



Town of Hampden

Town Planner

Memorandum

To: Town Council, Town Manager
 From: Karen M. Cullen, AICP, Town Planner *KMC*
 Date: July 9, 2020
 RE: Proposed Amendments to the Hampden Zoning Ordinance

The following is a summary of the proposed amendments to the Hampden Zoning Ordinance:

| No. | Section | Topic | Proposed Change & Comments |
|-----|---------|-----------------------------------|---|
| 1 | 3.2.1 | Multi-family | Require half of the open space to be recreational space; and require fire suppression infrastructure |
| 2 | 3.4.2.2 | Lot size, Business & TC districts | Eliminate a conflict in the ordinance |
| 3 | 4.3 | “rear” lots | Make section applicable to lots in any district, not just Rural. Note, these are limited to single family homes. |
| 4 | 4.7.2 | Buffers, multi-family | Add a requirement that any multi-family development in the Rural district must provide a class 3 buffer along each property line. (Class 3 is the most stringent.) |
| 5 | 4.7.5.7 | Signs, commercial districts | Add a provision addressing situations where there is a residence used for business purposes in the commercial districts. |
| 6 | 4.9.2 | Earth moving | Revise the provisions for exemptions to ensure an exemption granted for construction associated with a building permit or a subsurface wastewater disposal permit. Also reorganize the existing provisions so erosion and sedimentation control provisions apply to ALL earth moving activities (including exempted). |
| 7 | 4.24 | Medical marijuana, methadone | We are moving the medical marijuana dispensary and cultivation facility provisions to the Marijuana Ordinance, so delete them from here. Methadone clinics remain in the zoning ordinance. |
| 8 | 6.2.1 | Appeals to the BOA | Modify the section per the advice to the town’s attorney, to clarify what can be appealed to the BOA. |
| 9 | 7.2 | Definitions | Modifications to various definitions, addition of new ones as well. Note, the addition of those related to marijuana is due to the fact that the use table (§3.1.3) still has the various marijuana uses listed, since that is where we can regulate where they are allowed in town. |

The Planning Board discussed these proposed amendments at their June 16, 2020 Workshop and held a public hearing on July 8, 2020. There were no comments from the public (no one attended). One modification to the definition of “road or street” was made to clarify that a road that is shown on *and constructed in accordance with* an approved subdivision plan meets the definition of frontage. Note that §5.3.1.2 allows a building permit to be issued prior to the road being constructed to allow construction of houses to begin; §5.3.2.1.4 requires the road to be completed before a certificate of occupancy can be issued. We had amended the ordinance a couple of years ago to allow this, so we weren’t holding up house construction.

The Planning Board voted on each amendment separately, and recommended Town Council adopt the amendments as presented in the attached document. All votes were unanimous except for one (#3) where one member abstained due to a perceived potential conflict of interest.

Note that amendment #7, dealing with medical marijuana, goes hand in hand with the proposed amendments to the Marijuana Ordinance, which is discussed in a separate memo.

Action requested: hold a public hearing on the proposed zoning amendments, and take action to adopt the amendments as proposed.