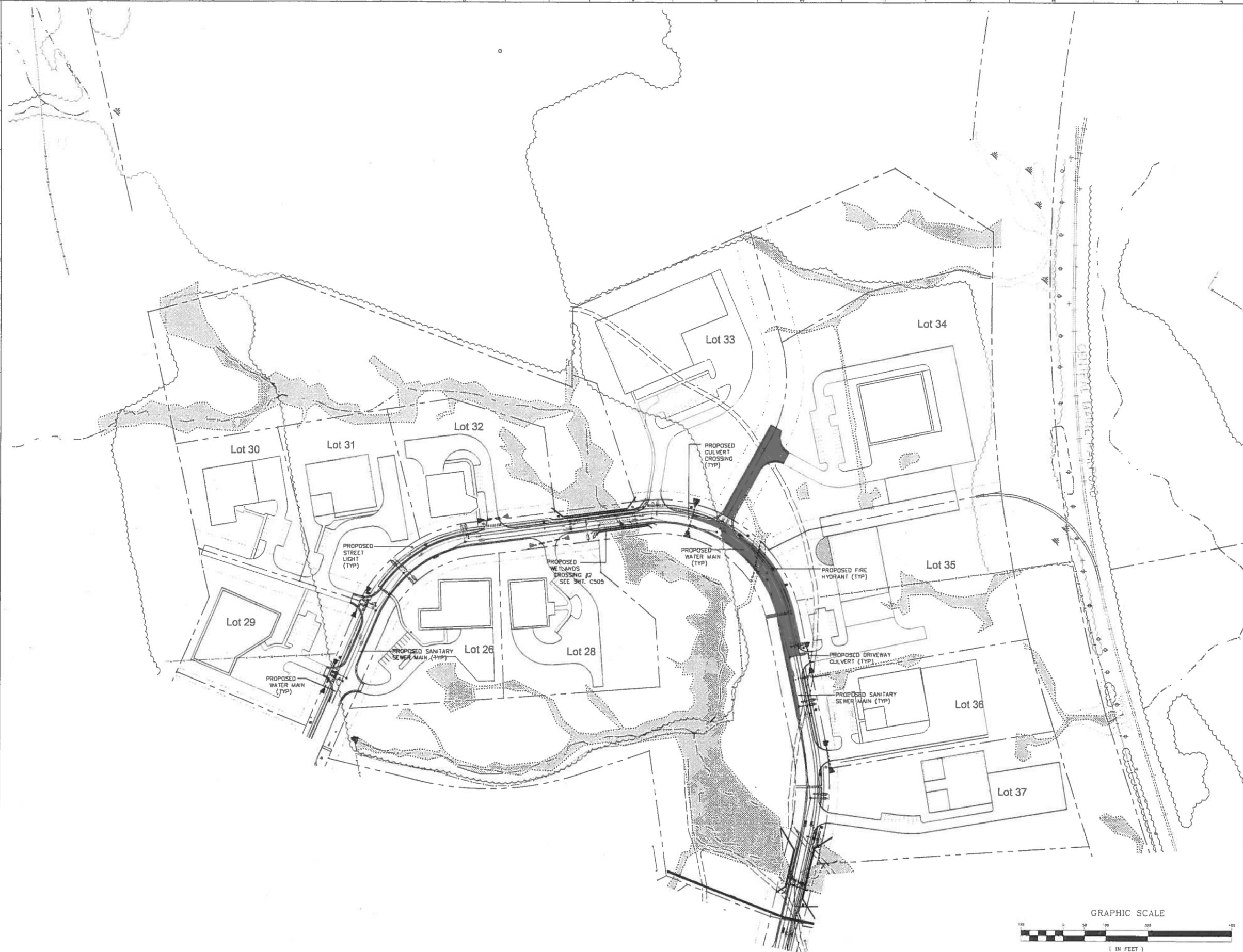
SITE UTILITY PLAN SEGMENT "A"

SHEET TITLE:	SCALE: 1" = 100'-0"	DATE:
PROJECT MANAGER: ARB/RMF	JOB CAP/DRAWN: DHP	GRAPHIC SCALE: 0'
CHECKED BY: ARB/RMF	PROJECT NO: 29400 00	SHEET NO: CUI01



May 01, 2001 1:28pm
 \\WBRC-SERVER\delo_2\2401-3000\244000 Hampden Business & Commerce Park\dwg\14(SETVAR??) dove_praible

- UTILITY NOTES:**
1. SEE SHEET SUB101 AND SUB102 FOR SUBDIVISION PLAT.
 2. SEE NOTES E1 THROUGH U7 ON SHEET G101.
 3. SEE SHEETS CP301 THROUGH CP306 FOR DETAILED INFORMATION OF THE PROPOSED ROADWAY.



EXISTING	LEGEND	PROPOSED
	STREET LIGHTING	★
	WATER SHUTOFF/GATE VALVE	⊕
	TRANSFORMER/PAD	●
	THRUST BLOCKING	▲
	PULL BOX	⊠
	SWITCH PANEL	⊞
	SEWER MANHOLE	⊙
	FIRE HYDRANT	⊕
	TREELINE	⌘
~~~~~	INTERIOR BOUNDARY	- - - - -
-----	EXTERIOR BOUNDARY	-----
---	UTILITY POLE	---
---	WATER SERVICE/MAIN	---
---	SEWER SERVICE/MAIN	---
---	UNDERGROUND PRIMARY	---
---	AERIAL PRIMARY	---

REV.	DESCRIPTION	DATE

**APPROVAL DRAWINGS**  
04/20/01  
CURRENT ISSUE STATUS:

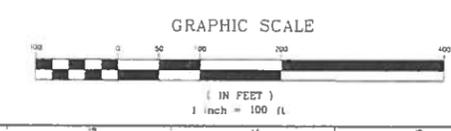


**WBRC**  
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Bangor, Maine 04401 Fax: (207) 941-4628

**HAMPDEN BUSINESS AND COMMERCE PARK**  
HAMPDEN, MAINE

**SITE UTILITY PLAN SEGMENT "B"**

SHEET TITLE:	
SCALE:	1" = 100'-0" DATE: 01/02/01
PROJECT MANAGER:	RMF DRAWING SCALE: 0"
JOB CAP/DRAWN:	DHP
CHECKED BY:	RMF/ARB SHEET NO:
WBRC CAD FILE: 294000-CU102	
PROJECT NO. 294000	



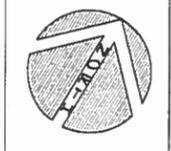
**CU102**

PLANTING SCHEDULE							
LEGEND	KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE COND	REMARKS	HEIGHT SPREAD
	FP	81	<i>Ficus palmeyana</i> Palms	Palms Ash	2" B&B	Deciduous Tree	
	AF	58	<i>Acer saccharum</i> Green Mountain	Green Mountain Sugar Maple	2" B&B	Deciduous Tree	
	PO	27	<i>Picea canadensis</i>	Canada Spruce	4" B&B	Evergreen Tree	
	BN	8	<i>Betula nigra</i> herald	Heritage River Birch	8" B&B	Deciduous Cure of 3	8 8
	MF	4	<i>Maka formosus</i>	Japanese Flowering Creeper	1 1/2" B&B	Deciduous Tree	
	PH	4	<i>Pinus rigida</i>	Austrian Pine	5-6" B&B	Evergreen	



DISTING	LEGEND	PROPOSED
	STREET LIGHTING	
	WATER SHUTOFF/GATE VALVE	
	TRANSFORMER/PAD	
	THRUST BLOCKING	
	PULL BOX	
	SWITCH PANEL	
	SEWER MANHOLE	
	FIRE HYDRANT	
	INTERIOR BOUNDARY	
	EXTERIOR BOUNDARY	
	UTILITY POLE	
	110' CONTOUR LINE	
	WETLAND AREA	

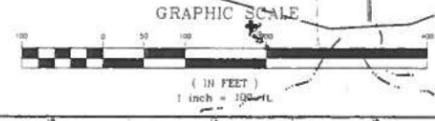
REV.	DESCRIPTION	DATE
	APPROVAL DRAWINGS	04/20/01
	CURRENT ISSUE STATUS:	



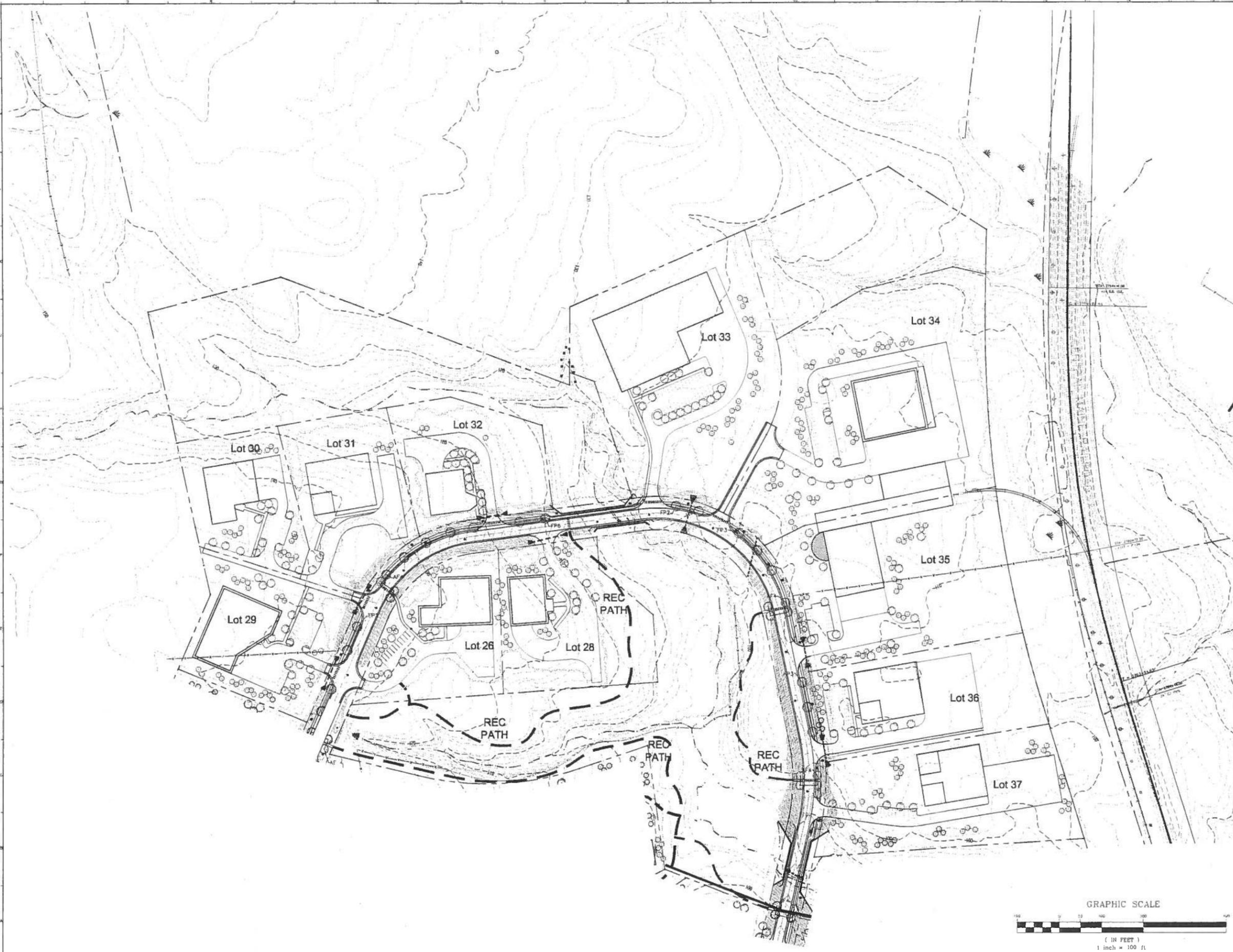
**WBRC**  
ARCHITECTS • ENGINEERS  
44 Central Street  
Bangor, Maine 04401  
Tel: (207) 941-4511  
Fax: (207) 941-4628

**HAMPDEN BUSINESS AND COMMERCE PARK**  
HAMPDEN, MAINE

SITE LANDSCAPING PLAN	
SEGMENT "A"	
SHEET TITLE:	
SCALE: 1" = 100'-0"	DATE: 01/02/01
PROJECT MANAGER: ARB/RMF	GRAPHIC SCALE:
JOB CAP/DRAWN: PFB	
CHECKED BY: ARB/RMF	SHEET No. <b>LP101</b>
WBRC JOB NO. 294000-LP101	PROJECT No. 294000



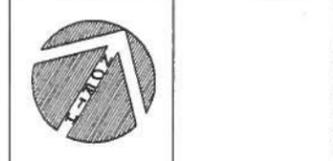
SEE SHEET LP101  
FOR PLANT LIST



EXISTING	LEGEND	PROPOSED
	STREET LIGHTING	★
	WATER SHUTOFF/GATE VALVE	⊕
	TRANSFORMER/PAD	●
	THRUST BLOCKING	⊙
	PULL BOX	⊞
	SWITCH PANEL	⊠
	SEWER MANHOLE	⊞
	FIRE HYDRANT	⊞
	INTERIOR BOUNDARY	—
	EXTERIOR BOUNDARY	- - -
	UTILITY POLE	⊞
	110	CONTOUR LINE
		WETLAND AREA

REV.	DESCRIPTION	DATE

**APPROVAL DRAWINGS**  
04/20/01  
CURRENT ISSUE STATUS:

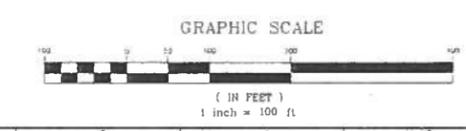


**WBRC**  
ARCHITECTS • ENGINEERS  
44 Central Street Tel: (207) 441-4511  
Bangor, Maine 04401 Fax: (207) 441-4628

**HAMPDEN BUSINESS  
AND COMMERCE PARK**  
HAMPDEN, MAINE

**SITE LANDSCAPING PLAN  
SEGMENT "B"**

SHEET TITLE:	SCALE: 1" = 100'-0"	DATE: 02/27/01
PROJECT MANAGER: RMF/ARB	JOB CAP/DRWING: DHP	CHECKED BY: ARB
MERC CAD FILE: 294000-LP102	PROJECT No. 294000	<b>LP102</b>



**DEED COVENANTS, CONDITIONS, AND PROTECTIVE BYLAWS FOR THE HAMPDEN BUSINESS AND COMMERCE PARK**

**ARTICLE I /  
DEFINITIONS**

This Declaration, made this _____ day of _____ by the Town of Hampden is made with reference to the following facts:

**RECITALS:**

WHEREAS, the Town of Hampden is the owner of that certain real property in the Town of Hampden, County of Penobscot, State of Maine, and as shown on said subdivision plan and more particularly found in Town of Hampden Tax Assessor records at Map ____, Lot ____ and __-__-__ described in *Hampden Business and Commerce Park* recorded contemporaneously with these covenants, and by this reference incorporated herein, and known as the *Hampden Business and Commerce Park*, and as recorded in the Penobscot County Registry of Deeds in Plan Book _____, Page _____.

WHEREAS, the *Hampden Business and Commerce Park* is being developed as a master planned Business and Commerce Park. It is the Town of Hampden's desire and intention to subject the real property in said Business and Commerce Park to certain covenants, conditions, and protective bylaws, which are deemed to be real covenants which run with the land, for the benefit of the property, the Town of Hampden, and the owners and lessees of lots in the *Hampden Business and Commerce Park*. It is intended that said covenants, conditions, and protective bylaws bind and benefit not only said owners and lessees and *Hampden Business and Commerce Park*, but also their respective successors, heirs, and assigns and that all lots in *Hampden Business and Commerce Park* shall be held, used, leased, and conveyed subject to the covenants, conditions, and protective bylaws set forth in this Declaration.

WHEREAS, it is the intention of the Town of Hampden to further a plan of subdivision by means of the covenants, conditions, and protective bylaws set forth in this Declaration. Said covenants, conditions, and protective bylaws are intended to be common to all of the lots in *Hampden Business and Commerce Park*, and any other land which the Town might wish to add in the future, and to enhance and protect the value, desirability, and attractiveness of all such lots to their mutual benefit.

WHEREAS, it is also the intention of the Town of Hampden to enhance the value of the property, to increase the job base and job diversity in the community, and to increase the Town's tax base by undertaking construction and management of the Business and Commerce Park and through the use of these covenants. Limitations on use, preference for certain uses over other uses, a limitation on non-taxable uses, construction and appearance standards, and many other standards of these covenants are designed toward these ends.

Unless the context otherwise specifies or requires, the terms defined in this article shall, as used in this Declaration, have the meanings herein set forth:

**Beneficiary**

Declarant. The Town of Hampden and, to the extent provided in Article VIII of this Declaration, its successors and assigns.

Declaration. This Declaration of Covenants, Conditions, and Protective bylaws for *Hampden Business and Commerce Park* as it may from time to time be amended or supplemented.

**Deed of Trust**

Design Review Board The term *Design Review Board* shall mean those parties as may be assigned by the Town Manager, including but not limited to the following: Town Manager; Economic Development Director; Town Planner; Code Enforcement Officer; Public Works Director; Public Safety Director; two (2) Planning Board Members.

Final Subdivision Plan - Subdivision Plan The term Final Subdivision Plan or subdivision plan shall mean the final subdivision plan approved by the Hampden Planning Board, on file at the Penobscot County Registry of Deeds, Plan _____, File _____.

Hampden Business and Commerce Park The term *Hampden Business and Commerce Park* shall be synonymous with the term "subject property" and shall mean all of the real property now or hereafter made subject to this declaration.

Improvement - Improvements. The term "improvement" or "improvements" shall include buildings, outbuildings, roads, driveways, parking areas, fences, screening walls and barriers, storage facilities, retaining walls, stairs, decks, water lines, sewers, electrical and gas distribution facilities, hedges, windbreaks, plantings, planted trees and shrubs, poles, signs, loading areas, and all other structures, installations, and landscaping of every type' and kind, whether above or below the land surface.

Lot A A fractional part of the subject property as subdivided on subdivision or parcel maps recorded from time to time in the Penobscot County Registry of Deeds.

Low Impact outdoor recreation Is defined as outdoor recreation, nature observation and study which is dispersed, traditional non-commercial outdoor activities that do not generally rely on buildings or spectator facilities, and may include hiking, bird watching, picnicking, cross-country skiing, snowmobiling, snow-shoeing, bicycling, horseback riding, primitive non-commercial camping, and outdoor education, including scientific and archeological research and observation.

Master Plan The *Hampden Business and Commerce Park* master plan approved by the Town of Hampden Planning Board developed by WBRC Architects - Engineers dated ___/___/___, as amended and approved

4.30.01  
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by the Planning Board. The plan shall include items identified on the Final Subdivision Plan.

Mortgage. A deed of trust as well as a mortgage, and shall include a recorded contract for sale or bond for a deed to the extent such contract or bond operates as a mortgage in favor of the seller under 14 M.R.S.A. Sec. 6203-F or other or successor statute.

Mortgagee. A beneficiary under, or holder of a deed of trust, as well as a mortgagee under a mortgage, to include a seller holding rights of a mortgagee under a recorded contract for sale or bond for a deed.

Occupant. A lot owner, lessee or optionee of the Declarant, or any other person or entity other than the Declarant in lawful possession of a lot with the permission of the Declarant.

Record-Recorded-Recordation. The terms shall mean, with respect to any document, the recordation of said document in the Registry of Deeds of the County of Penobscot, State of Maine.

Sign. Any structure, devise, or contrivance, electric or non-electric, upon or within which any poster, bill, bulletin, printing, lettering, painting, devise, or other advertising of any kind whatsoever is used, Placed, posted, tacked, nailed, posted, otherwise fastened or affixed.

**Street - Streets**

Subject Property. Synonymous with the term "*Hampden Business and Commerce Park* ", or any lot therein, and shall mean all of the real property now or hereafter made subject to this Declaration.

Substantial Completion. The date at which the building can be fully utilized for its intended purpose.

Visible from Neighboring Property - Street R/O/W The term "visible from neighboring property" or "visible from Street R/O/W" shall mean, with respect to any object on the lot, that as determined by the Design Review Board, such object is or would be visible from a point measured six (6) feet above the grade of any adjacent lot, R/O/W, or other property, except that objects greater than 35 feet above grade are exempt from this definition.

**ARTICLE II /  
SUBJECT PROPERTY**

**2.1 GENERAL DECLARATION**

Declarant hereby declares that all of that real property located in the Town of Hampden, County of Penobscot, State of Maine, and more particularly described in (*Hampden Business and Commerce Park*) is, and shall be, conveyed, leased, occupied, built upon or otherwise used, improved, or transferred in whole or in part, subject to this Declaration. All of the covenants, conditions, and protective bylaws set forth herein are declared and agreed to be in furtherance of a general plan for the subdivision, improvement, and lease of said real property and are established for the purpose of

enhancing and protecting the value, desirability, and attractiveness of the subject property and every part thereof. All of said covenants, conditions, and protective bylaws shall run with the land and shall be binding upon all of the lots owners, lessees and occupants of the subject property, and shall inure to the benefit of Declarant and all Occupants, their successors and assigns.

**2.2 ADDITION OF OTHER REALTY**

Declarant may at any time during the pendency of this Declaration add all or a portion of any real property now or hereinafter owned by Declarant to the subject property by filing a notice of addition of real property, containing at least the date of recording and the book and page number where this declaration recorded, a statement that the provisions of this Declaration, or some specified part thereof, shall apply to such added real property, and any different covenants applying to the additional property.

**ARTICLE III /  
CONSTRUCTION OF IMPROVEMENTS**

**3.1 APPROVAL OF PLANS REQUIRED**

No exterior improvements shall be erected, placed, altered, maintained, or permitted to remain on any lot by any Occupant until final plans and specifications shall have been submitted to and approved in writing by the Town Manager. The Town Manager shall delegate administrative duties related to the subject property to the Design Review Board and the Economic Development Director. Such final plans and specifications shall be submitted with ten duplicate (10) copies over the authorization signature of the Occupant of the lot or the authorized agent thereof. Such plans and specifications shall be in such form and shall contain such information as may be reasonably required by the Design Review Board, Economic Development Director, or the Town Manager, but shall in any event include those items listed in III.1.a through III.1.e of this paragraph. Changes in approved plans must be similarly submitted to and approved by Declarant.

A site development plan or plans showing the nature, grading scheme, shape, composition, and location of all structures (including proposed front, rear, and side setback lines and all stream and wetland buffers), and with respect to structures on adjoining lots, and the number and location of all parking spaces and driveways, landscaping, buildings, lighting and signage accessory buildings, fences, storage areas, trash collection, antennas, and:

- III.1.a. - A plan showing all landscaping elements for the particular lot, including botanical/common name, size, condition, and "hard" landscape elements, and;
- III.1.b. - A building elevation plan Building exterior elevations of each façade showing dimensions, all building windows and doors, materials, and exterior color scheme and any external mechanical systems, and;
- III.1.c. - All building plans submitted must be stamped by a licensed State of Maine architect before final approval, and;
- III.1.d. - All site plans submitted must be stamped by a licensed State of Maine professional engineer before final approval, and;

III.1.e. - All plant and landscape plans must be stamped by a licensed State of Maine landscape architect before final approval.

**3.2 BASIS FOR APPROVAL**

Approval shall be based, among other things, upon adequacy of site dimensions, adequacy of structural design, conformity and harmony of external design with neighboring structures, effect of location and use of proposed improvements upon neighboring lots, proper facing of main elevation with respect to nearby streets, adequacy of screening of mechanical, air-conditioning, or other roof-top installations, and conformity of the plans and specifications to the purpose and general plan and intent of this Declaration, and in reasonably close conformance with the approved *Hampden Business Park* master plan, as amended, and the final subdivision plan.

Plans that provide for metal-clad buildings will be approved only on the conditions that such buildings are constructed so as not to have the appearance of a pre-engineered metal building, and if designed and built in accordance with the Architectural Guidelines for the *Hampden Business and Commerce Park*, are designed by a licensed architect, and are specifically approved in writing by Declarant.

Plans for plantings and landscape improvements will be approved only on the condition that materials, placement, and form are designed and built in accordance with the Landscaping Plans for the *Hampden Business and Commerce Park*, are designed by a licensed landscape architect, and are specifically approved in writing by Declarant.

Declarant shall not arbitrarily or unreasonably withhold its approval of any plans and specifications. Except as otherwise provided in this Declaration, Declarant shall have the right to disapprove any plans and specifications submitted hereunder on any reasonable grounds including, but not limited to, the following:

1. Failure to comply with any of the protective bylaws set forth in this Declaration;
2. Failure to include information in such plans and specifications as may have been reasonably requested by Declarant;
3. Failure to comply in reasonable conformance to the *Hampden Business and Commerce Park* Master Plan;
4. Objection to the exterior design, the appearance of materials, or materials employed in any proposed structure;
5. Objection on the ground of incompatibility of any proposed structure or use with existing structures or uses upon other lots, or other property in the vicinity of the subject property;
6. Objection to the locations of any proposed structure with reference to other lots, or other property in the vicinity;
7. Objection to the grading or landscaping or parking plan for any lot;
8. Objection to the color scheme, finish, proportions, style of architecture, height, bulk, or appropriateness of any structure;
9. Any other matter that, in the judgment of the Declarant would render the proposed

improvements or use inharmonious with the general plan for improvement of the subject property or with improvements located upon other lots or other property in the vicinity.

**3.3 ACTION.**

Declarant may approve plans and specifications as submitted, or as altered or amended, or it may grant its approval to the same subject to specific conditions, or it may deny approval. Upon approval or conditional approval by Declarant of any plans and specifications submitted, a copy of such plans and specifications, or the revised plans, together with any conditions, shall be deposited for permanent record with Declarant, and a copy of such plans and specifications, bearing such approval together with any conditions, shall be returned to the applicant submitting the same. If the Declarant fails to act within 10 business days from the date the plan is deemed complete, the plan is deemed denied. A time extension may be granted in writing by the applicant.

**3.4 APPEAL**

A decision of the Design Review Board, Economic Development Director, or Town Manager can be appealed only if approved by both the Town Planning Board and the Town Council. The appeal may uphold, overturn, or modify the earlier decision.

**3.5 PROCEEDING WITH WORK**

Upon receipt of approval from Declarant pursuant to Section 3.3, the Occupant, shall, as soon as practicable, satisfy any and all conditions of such approval and shall diligently proceed with the commencement and completion of all approved excavation and construction. In all cases, work shall commence within one (1) year from the date of approval, and if work is not so commenced, approval shall be deemed revoked unless Declarant, pursuant to written request made and received prior to the expiration of said one (1) year period, extends the period of time within which work must be commenced.

**3.6 COMPLETION OF WORK**

Any improvement commenced pursuant hereto shall be substantially completed within two (2) years from the date of Declarant's purchase, except for so long as such substantial completion is rendered impossible, or unless work upon the proposed improvements would impose a great hardship upon the occupant to whom Declarant's approval is given, due to strike, fire, national emergency, natural disaster, or other supervening force beyond the control of Occupant. Declarant may, upon written request made and received prior to the expiration of the two (2) year period, extend the period of time within which work must be completed. Failure to comply with this section shall constitute a breach of this Declaration and subject the party in breach to the enforcement procedures set forth in Article VII. Nothing in this paragraph shall be deemed to extend any construction start or completion date required by the Planning Board, Zoning ordinance or other ordinance or regulation.

All disturbed areas on any Lot must be revegetated in accordance with good erosion practice methods within three (3) months if disturbed during the growing season and within nine (9) months if disturbed during the non-growing season. All revegetation must be completely established within one year from the time of disturbance.

**3.7 DECLARANT NOT LIABLE.**

Nothing in this Declaration shall be deemed to constitute an undertaking by the Declarant to perform any particular act with respect to the subject property or any Occupant, nor to assume liability or indemnify any person for any damage, loss, or prejudice suffered or claimed by any person on account of:

- a. The approval or disapproval of any plans, drawings, and specifications, whether or not in any way defective.
- b. The construction of any improvement, or performance of any work, whether or not pursuant to approved plans, drawings, and specifications.
- c. The development or use of any lot within *Hampden Business and Commerce Park*, or enforcement or failure by the Declarant to enforce any of the covenants, conditions, or protective bylaws contained herein.

**3.8 CONSTRUCTION WITHOUT APPROVAL.**

If any improvement shall be erected, placed, or maintained upon any lot, or any new use commenced upon any lot, other than in accordance with the approval by the Declarant pursuant to the provisions of this article, such improvement shall be deemed to have been undertaken in violation of this Declaration, and upon written notice from Declarant, any such improvement in violation of this Declaration shall be removed or altered so as to conform to this Declaration, and any such use shall cease or be amended or use not be accomplished within thirty (30) days after receipt of such notice, then the party in breach of this Declaration shall be subject to the enforcement procedures set forth in Article VII.

**3.9 STARTING TIME AND REPURCHASE OPTIONS:**

- a. Lots are conveyed with the intent that the purchaser will build and not for purposes of speculation. Conveyance of lots shall be specifically made upon the completion that commencement of construction shall begin within one year from the date of said conveyance and that substantial completion of construction, including grading and landscaping of the surrounding grounds, shall be substantially completed within two (2) years of the date of said conveyance. In the event purchaser shall fail to meet either the one (1) year "commencement" or two (2) year "substantial completion" deadlines, then the Town may at its option and after written notice of 30 days, declare a violation of these covenants and tender the purchase price for the lot back to purchaser who shall, notwithstanding any improvements to the lot, execute and deliver back to the Town the subject lot. Purchaser shall have no right, remedy or resource against the Town for the cost or value of any improvements, nor a cause or claim for unjust enrichment, quantum merit, etc. of which claims purchaser herein waives upon purchase.
- b. In the event any owner of land lying within the *Hampden Business and Commerce Park* shall desire to sell all or part of the land which at the time is unimproved, then the Town of Hampden shall have the prior right and option to repurchase the unimproved premises proposed to be sold at the same

- c. Prior to any sale of such premises, the owner of such lot, his successors, or assigns shall notify the Town of Hampden in writing of intention to sell, describing the premises to be sold and the Town of Hampden shall have sixty (60) days from the date of receipt of such notice to exercise its option, and in the absence of written notification sent by the Town of Hampden of its election to exercise said option, such owner shall be free to sell such premises to any person and at any price deemed desirable by such owner.
- d. In the event of any repurchase by the Town under paragraphs a, b, and c hereof, the purchaser upon tender of the repurchase price, shall execute and deliver to the Town a Quitclaim Deed with Covenant to said premises conveying thereby a marketable title to the same from and clear of all encumbrances, except those encumbrances in this deed.

**3.9 EASEMENTS RESERVED TO DECLARANT.**

The subject property is conveyed subject to the reservation to the Declarant for itself, its successors and assigns, of easements and rights of way twenty (20) feet in width along all front lines of all lots and as may be shown on the final subdivision plan for all purposes relating to the installation and maintenance of utilities and/or for the installation and maintenance of drainage ways and structures. The areas encumbered by these easements are parallel, and interior to and adjacent to all lot boundaries and this reservation shall include the right of entry by men and machines. In addition, a 10' pedestrian easement is reserved along all property lines for the purposes of public pedestrian egress.

**3.10 WETLAND DISTURBANCES**

No disturbances may occur within any delineated wetlands as shown on the "Site Grading and Erosion Control Plan" (Sheets CG101 and CG102), prepared by WBRC Architects/ Engineers, and dated _____, 2001, and recorded in the Penobscot County Registry of Deeds in Plan Book _____, Pages _____ and _____, other than filling as specifically shown on said plan, unless said plan is amended with the written approval of the Declarant, and with the requisite governmental approvals. Any such amendments to said plan must be recorded in said registry. Costs of any such amendments, including permitting, shall be the responsibility of those seeking such amendment(s).

**3.11 BUFFER AREAS AND OPEN SPACE**

No disturbances may occur within any delineated stormwater buffer treatment areas or open space designated on the final subdivision plan except for the removal of dead or dying trees or shrubs, an in accordance with the requirements of the Site Location of Development Permit, as amended, unless said plan is amended with the written approval of the Declarant. Any such amendments for alternative treatment methods or areas must be recorded in said registry. Costs of any such amendments, including permitting, shall be the responsibility of those seeking such amendment (s). Exceptions to this include the annual maintenance or mowing of non-wooded buffers, low impact outdoor recreation and recreational trail development within open space areas retained by the Declarant, and maintenance or repair of utilities within easements identified on the subdivision plan

**ARTICLE IV  
DEVELOPMENT STANDARDS**

**4.1 GENERAL REQUIREMENTS.** All improvements shall comply in every respect with all applicable laws and ordinances of the United States, the State of Maine, and the Town of Hampden, including zoning restrictions, landscaping, and site development standards under applicable Town of Hampden ordinances.

**Minimum Setback.** Notwithstanding any lesser setback requirements under Town of Hampden zoning ordinances, no improvements of any kind, and no part thereof, shall be placed closer than permitted by Declarant to an interior property line or right-of-way, except as otherwise provided in Section 4.3. No buildings or structures shall be placed within the following set back areas:

- a. **Front set back** - within the area designated on the subdivision plan as the *building envelope area* and no less than 20', within the area designated as the *impervious envelope area* and no less than 20' for parking and drives, except entrance drive;
- b. **Side set back** - within the area designated on the subdivision plan as the *building envelope area* and no less than 20', within the area designated as the *impervious envelope area* and no less than 10' for parking and drives, except entrance drive;
- c. **Rear set back** - within the area designated on the subdivision plan as the *building envelope area* and no less than 20', within the area designated as the *impervious envelope area* and no less than 10' for parking and drives, except entrance drive;
- d. **Building to parking setback** - no less than 5' between parking and principal building, except no less than 20' for entrance drives.

**4.3 EXCEPTIONS TO SETBACK REQUIREMENTS.**

The following improvements, or parts of improvements, are specifically excluded from the setback requirements set forth in Section 4.2:

- a. Walkways;
- b. Fences, subject to the requirements set forth in Section 4.7;
- c. Landscaping and irrigation systems;
- d. Low planters;
- e. Business park identification signs, directional and parking signs, and signs identifying the occupant of a lot, subject to the prior written approval of Declarant, compliance with the Town's Hampden Zoning Ordinance, and the requirements of Section 4.5 of this document;
- f. Lighting facilities, subject to the prior written approval of Declarant; and
- g. Underground utility facilities and sewers.

**4.4 STRUCTURES AND ARCHITECTURAL CONTROLS STANDARDS:**

- a. All buildings and other site improvements shall be attractive, structurally sound and durable, and built in conformance with all applicable laws and the BOCA National Building Code (latest edition the latest building code adopted by the Town of Hampden).
- b. The façade or Building primary facades visible from Route 202 and within the Business & Commerce Park road network to the street shall incorporate design elements that will create

an excellent appearance with visual interest and a welcoming face. In order to achieve this effect, when utilitarian materials such as plain block or metal are used, other materials such as glass, brick, ornamental block or stone, shall be used to create visual interest. These primary facing facades shall Facades facing the street should not be blank walls, but shall incorporate windows, entry treatments, variations in plane, variation in roof shapes, and other architectural features to create visual interest, and to distinguish them from simple industrial structures. and in a manner which .... [RMP add text here] Development of continuous covered porches or arcades serving multiple businesses is encouraged. Building facades shall be designed and detailed to develop a human scale, present in appearance of commercial storefront and recognizable entry elements.

- c. Color scheme and finish for all metal, including roofs, shall be pre-painted. Trim (window, doors, roof edge, eaves, etc.) shall be articulated by color different than the building's siding color. Generally, colors should relate to the setting (landscape). Bold hues and bright saturated colors shall be discouraged.
- d. Buildings less than 10,000 s.f footprint shall be proportioned such that the roof eave to ridge heights do not exceed the building façade height (ground to eave). Building contact area shall be limited to the area designated on the approved final master subdivision plan.
- e. Roof slopes shall be 5"/12" minimum for buildings with footprints less than 10,000, and 1/2"/12" for others. Roof eaves and rakes shall be projected 6" minimum beyond the exterior of all wall surfaces and trimmed, and 12" beyond for buildings having less than 10,000 s.f. footprint.
- f. Acceptable exterior materials include: shall be permanent type of good quality. The following wall materials are acceptable:
  - 1) Finished concrete.
  - 2) Finished masonry or masonry units, such as stone, veneer, face brick, structural facing tile and ceramic tile.
  - 3) "Shallow"Corrugated or flat Metal panels. , in which case a majority of the building façade shall be faced with higher quality materials to be approved by the Town of Hampden.
  - 4) Flat Metal panels, ....[RMP text here].
  - 5) Suitable glass or plastic materials. Aluminum /glass curtain wall systems.
  - 6) Wood siding, to include solid wood materials such as clapboards but not including premanufactured panels such as T-111.
  - 7) Architectural grade vinyl siding.
  - 8) Aluminum doors and window systems.
  - 9) Exterior insulation finish systems (EIFS).

**4.5 SIGNS**

No sign shall be permitted on any lot unless approved by Declarant in writing. No sign shall be approved other than signs identifying the building or the business of the Occupant of a lot, business park identification signs, informational, and vehicular control signs, signs offering the lot for lease, and temporary development signs. All signs must comply with the Hampden Zoning Ordinance and the following requirements:

- a. Freestanding Occupancy Identification Signs shall be no more than twelve (12) feet in height

above the average grade elevation of the site around the sign; shall be located on the frontage facing the *Hampden Business and Commerce Park* access road, no more than twenty-five (25) feet nor less than eight (8) feet from the front property line; nor shall such signs be supported above the base or ground immediately beneath them by a single post. They shall be unlit, or indirectly lit by either back lighting through opaque sign facing or by spotlight. No neon, no intermittent or moveable character signs shall be permitted.

- b. Occupant Identification Signage on a Building shall not extend above a parapet or eaves line (or obscure such building line) and shall not be erected on more than two walls of any building.
- c. Deviations from these standards may be granted by the Declarant upon submission of a written request.

**4.6 LANDSCAPING**

Within ninety (90) days following completion of construction each lot shall be landscaped in accordance with the plans and specifications except when the completion of the landscaping would impose a great hardship upon the Occupant due to weather or climatic conditions. Declarant may, upon written request made and received prior to the expiration of the ninety (90) day period, extend the period of time within which work must be completed.

- a. The area of each lot between any street and any minimum setback line shall be landscaped with a combination of trees, shrubs, and other ground cover providing a buffer and transition zone from streetscape to site. All other undeveloped portions of a lot shall be landscaped in a complementary and similar manner.
- b. The perimeters of parking areas shall be landscaped with year round plant material or earth berms or a combination of both to screen said areas from view and lessen the impact on neighboring sites.
- c. Within parking areas, parking spaces shall be broken up by landscaped islands such that for every 20 parking spaces there is one landscaped island containing at least 650 square feet, at least one deciduous tree, and planted with low shrubbery.
- d. After completion, such landscaping as is herein required shall be maintained in a sightly and well kept condition. If, in Declarant's reasonable opinion, the required landscaping is not maintained in a sightly and well-kept condition, Declarant shall be entitled to the remedies set forth in Article VII.
- e. Minimum planting sizes:

Deciduous shade trees	2" Caliper
Coniferous trees	5-6' Height
Deciduous shrubs	18-24"
Coniferous shrubs	18-24"

Planting sizes may be waived at the Declarant's discretion and approval by landscape architect.
- f. The Declarant may require planting not to exceed in cost two (2)% of the total development costs. This percentage is cumulative and shall be determined using the following chart:

Development Cost	Percentage
First \$1 - \$250,000	2%
From \$251,000 - \$500,000	1.5%
From \$500,000 & over	.5%

For example:

<u>Total development cost is \$600,000.00</u>	
<u>First \$250,000 @ 2%</u>	<u>= \$5,000.00</u>
<u>Next \$250,000 @ 1.5%</u>	<u>= \$3,750.00</u>
<u>Final \$100,000 @ .5%</u>	<u>= \$500.00</u>
<u>Total Minimum Planting Budget</u>	<u>= \$9,250.00</u>

The applicant shall provide a suitable performance bond or other form of security to guarantee the performance and completion of all planting required pursuant to this section, which bond or security shall also guarantee plantings for a period of one (1) year after installation. Landscaping shall be maintained thereafter by the property owner at a level consistent with the site plan approval. In determining the amounts of planting to be required, the Declarant shall take into account:

- 1) Existing trees, shrubs, evergreens and other vegetation to be preserved on the site.
- 2) Visibility of incompatible or unsightly areas from roads and/or adjoining properties.
- 3) Shade trees and landscape strips in relation to existing and planned streets.

**4.7 FENCES**

All fences are subject to the provisions of this section and shall require a building permit.

- a. A fence six feet high or less may be placed up to but not on a property line so that both sides of the fence can be erected and maintained from the property of the person erecting the fence.
- b. A fence more than six feet high shall be considered a structure subject to normal setback requirements for the zoning district, unless otherwise approved by the Declarant during site plan review.
- c. A fence shall be erected so that its "good side" shall face an abutting property or roadway.
- d. Any fence located adjacent to a publicly owned or maintained sidewalk, bike path or pedestrian way shall not be located closer than two feet to such public facility.
- e. The Declarant reserves the right to approve the location and design of all fences, and no fence shall be constructed without a letter of approval from the Declarant.

**4.8 PARKING AREAS, LOADING AREAS, AND DRIVEWAYS.**

Off-street parking adequate to accommodate the parking needs of the Occupant and the employees and visitors thereof shall be provided by the Occupant of each lot. The intent of this provision is to eliminate the need for any on-street parking. If parking requirements increase as a result of a change in the use of a lot or in the number of persons employed by the Occupant, additional off-street parking shall be provide so as to satisfy the intent of this section. All parking areas shall conform to the following standards:

- a. Parking areas shall be paved so as to provide dust free, all weather surfaces.
- b. Each parking space provided shall be designated by lines painted upon the paved surface.
- c. Provision shall be made on each site for any necessary vehicle loading, and no on-street vehicle loading shall be permitted.
- d. Loading dock areas shall be set back, recessed, or screened to minimize visibility from neighboring properties or streets.
- e. No more than one (1) entrance or exit driveway per lot shall be permitted except in extraordinary circumstances approved by the Declarant, or as identified on the master plan.

**4.9 STORAGE AREAS**

All storage of bulk materials, including but not limited to such things as coal, wood, pulp, raw materials shall be completely within a building or other space adequately screened from public view, as approved by the Design Review Board. Any fences, walls or plantings used for such screening purposes shall be located not less than twenty (20) feet from any property line. Outside storage of materials, supplies, or equipment, including trucks or other motor vehicles, shall be permitted only if:

- a. The material equipment, or objects stored outside are necessary and accessory to the activities regularly conducted on the premises;
- b. The area devoted to outside storage is limited and does not dominate the site or appear unattractive from neighboring sites, as determined by the Design Review Board.
- c. The area is screened on the sides and harmonizes with the architecture, landscaping, design, and appearance of neighboring structures and other surroundings, and in reasonably close conformance to the master plan; and
- d. The area is located upon the rear portions of a lot, unless otherwise approved in writing by Declarant.

**4.10 LIGHTING**

Lights used to illuminate parking areas and drives shall be so arranged and designed as to deflect light downward and away from adjacent residential areas and public highways. Lights shall be of a "downshield luminaire" type where the light source is not visible from any public highway or from adjacent properties.

Only fixtures, which are shielded, do not expose a light source, and which do not allow light to "flood" the property are permitted to be attached to buildings. All lighting must be approved in writing by Declarant.

When illumination is required for part or all of a structure, the illuminating device shall be designed, located and adjusted so as to not cast light directly on adjacent residential properties or roadways.

**4.11 SPECIAL PROVISIONS**

In addition to the requirements of Section 4.1-4.8, site plans for development in the Hampden Business and Commerce Park shall be consistent with the requirements of this sub-section. The Hampden Business and Commerce Park is to become a pleasant commercial area in which all visual and functional elements form an integrated design plan. Route 202 connects Hampden and Bangor centers and the site lies in the path of planned recreation trails and alternative transportation links. Site plans for proposed new developments must acknowledge this basic pattern and reinforce it by defining public spaces and walkways, and by providing appropriate landscaping and street furniture.

**Design Requirements**

- a. New buildings shall be sited to create pleasant outdoor spaces, and to create visual and pedestrian linkages between existing buildings.
- b. Public spaces shall be created to connect to and reinforce the circulation pattern and recreation paths. These public spaces shall be designed at a human scale and furnished with appropriate features such as benches, plantings, public sculptures, bike racks, and pedestrian scaled and styled light fixtures.
- c. Public walkways shall be created and shall be suitably landscaped and furnished with attractive pavement, plantings, pedestrian scaled and styled light fixtures, and other amenities
- d. The location and design of buildings, public spaces and walkways shall create pleasant and effective termini for views to and from the site.
- e. The southerly views from this area towards the agricultural land and Penobscot River beyond are an important public resource. Prominent public vantage points for these views must be identified and the visual corridors from these vantage points to this resource must be protected and enhanced. Building envelopes have been defined which will prevent these visual corridors from being interrupted by new buildings or landscaping.
- f. The wetlands and waterways shall be utilized as the focal point for public open space, which shall be designed as a more natural open space rather than developed parks, plazas, or greens. The open space should be accessed by walkways and bikeways, and should be accessible from the buildings.

**ARTICLE V  
USES AND OPERATIONS**

**5.1 PERMITTED USES:**

Lots shall be used for light manufacturing, assembly, research and testing laboratories, professional and other business offices and other acceptable uses permitted by the Town of Hampden Zoning Ordinance, provided that Declarant specifically consents to such use in writing.

Such approved use shall be performed or carried out entirely within a building that is so designed and constructed that the enclosed operations and uses do not cause or produce a nuisance to other lots or property, such as, but not limited to, vibration, sound, electro mechanical disturbances, electromagnetic disturbances, radiation, air or water pollution, dust, or emission of odorous, toxic, or nontoxic matter (including steam). Certain activities that cannot be carried on within a building may be permitted, provided Declarant specifically consents to such activity in writing and further provided that such activity is screened so as not to be highly visible. The screening or fencing shall be attractive from neighboring property and streets. All lighting is to be shielded so as not to be directly visible from neighboring property or to cause glare on neighboring streets and properties.

**5.2 PROHIBITED USES:**

The following operations and uses shall not be permitted on any property subject to this Declaration:

- a. Junk yards, wrecking yards;
- g. Recycling facilities (unless accessory to the primary activities regularly conducted on the premises);
- h. Mining, drilling for, or removing oil, gas, or other hydrocarbon substances;
- i. Refining of petroleum or of its products;
- j. Warehousing uses when not combined with an intermodal function, primary manufacturing, assembly, office, or other use more in keeping with the Town's economic goals for the park as outlined in Recital IV above.
- k. Commercial excavation of building or construction materials, provided that this prohibition shall not be construed to prohibit any excavation necessary in the course of approved construction pursuant to Article III;
- l. Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or other refuse;
- m. Uses prohibited by federal, state, or local law, including applicable Town of Hampden Zoning ordinances provisions and other uses deemed objectionable by the Economic Development Committee or Town Council;
- n. No use will be made of any lot or any portion thereof which would allow access to transportation or utility system, through such lot to any property not controlled by the Town of Hampden without approval of the Town of Hampden;
- o. Non-taxable uses are prohibited unless approved by the Hampden Town Council because they are generally inconsistent with the goals of Recital 4 above.

**5.3 NUISANCES.**

No nuisances shall be permitted to exist or operate upon on any lot so as to be offensive or detrimental to any adjacent lot or property or to its occupants. A nuisance shall include, but not be limited to, any of the following conditions:

- a. Any use, excluding reasonable construction activity, of the lot that emits dust, sweepings, dirt, or cinders into the atmosphere, or discharges liquid, solid wastes, or other matter into any stream, river, or other waterways that, in the opinion of the Declarant, may adversely affect the healthy, safety, comfort of, or intended use of their property by persons within the area. No waste nor any substance or materials of any kind shall be discharged into any public sewer serving the subject property or any part thereof in violation of any regulation of the Town of Hampden;
- b. The escape or discharge of any fumes, odors, gases, vapors, steam, acids, or other substances into the atmosphere, which discharge, in the opinion of Declarant, may be detrimental to the health, safety, or welfare of any person or may interfere with the comfort of persons within the area of may be harmful to property or vegetation;
- c. The radiation or discharge of intense glare or heat, or atomic, electromagnetic, microwave, ultrasonic, laser, or other radiation. Any operation producing intense glare or heat or such other radiation shall be performed only within an enclosed or screened area and then only in such manner that the glare, heat, or radiation emitted will not be discernible from any point exterior to the site or lot upon which the operation is conducted;
- d. Excessive noise. At no point outside of any lot shall the sound pressure level of any machine, device, or any combination of same, from any individual plant or operation, be offensive or detrimental to any adjacent lot or property or to it's occupants, as determined by the Design Review Board;
- e. Excessive emissions of smoke, steam, or particular matter. Emission of dust, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the establishment creating that emission shall be prohibited. All such activities shall also comply with applicable Federal and State regulations;
- f. Ground vibration. Buildings and other structures shall be constructed and machinery and equipment installed and insulated on each lot so that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point exterior to any lot.

**5.4 CONDITION OF PROPERTY.**

The occupant of any lot shall at all times keep it and the buildings, improvements, and appurtenances thereon in a safe, clean, and wholesome condition and comply, as its own expense, in all respects with all applicable governmental, health, fire, and safety ordinances, regulations, requirements, and directives, and the Occupant shall at regular and frequent intervals remove at its own expense any rubbish of any character whatsoever that may accumulate upon such lot.

**5.5 MAINTENANCE OF GROUNDS.**

Each occupant shall be responsible for the maintenance and repair of all parking areas, driveways,

walkways, and landscaping on his/her lot. Such maintenance and repair shall include, without limitation, up to the public travel way including any easements, esplanades, tree protection zone, and joint or shared parking areas. Each occupant shall be responsible for:

- a. Maintenance of all parking areas, driveways, and walkways in a clean and safe condition, including the paving and repairing or resurfacing of such areas when necessary with the type of material originally installed thereon or such substitute therefore as shall, in all respects, be equal thereto in quality, appearance, and durability, the removal of debris and waste material and the washing and sweeping of paved areas, the painting and repainting of striping markers and directional signals as required;
- b. Cleaning, maintenance, and re-lamping of any external lighting fixtures; and
- c. Performance of all necessary maintenance of all landscaping, including the trimming, watering, and fertilization of all grass, groundcover, shrubs, or trees, the removal of dead or waste materials, the replacement of any dead or diseased grass, groundcover, shrubs, or trees.

**5.6 REMEDIES FOR FAILURE TO MAINTAIN AND REPAIR.**

Each lot owner and their occupant shall promptly maintain and repair their premises per Article 5 but if purchaser/lot-owner and occupant shall fail, after 15 days written notice by Town, then the Town can declare a default and breach of these conditions and pursue those remedies described in Article 7.

**5.8 REFUSE COLLECTION AREAS.**

All outdoor refuse collection areas shall be screened to minimize visibility from neighboring property or streets and setback at least ten (10) feet from the Street right-of-way. No refuse collection area shall be permitted between a subdivision street and the front of a building.

**5.9 REPAIR OF BUILDINGS.**

No building or structure upon any lot shall be permitted to fall into disrepair, and each such building and structure shall at all times be kept in good condition and repair and adequately painted or otherwise finished.

**5.10 PUBLIC UTILITIES.**

Declarant reserves the exclusive right to approve installation of utility lines across the subject property. Declarant will consult with any lot owner before such installation and shall attempt to accommodate lot owner concerns. The appropriate governmental authority must approve the construction and operation of public utilities in rights-of-way dedicated to the public.

**5.11 UTILITY LINES AND ANTENNAS.**

No sewer, drainage, or utility lines or wires or other devices for the communication or transmission of electric current, power, or signals, including telephone, television, microwave, or radio signals, shall be constructed without approval by the Declarant. Notwithstanding the requirements of the Hampden

Zoning Ordinance, no antenna for the transmission or reception of telephone, television, microwave, or radio signals shall be placed on any lot within the subject property without the consent of the Declarant, which shall not be unreasonably withheld. Nothing contained herein shall be deemed to forbid the erection or use of temporary power or telephone power or telephone facilities incidental to the construction or repair of buildings on the subject property.

**5.12 MECHANICAL EQUIPMENT.**

All mechanical equipment, utility meters, storage tanks, air conditioning equipment, and similar items shall be screened with landscaping or attractive architectural features integrated into the structure itself.

**5.13 MINERAL EXPLORATION.**

No portion of the subject property shall be used in any manner to explore for or to remove any steam, heat, oil, or other hydrocarbons, gravel, earth, or any earth substances or other mineral of any kind, provided, however, that this shall not prevent the excavation of earth in connection with the grading or construction of improvements within the subject property.

**5.14 OTHER OPERATIONS AND USES.**

Operations and uses that are neither specifically prohibited nor specifically authorized by this Declaration may be permitted in a specific case if operational plans and specifications are submitted to and approved in writing by Declarant in accordance with the procedures set forth in Article III of this Declaration. Approval or disapproval of such operational plans and specifications shall be based upon the effect of such operations or uses on other property subject to this Declaration or upon the occupants thereof, but shall be in the sole discretion of Declarant.

**ARTICLE VI  
MODIFICATION AND REPEAL**

**6.1 MODIFICATION BY DECLARANT.**

The Declarant acting alone may modify or amend the provisions of this Declarant, provided, however, that:

- a. Any such modification or amendment must be within the spirit and overall intention of the development as set forth herein;
- b. Prior to any such modification or amendment, Declarant shall obtain the approval of any governmental agency to such modification or amendment where such approval is necessary;
- c. A public hearing on the proposed amendment will be held by the Economic Development Committee or the Town Council;
- d. No such modification or amendment shall be effective until the Occupants have been given thirty (30) days prior written notice of the proposed change and a proper instrument in writing has been executed and recorded.

**ARTICLE VII  
ENFORCEMENT**

**7.1 ABATEMENT AND SUIT.**

The Town may enforce any breach or violation of these covenants in either the Superior Court of Penobscot County or the U.S. District Court, Bangor, Maine and purchaser herein consents to jurisdiction in those forums. In the event the Town seeks legal redress, the Town may pursue, at its option, both the purchaser and any related or non-related occupant for money damages, specific performance or any other form of legal or equitable relief. Notice of violation or breach of any covenant, condition or restriction herein shall be provided by the Town in writing, and only upon a failure to correct or abate said violation after 30 days may the Town pursue such legal or equitable action. In addition to the above remedies if such violation shall continue for more than 30 days, the Town may enter upon the lot where said violation or breach exists and summarily correct, abate or remove, at the expense of purchaser and occupant any improvements, structure, thing or condition deemed by the Town to be in violation of or contrary to these covenants. No such entry by the Town for its agents shall be deemed a trespass, nor shall the Town or its agents be liable for any actions taken hereunder to remedy or remove a violation. Purchaser herein consents that any costs incurred by Town to correct, abate or remove a covenant violation shall constitute a specially assessed lien by the Treasure against the property, which lien shall affix to the property unless purchaser pays said costs within 60 days of presentment of a bill of costs by Town.

**7.2 RIGHT OF ENTRY.**

During reasonable hours and upon reasonable notice and subject to reasonable security requirements, Declarant, or its agents, shall be right to enter upon and inspect any lot and the improvements thereon covered by this Declaration for the purpose of ascertaining whether or not the provisions of this Declaration have been or are being complied with, and neither Declarant nor its agent shall be deemed to have committed a trespass or other wrongful act by reason of such entry or inspection.

**7.3 DEEMED TO CONSTITUTE A NUISANCE.**

The result of every act or omission whereby any covenant, condition, or restriction herein contained is violated in whole or in part is hereby declared to be and to constitute a nuisance, and every remedy allowed by law or in equity against an Occupant either public or private shall be applicable against every such result and may be exercised by Declarant.

**7.4 ATTORNEY'S FEES.**

In the event the Town initiates any legal or equitable action to enforce these covenants, and it prevails in that action, the Town shall be entitled to its reasonable attorneys fees, which purchaser for itself and its assigns herein agrees to pay. In no event and under no circumstances will Town be responsible for purchaser or occupant's attorneys fees even if Town does not prevail, all claims of which purchaser herein waives of itself and its successors and assigns.

**7.5 FAILURE TO ENFORCE IS NO WAIVER.**

The failure of Declarant to enforce any requirement, restriction, or standard herein contained shall in no event be deemed to be a waiver of the right to do so thereafter or in other cases nor to the right to enforce any other restriction.

**ARTICLE VIII  
ASSIGNMENT**

Any and all of the rights, powers, and reservations of Declarant herein contained may be assigned to any person, partnership, corporation, or association that will assume the duties of Declarant pertaining to the particular rights, powers, and reservations assigned, and upon any such person, partnership, corporation, or association evidencing its consent in writing to accept such assignment and assume such duties, he or it shall, to the extent of such assignment, have the same rights and powers and be subject to the same obligations and duties as are given to and assumed by Declarant herein. Any assignment or appointment made under this article shall be in reasonable form and shall be recorded.

**ARTICLE IX  
CONSTRUCTIVE NOTICE AND ACCEPTANCE**

Every person or entity who now or hereafter occupies any portion of the subject property is and shall be conclusively deemed to have consented and agreed to every covenant, condition, and restriction contained herein, whether or not any reference to person acquired in interest in it subject property.

**ARTICLE X  
WAIVER AND FAILURE TO ENFORCE**

The Town may after public hearing waive one or more of these covenants, conditions, and protective bylaws. Neither Declarant nor its successors or assigns shall be liable to any Occupant of the subject property by reason of any mistake in judgment, negligence, nonfeasance, action, or inaction or for the enforcement or failure to enforce any provision of this Declaration. Every Occupant of any of said property by acquiring its interest therein agrees that it will not bring any action or suit against Declarant to recover any such damages or to seek equitable relief because of same.

**ARTICLE XI  
RUNS WITH LAND**

All covenants, conditions, protective bylaws, and agreements herein contained are made for the direct, mutual, and reciprocal benefit of each and every lot of the subject property; shall create mutual equitable servitudes upon each lot in favor of every other lot; shall create reciprocal rights and obligations between respective Occupants of all lots and privity of contract and estate between all grantees of said lots, their heirs, successors, and assigns; and shall, as to the occupant of each lot, his heirs, successors, and assigns, operate as covenants running with the land, for the benefit of all other lots, except as provided otherwise hereon.

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**ARTICLE XII  
RIGHTS OF MORTGAGES**

No breach of any covenant, condition, or protective bylaws herein contained, or any enforcement thereof, shall defeat or render invalid the lien of any mortgage or deed of trust now or hereafter executed upon the subject property or a portion thereof, provide, however, that if any portion of said property is transferred under a foreclosure of any mortgage or under the provisions of any deed of trust, any successors and assigns shall hold nay and all property so transferred subject to all of the covenants, conditions, and protective bylaws contained in this Declaration.

**ARTICLE XIII  
CAPTIONS**

No captions of articles and sections herein are used for convenience only and are not intended to be a part of this Declaration or in any way to define, limit, or describe the scope and intent of the particular article or section to which they refer.

**ARTICLE XIV  
EFFECT OF INVALIDATION**

If any provision of this Declaration is held to be invalid by any court, the invalidity of such provision shall not affect the validity of the remaining provisions hereof.

TOWN OF HAMPDEN

Proposed Amendment to the Zoning Ordinance  
 Additions via double underline  
 Deletions via strike out

3.1 Industrial Park District

3.1.1 Purpose - This district is established to provide a location for fully serviced industrial development. It is intended that land within this district will be protected from encroachment of non-industrial uses, however, the district also contemplates planned business parks with a more diverse mixture of uses and development standards implemented in a closely managed context.

3.1.2 Permitted Uses (Subject to Site Plan Review or Subdivision Review)

Manufacturing, compounding, assembling, packing, treatment, warehousing, wholesaling of goods and products, research and testing operations, business park, essential service, consulting operations, public or private utility service providers and their related operation, service and maintenance activities, accessory uses or buildings, other industrial operations which conform to all performance standards in this Ordinance.

In addition to the permitted uses set forth above, permitted uses within a Business Park may also include the following: Office and service businesses, government and institutional uses, places of assembly such as hotels, restaurants, and conference centers, retail sales in structures not exceeding 5,000 sq. ft. gross floor area, accessory uses or structures, day care facilities, essential services, buildings necessary for essential services. Provided that a master plan for a Business Park must be submitted and approved by the Planning Board as part of the subdivision review and approval process. The master plan shall indicate the full build-out of the subdivision including but not limited to: building footprint, building height, impervious surface, stormwater management, and traffic. The plan shall:

1. Depict the land area designated for the Business Park use.
2. Depict the lotting of the subdivision.
3. Establish the overall development criteria for the Business Park.
4. Propose covenants governing use and the appearance, size, and physical location of the building and other necessary site improvements.

3.1.3 Conditional Uses (Subject to Site Plan Review)

Living quarters for security personnel, buildings necessary for essential services, and buildings greater in height than thirty-five (35) feet subject to Site Plan Review.  
 (Amended 3-5-88, 6-15-92)

3.1.4 Lot Dimensions

	Typical	<u>Business Park only</u>
Minimum Lot Area	- 1 Acre	<u>20,000 sq. ft.</u>
Minimum Road Frontage	- 200 Feet	<u>50 feet</u>
Minimum Depth Street Yard	- 50 Feet	<u>20 feet</u>
Minimum Depth Other Yard	- 50 Feet	<u>20 feet</u>
Maximum Lot Coverage	- 25 percent	<u>30 percent</u>
Maximum Impervious Surface	- 60 percent	<u>70 percent</u>

3.1.5 Special District Regulations - In addition to the general regulations in Article IV of this Ordinance, the following specific requirements shall be applicable to the Industrial Park District:

1. When necessary to store or keep articles, goods and materials in the open, the area shall be limited to the rear two thirds of the property. Where necessary to protect the visual amenities of the Industrial Park, the planning board may require screening, as defined, around areas designed for the keeping of articles, goods, or materials where they are exposed to the public view.
2. Buildings in this district shall not be used for any of the following purposes: storage of junk, automobile wrecking, operation of a mine or quarry, rendering plant, or any business having appearance, odor, or noise characteristics detrimental to other businesses in the park, the future of the park, the neighborhood, or the Town of Hampden.
3. Notwithstanding other requirements in this section any structure which requires access to rail service shall not be required to setback from the railroad siding.
4. In order to protect the integrity of the industrial park, to insure that it is developed in a manner which fits harmoniously with the surrounding environment, and to prevent erosion, the planning board may require landscaping, with lawn, trees, or shrubs, of the front setback. It may also require landscaping of a buffer strip of up to twenty (20) feet on the side and rear lot lines. In such cases, an occupancy permit shall not be issued until the landscaping is complete or until a certified check for the amount of one hundred twenty-five (125%) percent of any unfinished work is accepted by the Town Manager.  
 (Amended 6-15-92)

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TOWN OF HAMPDEN

Proposed Amendment to the Zoning Ordinance

Additions via double underline

Deletions via strike out

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

Business park - A subdivision of a parcel of land of twenty or more acres into five or more lots when the subdivision is served by public water and sewer and is intended primarily for commercial and/or industrial development. For the purposes hereof, a parcel of land means all contiguous land in the same ownership.