



Town of Hampden

Planning Board

Wednesday January 11, 2017, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Administrative
 - a. Reorganization
 - b. Minutes – December 14, 2016 (pg 2-4)
2. Old Business – None
3. New Business
 - a. Public Hearing: Site Plan Review. Pine Tree Food Equipment – new construction. Jumping Jac Realty, LLC proposes a new 3,600 square foot building with associated parking at 17 Nadine's Way, Tax Map 10, Lot 49-C1. This parcel is in the Commercial Service district. (pg 5-20)
 - b. Discussion: Randal Atwood to discuss issues related to lot partially fronting on the vacated portion of Ledgewood Drive. (pg 21-27)
4. Town Planner's Report
5. Planning Board Comments
6. Adjournment



Town of Hampden

Planning Board

Wednesday December 14, 2016, 7:00 pm

Municipal Building Council Chambers

Minutes

In Attendance:

Planning Board

Eugene Weldon, Acting Chair

Kelley Wiltbank

Michael Avery

Andrew Scott, Alternate

Staff & Others

Karen Cullen, AICP, Town Planner

Tyler McIntosh

Acting Chairman Weldon called the meeting to order at 7:00 pm.

1. Administrative – minutes of November 9, 2016 meeting: Motion by Member Scott to approve as submitted, seconded by Member Avery, so voted 4/0/0.
2. Old Business: none.
3. a. Public Hearing: Site plan review application for a modification to an approved site plan for an existing firewood and Christmas Tree business at 5 Pond Road in the Rural district.

Acting Chairman Weldon read the hearing notice into the record and confirmed with Planner Cullen that the proper notice for the hearing had been given. He then opened the public hearing at 7:02 pm.

Tyler McIntosh, owner, gave a brief presentation, noting that nothing has changed since the site plan was approved last year in regard to the business itself. At the time of the original application, he was unsure of the specifics for the buildings so had noted “future buildings” on the site plan, which the Planning Board was not comfortable with so a condition was placed on that decision requiring removal of the building area, thus rendering the site unbuildable until the site plan is modified by the Planning Board. Mr. McIntosh is now ready to move forward with construction this spring. The location for the buildings will be in the old gravel pit area, far back from the road where they will not be visible.

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There being no other speakers on the application, Acting Chairman Weldon closed the hearing at 7:04 pm.

Town Planner Cullen reviewed her report on the application. Discussion on several points ensued:

- Christmas Tree operation will be small (100-300 or so trees, not thousands) and no trees will be ready for harvest for another 7 to 10 years. At this time Mr. McIntosh is unsure whether customers will come to the site or if he will cut trees and truck offsite. If sales are onsite, parking will be in the field area at the back of the site, not near the road.
- The driveway is currently between 1 to 1.5 vehicles wide, but they do not have any difficulty with two vehicles passing each other now. Board members were concerned if the driveway would be wide enough for customers to pass each other, in the event sales take place on the site.
- Drainage seems to be handled adequately, given the site where the buildings will be is an old gravel pit and it has not been excavated below the high water table.
- Lighting is not going to happen anytime soon; there is no power to the site and Mr. McIntosh isn't sure he will put it in due to the cost. Currently he uses a generator when power is needed. However, when the larger building is built he may want to extend power to the site and would like the option of having lights on the building. The Board is primarily concerned with the fixtures being downcast and not creating any glare or light trespass onto abutting properties.
- The Board agreed there was no need to include trees over 12" DBH on the site plan, given the nature of the site.
- Regarding signage, it was established that any future signs will be at the edge of the field near the road. After discussion the Board agreed that this business qualifies for two signs up to 16 square feet each under Section 4.8.5 of the Zoning Ordinance; they're interpretation of "farm products" and "agriculture" includes Christmas Trees. They further understand that the two sign faces could be mounted on a single sign structure. Mr. McIntosh indicated he would like to eventually have a 16 square foot sign with the name of the business on it, and removable panels that say "Christmas Trees For Sale" or "Firewood For Sale" (or something to that effect) which could be swapped out as the season dictates.

Motion by Member Wiltbank to approve the application and Planning Board Order as amended, including the findings which are detailed in the Order, and to grant a waiver to the requirement for items to be shown on the site plan as

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detailed in the Town Planner's report; seconded by Member Scott; passed by unanimous vote (4/0/0).

- b. Stormwater Management Training – Planner Cullen gave a presentation on stormwater management in Hampden. She reviewed the basics of our program, gave updates on progress made in the last couple of years and briefly discussed what we expect for changes in the next MS4 stormwater permit cycle.

4. Planning Board Comments: None.

Planner Cullen asked the Board if they would be willing to consider changing the date of the January meeting at the request of an engineer representing the two applications tentatively scheduled for public hearing in January, who is unable to attend on January 11th. After discussion, it was decided to keep the January meeting date and the hearing will be held in February if no one is available to represent the applicants. Planner Cullen noted that as of now, there is no other business scheduled for the January meeting.

The meeting was adjourned at 8:36 pm by motion of Member Wiltbank with second by Member Avery; motion carried 4/0/0.

Respectfully submitted by Karen Cullen, Town Planner

Materials reviewed at the meeting:

- Application, Report from Planner Cullen, and draft Planning Board Order, Tyler McIntosh site plan
- PowerPoint presentation given by Planner Cullen on Stormwater Management in Hampden

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Town of Hampden
Land & Building Services



Report on Application
Site Plan

Pine Tree Food Equip., Nadine's Way

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: January 3, 2017
RE: Report on Site Plan Application for Pine Tree Food Equipment

Project Information

Applicant: Jumping Jac Realty. LLC
Site Location: 17 Nadine's Way; Parcel 10-0-049-C1
Zoning District: CS – Commercial Service
Proposal: Construct a new building with attendant parking and loading areas for a food equipment dealer. The building will have 2,400 square feet of office space and 1,200 square feet of shop area. The parcel is 1.17 acres with frontage on Nadine's Way and Mecaw Road, with entrances on both roads to facilitate truck traffic in and out of the site.

I have reviewed this application and have determined it to be in compliance with the requirements of Section 4.1, Site Plan Review, of the Zoning Ordinance, with two minor exceptions which will probably be taken care of before the meeting.

4.1.6, Required Information on Plans, has been complied with for the most part, but the following specific items need further clarification at the meeting:

5. *The location of buildings on abutting properties within 300 feet of the site.* Three such parcels have buildings which are not currently shown on the plan: 54 Nadine's Way, 60 Mecaw Road, and 81 Mecaw Road.
11. *Location of existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc.* The size of the new ditch at the entrance to Mecaw Road has not been given.

Note, item 13 is not applicable to this proposal.

DPW Director Sean Carrier has reviewed the plan and offered several comments, which have been passed on to the applicant's engineer. He deferred stormwater issues to our peer review engineers.

1. The silt fence should be continuous across the back of the lot;
2. Snow storage areas are not shown (they are not required to be shown per §4.1.6) and he would like to know where snow will be stored;
3. The two proposed entrances are okay.

We have received a memorandum from our peer review engineers, Woodard & Curran (attached). I had requested that they limit their review to just the stormwater issues. As you will see in the submission from Jim Kiser (the applicant's engineer), this development falls below the threshold requiring a Stormwater Law Permit. However, the site is within the MS4 regulated area of Hampden (the "Urban Area") and is within the Sucker Brook watershed. Our concern is to limit the amount of non-point source pollution that reaches the town's stormwater drainage system, which includes Nadine's Way and Mecaw Road, since any pollutants in the system become the Town's responsibility to address, via the MS4 Permit requirements.

It is important to remember that the plan meets all regulatory requirements and I have requested that Kiser & Kiser look at the plan to see if there are any minor (and inexpensive) modifications that could be made voluntarily to minimize untreated stormwater entering the town's drainage system.

The application and plans are attached to this report for your review. In addition, a draft Order (decision) is also attached for your review.



ENGINEERING & DEVELOPMENT CONSULTING

22 November 2016

**Town of Hampden
RECEIVED****NOV 23 2016****Planning & Zoning
Office**

Karen Cullen
Town Planner
106 Western Ave
Hampden, ME 04444

Site Plan Application, Pine Tree Food Equipment, Nadine's Way

Dear Karen,

On behalf of Jumping Jac Realty, we are submitting this Site Plan and application for the new Pine Tree Food Equipment facility on lot 1 of the Macaw Road Business Park. The lot is a 1.17 ac parcel of land with frontage on Macaw Road and Nadine's Way. The facility will have both office space (2,400 sf) and shop area (1,200 sf) for this food equipment dealer. The site development will provide for access on both Macaw Road and on Nadine's Way. The driveway entrance is already in place on Nadine's Way. This dual access design will allow for truck movement off of the public roads.

The lot has been cleared in the past and partially filled, in preparation for development, since subdivision approval. The development proposal will require minimal additional clearing of trees on the lot. The property is served by municipal water and sewer which both are from Bangor systems. The capacity to serve these lots was established at the time of the subdivision approval. However, the development is estimated to use/generate less than 120 gpd of water/wastewater.

The site design provides for 10 parking spaces with one handicap space. This value is based on office space and no additional parking is required for the shop as employees are associated with the office area.

Based on subdivision approval, the lot is required to address stormwater management at the time of development. This site is graded to primarily sheet flow water off of the paved and grassed areas. Most of the stormwater will flow toward Nadine's Way and into the ditch system designed for the road. A small amount of runoff will migrate off the back and side of the lot and into the existing wooded areas.

The total new impervious area is 10,775± sf with approximately ¾ ac of disturbed area required for construction. The project is located in the watershed of Sucker Brook; however, Sucker Brook is not currently an urban impaired stream. Based on the amount of new impervious area and total disturbed area, this project will not require a Stormwater Law permit. In addition, this property is not in the regulated MS4 area, as shown on the MS4 map for Hampden.

The project will have little impact on traffic in the area and the project does not need an entrance permit from the MDOT.

We look forward to working with the town on this project and if you have any questions or comments, please contact us at your earliest convenience.

Best Regards,

A handwritten signature in black ink, appearing to read 'J R K.', written over the typed name 'James R. Kiser, PE'.

James R. Kiser, PE
Kiser & Kiser Company

Enc.

C: Rick Strout



SITE PLAN/CONDITIONAL USE APPLICATION

Please note: Application must be submitted with site plans in conformance with Section 4.1 and 4.2 of the Hampden Zoning Ordinance. Incomplete plans will not be processed.

Date: 17 November 2016

APPLICANT: Name: Jumping Jac Realty, LLC

Address: 78 Cape Road, Raymond, ME 04071
Phone: Fax: Cel: Email:

AGENT: Name of agent or representative: Jim Kiser, Kiser & Kiser Co.

Address: PO Box 282, Hampden, ME 04444
Phone: 862-4700 Fax: Cel: 852-9562 Email: jim@kiser-kiser.com

THE SITE: Location of site: 17 Nadine's Way Hampden tax map and lot number: 10-49-C1
Zoning district: Commercial Service Existing use of property: Vacant lot
Legal interest in the parcel: own

Owner of parcel if other than applicant: Same

Owner's address: Same

PROPOSED PROJECT: Proposed use of property: Retail/Service business
(Please include floor area per use, seating if applicable, and land area). 2,400 sf office/retail, 1,200 sf shop
Proposed starting date: Dec 2016 Final completion date: July 2017

FEES: Application fee is: \$75.00 for structures under 3,000 sq. ft. and total site improvements under 5,000 sq. ft.; \$150.00 for structures between 3,000 and 20,000 sq. ft. and total site improvements under 50,000 sq. ft.; and \$500.00 for structures in excess of 20,000 sq. ft. and more than 50,000 sq. ft. of site improvements. Application fee amount: \$150.00

DRAW ACCOUNT: The Town of Hampden requires applicants to contribute \$600.00 for the Town to hire a consulting engineer to review their plans and, if necessary, \$1,000.00 for an engineer to review their traffic analysis. Draw account contribution is: (Any unspent portion of the draw account will be returned to applicant, however; if additional funds are required applicant agrees to cover all costs that the Town of Hampden may incur. Complete and accurate submissions require less time to review).

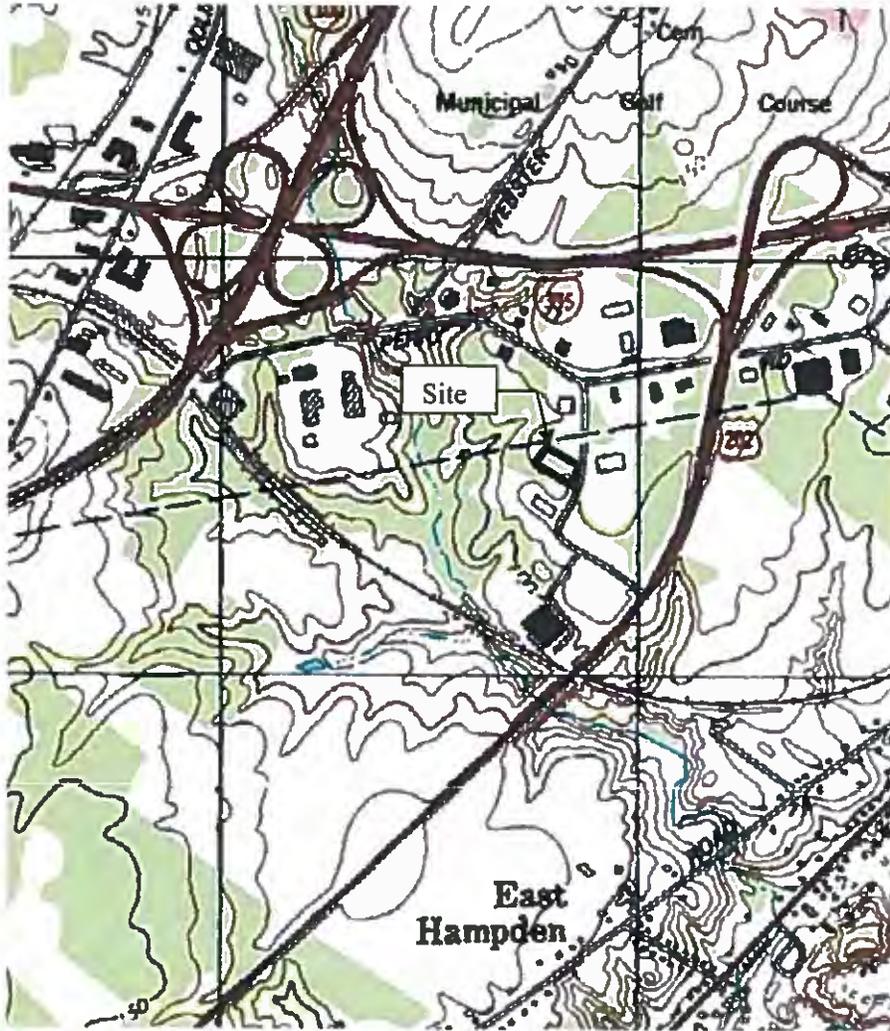
CERTIFICATION: By signing this form I certify that the information provided on these plans, text, and associated testimony is true and correct. I certify that all site improvements will be constructed in strict conformance with Planning Board approved plans. Furthermore, I acknowledge that failing to construct site improvements in accordance with the zoning ordinance and Planning Board approved plans that I am obliged to take corrective action that may include obtaining a revised Planning Board approval or the removal of non-conforming uses and structures and site improvements. (Agents that lack authority to certify said items should not sign this form).

Signature: [Handwritten Signature] (Agent) Date: 17 November 2016

OFFICE USE ONLY

Date received: 11-23-2016 Date complete: 12-19-2016
Fees paid: Amount/Date: 8150- Draw paid: Amount/Date: 8500-
Conditional Use determination: NA
Planning Board action: Date:
Conditions:

USGS Map
Pine Tree Food Equipment
Hampden, Maine



Bangor Quad, Scale 1"=1500'

Soils Map

Pine Tree Food Equipment

Hampden, Maine



NRCS Medium Intensity Soils Map, Scale 1"=1000'

Bu	Buxton silt loam
Sc	Scantic silt loam

QUITCLAIM DEED WITH COVENANT

MOYSE PROPERTIES, LLC, a Maine limited liability company with a principal place of business at Bangor, Penobscot County, Maine, for consideration paid, grants to **JUMPING JAC REALTY, LLC**, a Maine limited liability company with a mailing address of 78 Cape Road, Raymond, Maine 04071, with Quitclaim Covenant, the land, together with any buildings or improvements thereon, in Hampden, Penobscot County, Maine, described as follows:

Lot 1 as shown on the Final Subdivision Plan, Mecaw Road Business Park, Bangor/Hampden, Penobscot County, Maine dated March 15, 2005, and recorded in Penobscot County Registry of Deeds Map File 2005-55.

TOGETHER WITH the terms and SUBJECT TO the restrictions set forth in the Easement and Sewer Line Agreement between R. H. Foster Energy, LLC and Sally A. Merrill dated June 29, 2004 and recorded in Book 9477, Page 172 of the Penobscot County Registry of Deeds, as assigned by Assignment of Easement and Sewer Line Agreement dated August 17, 2004 and recorded in Book 9495, Page 200 of said Registry.

SUBJECT TO the following:

1. Easement from David and Nadine Moyse to Bangor Hydro-Electric Company dated July 18, 2005 and recorded in Book 10033, Page 53 of the Penobscot County Registry of Deeds;
2. Easement from Mecaw Road Developers, LLC to Verizon New England, Inc. dated June 5, 2006 and recorded in Book 10539, Page 254 of the Penobscot County Registry of Deeds.

FURTHER SUBJECT TO the Declaration of Covenants and Conditions, Mecaw Road Business Park, dated December 13, 2005 and recorded in Book 10232, Page 255 of the Penobscot County Registry of Deeds.

Being a portion of the premises conveyed to Moyse Properties, LLC by deed of David and Nadine Moyse, dated January 21, 2010 and recorded in Book 12040, Page 181 of the Penobscot County Registry of Deeds.

Being a portion of the premises conveyed to Moyse Properties, LLC by deed of David and Nadine Moyse, dated January 21, 2010 and recorded in Book 12040, Page 181 of the Penobscot County Registry of Deeds.

IN WITNESS WHEREOF, Moyse Properties, LLC has caused this instrument to be signed in its corporate name and sealed with its corporate seal by Nadine Moyse, its Member, hereunto duly authorized, this 18 day of April, 2016.

WITNESS:

[Signature]

MOYSE PROPERTIES, LLC

By: Nadine F. Moyse
Nadine Moyse
Its Member
Hereunto Duly Authorized

STATE OF MAINE
PENOBSCOT COUNTY

April 18, 2016

Then personally appeared the above-named Nadine Moyse and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said Moyse Properties, LLC.

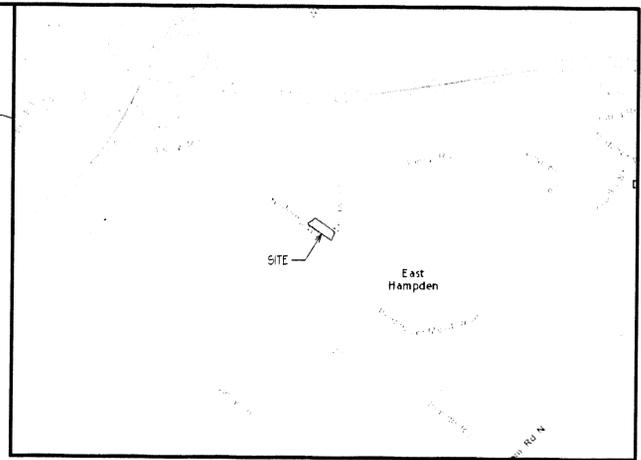
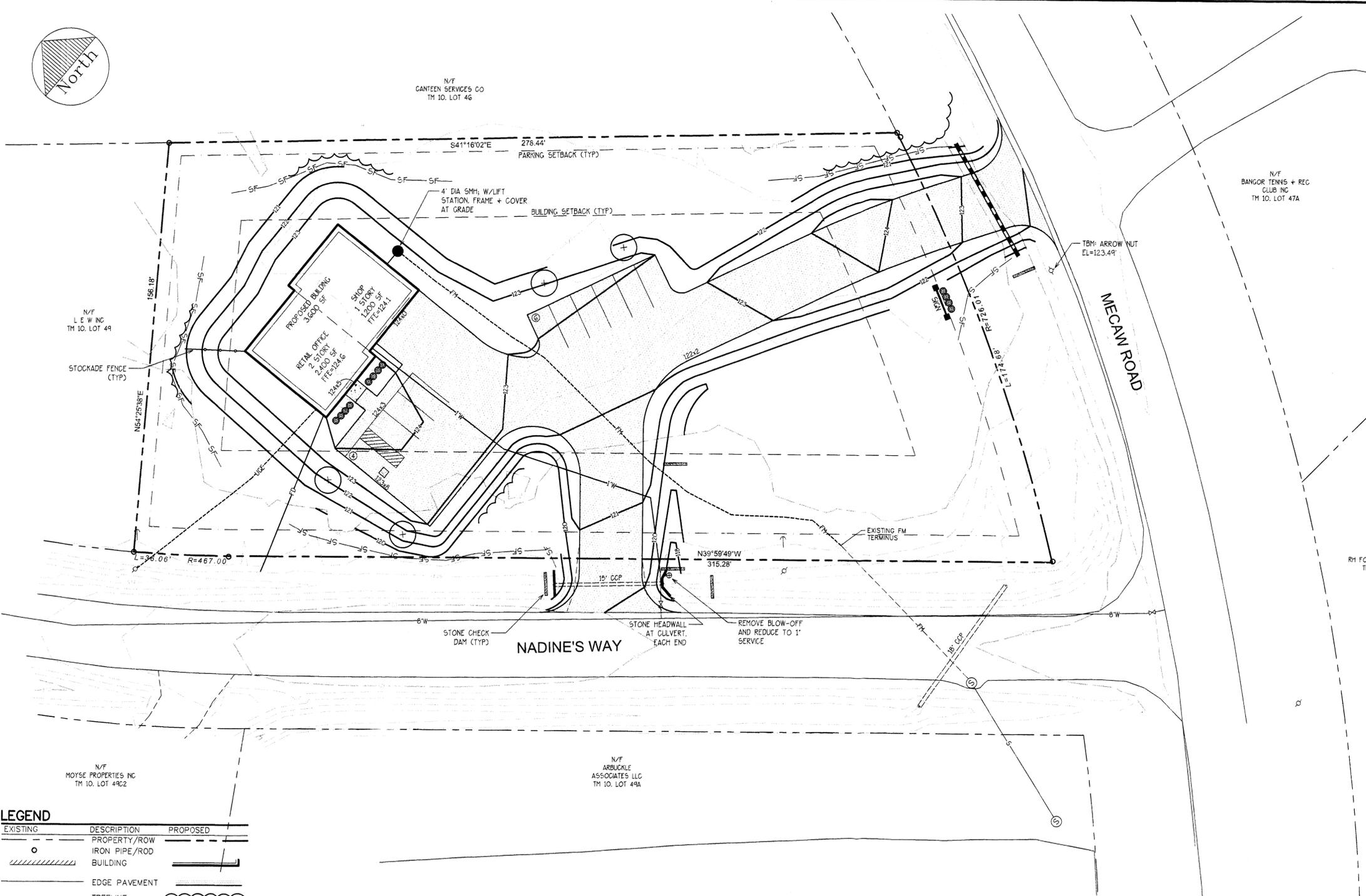
Before me,

[Signature]
Notary Public/Maine Attorney-at-Law

Printed Name: CHARLETTHE J AUSTIN

Maine Real Estate
Transfer Tax Paid

PENOBSCOT COUNTY, MAINE
Susan F. Bulay
Register of Deeds



LOCATION MAP
NOT TO SCALE

GENERAL NOTES:

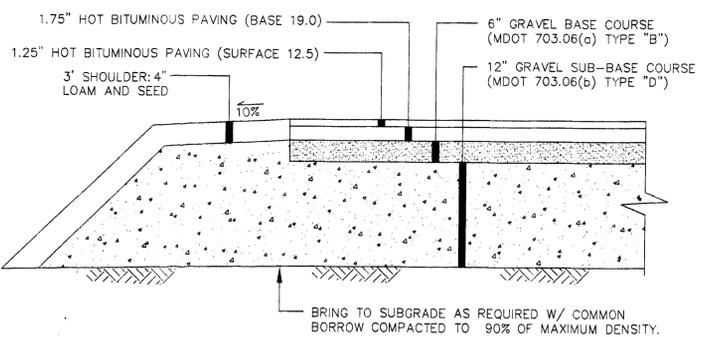
- RECORD OWNER OF PROPERTY IS JUMPING JAC REALTY, RAYMOND, MAINE BY DEED RECORDED IN PENOBSCOT COUNTY REGISTRY OF DEEDS BOOK 14127, PAGE 3. TOTAL AREA OF PARCEL IS 51,111 SF.
- THE PROPERTY IS SHOWN ON HAMPDEN'S TAX MAP 10 AS LOT 48-C1. THE PROPERTY IS LOCATED IN THE COMMERCIAL SERVICE (CS) DISTRICT, SPACE AND BULK

MIN LOT SIZE	20,000 SF
MIN ROAD FRONTAGE	100 FT
STREET YARD	40 FT
OTHER YARDS	30 FT
MAX GROUND COVERAGE	25%
MAX BLDG HGT	35 FT
- TOPOGRAPHIC INFORMATION FOR PROPERTY BASED ON SURVEY BY SHYKA, SHEPPARD + GARSTER, LAND SURVEYORS, BANGOR, MAINE. BOUNDARY INFORMATION IS BASED ON FOUND IRON PINS AND SUBDIVISION PLAN TITLED "MECAW ROAD BUSINESS PARK", RECORDED IN THE PENOBSCOT COUNTY REGISTRY OF DEEDS AS PLAN FILE 2005-55. ELEVATION DATUM IS NAVD 88 BASED ON TIES TO BENCHMARK B-159, PID-PE0471, ELEVATION 40.88. PROPOSED USE IS RETAIL/SERVICE BUSINESS.
- PARKING ALLOCATION:

USE	REQUIRED	PROVIDED
RETAIL OFFICE (2,400 SF)	10	10
SHOP (1,200 SF)	0	0
TOTAL	10	10
HANDICAP	1	1
- THE PROPERTY IS SHOWN ON THE FLOOD RATE INSURANCE MAP FOR THE TOWN OF HAMPDEN MAP NUMBER 2301680021B AND IT IS OUTSIDE THE 100 YR FLOOD AREA.
- PROPERTY IS SERVED BY PUBLIC WATER AND MUNICIPAL WASTEWATER. BOTH SERVICES PROVIDE THROUGH THE CITY OF BANGOR. UTILITY INFORMATION SHOWN IS BASED ON SURVEY OF OBSERVABLE CONDITIONS AND OWNER'S RECORDS. CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS AND CALL DIG SAFE PRIOR TO CONSTRUCTION.
- TOTAL NEW IMPERVIOUS AREA IS 10,775+ SF. TOTAL DISTURBED AREA IS ESTIMATED AT 35,000+ SF.
- THIS PROJECT DOES NOT REQUIRE A MAINE DEP STORMWATER PERMIT DUE TO NEW IMPERVIOUS AREA OF LESS THAN 1 AC AND DISTURBED AREA OF LESS THAN 1 AC.
- SITE LIGHTING IS TO BE PROVIDED BY ENTRANCE BUILDING LIGHTS ONLY.
- EROSION CONTROL TO BE PROVIDED WITH SILT FENCE AND HAY MULCH. ALL DISTURBED AREAS NOT OTHERWISE NOTED FOR SURFACE TREATMENT SHALL BE LOAMED AND SEEDED AND PROTECTED WITH HAY MULCH. ALL EROSION CONTROL TO BE IN ACCORDANCE WITH THE MFG RECOMMENDATIONS AND THE MAINE BMP MANUAL. ENGINEER MAY REQUIRE ADDITIONAL PROTECTION BASED ON CONDITIONS PRESENT DURING CONSTRUCTION.

LEGEND

EXISTING	DESCRIPTION	PROPOSED
○	PROPERTY/ROW	---
○	IRON PIPE/ROD	---
▨	BUILDING	▨
---	EDGE PAVEMENT	---
~	TREELINE	~
124	CONTOURS	124
W	WATER	W
S	SEWER	S
SD	STORM DRAIN	SD
---	CULVERT	---
---	UNDERGROUND ELEC. & TEL.	---
---	GATE VALVE	---
○	UTILITY POLE	○
○	HYDRANT	○
○	DECIDUOUS TREE	○
○	CONIFEROUS TREE	○
○	ORNAMENTAL BUSH	○
○	SILT FENCE	○



TYPICAL PAVEMENT SECTION
NOT TO SCALE



REV:	DATE:	BY:	COMMENTS:
DATE:	11 NOV 16	DESIGN BY:	JRK
SCALE:	1"=20'	PROJ. NO.:	686

SITE PLAN
PINE TREE FOOD EQUIPMENT
 17 NADINE'S WAY
 HAMPDEN, MAINE

FOR:
JUMPING JAC REALTY, LLC
 78 CAPE ROAD
 RAYMOND, ME 04071

KISER

ENGINEERING & DEVELOPMENT CONSULTING
 PO BOX 282, HAMPDEN, MAINE 04444
 207-862-4700

*50965' of 4/21/214 2114
 10795' total volume 100%
 16926860 SF 5.544824622
 0.01498 16.05*



MEMORANDUM

TO: Karen M. Cullen, AICP, Town Planner
FROM: Zach Henderson & Craig Sweet, EIT
DATE: December 27, 2016
RE: Pine Tree Food Equipment, Stormwater Peer Review

Woodard & Curran has reviewed the Pine Tree Food Equipment Site Plan Application located at 17 **Nadine's** Way in Hampden, Maine. We have reviewed the project in relationship to its location within the Sucker Brook watershed and to provide background on current or potential future regulatory obligations for stormwater discharges within this watershed.

The Applicant is proposing to disturb approximately 35,000 square feet with an increase in impervious area of 10,775 square feet on Lot 1 within the Macaw Road Business Park. The applicant has indicated that the individual lot development falls under the thresholds for stormwater permit requirements under the Maine Stormwater Management Law. It is not within the purview of this memorandum, but it should be noted that individual **projects within a "common scheme of development" are regulated as a part of** the larger subdivision and should be considered in the context of the original subdivision or site law permit requirements for the Macaw Road Business Park. The original permit for the Macaw Road Business Park have not been reviewed as a part of this effort.

In order to evaluate the potential "clean water" regulations for this project site, Woodard & Curran reviewed the Draft 2014 Integrated Water Quality Monitoring and Assessment Report (Report) prepared by the Maine Department of Environmental Protection (MaineDEP). Every two years that State of Maine is obligated to develop an update to the Report **regarding the status of Maine's waters. This Report** defines the status of waterbodies and currently classifies the Class B Sucker Brook as a 4-A category waterbody. These classifications are defined as follows:

- A Class B stream is classified by the State of Maine as a water body that should provide the following uses: drinking water supply after treatment, recreation in and on the water, fishing, agriculture, industrial process and cooling water supply, hydroelectric power generation, navigation and habitat for fish and other aquatic life. Discharges into a Class B waterbody shall not cause adverse impact to aquatic life in that the receiving waters shall be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes to the resident biological community.
- A category 4-A waterbody is a designation given by MaineDEP for a waterbody that is impaired or threatened for one or more designated uses and already has a Total Maximum Daily load (TMDL) assessment approved by the EPA.

Sucker Brook has been assessed by MaineDEP as not meeting water quality standards for dissolved oxygen, and aquatic life use, and has been listed as an impaired water. The Clean Water Act requires that all impaired waters undergo a TMDL assessment that describes the impairments and establishes a target to guide the measures needed to restore the water quality. This assessment has been undertaken and applies to a 2.5-mile section of Sucker Brook, located in the City of Bangor and Town of Hampden, Maine.

Sucker Brook, is a small tributary of the Penobscot River that begins near the southeastern end of the runway at Bangor International Airport. The stream flows south through the exchanges off of I-95 exit



182, between I-95, I-395, and US Route 2. It then flows south into a forested area as it passes into Hampden near Perry Rd. The brook then flows through open pasture before and after it passes under US Route 202. It flows under ME Route 9 / US Route 1A into medium intensity development. Shortly thereafter, it flows southwest into the Penobscot River. The Sucker Brook watershed covers 1,766 acres in the City of Bangor and the Town of Hampden. It appears from cursory review of aerial photos that drainage systems along roadways within from the Macaw Road Business Park **and along Nadine's Way** may discharge stormwater into the Sucker Brook. If the drainage system in the Macaw Road Business Park is owned or operated by the Town of Hampden, the Town is obligated under its MS4 General Permit to meet the obligations of any approved TMDL.

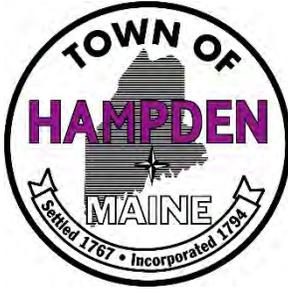
*General Permit for the Discharge of Stormwater from Small
Municipal Separate Storm Sewer Systems (MS4 General Permit) Part IV. K*

*"If the waterbody to which a discharge drains is impaired and has an EPA approved TMDL, then the discharge must be consistent with the TMDL waste **load allocation ("WLA") and any implementation plan.** This general permit does not authorize a direct discharge that is inconsistent with the WLA of any EPA approved TMDL."*

The MaineDEP completed a TMDL for Sucker Brook and received approval for the TMDL in 2012 from the EPA. The TMDL assessment states that the biggest source of pollution and stream channel alteration to Sucker Brook is stormwater generated from impervious cover. The MaineDEP indicates that the Sucker Brook watershed has 25% of its land area covered by impervious surfaces and the TMDL requires a reduction of **"effective"** impervious surfaces to 8% to meet the TMDL. The MaineDEP recommends utilizing Best Management Practices and Low Impact Development techniques outlined in the Maine Stormwater Best Management Practices Manual to reduce the impact of runoff generated from impervious surfaces both currently existing and proposed within the Sucker Brook watershed. By providing stormwater treatment for impervious surfaces, the impervious cover is considered **"disconnected" and therefore results in a reduction of effective impervious surface. Any increase in** impervious surfaces within Sucker Brook may further challenge the Town of **Hampden's regulatory** obligations under its MS4 General Permit regarding the Sucker Brook TMDL.

It does appear from the Pine Tree Food Equipment Site Plan, dated 11 Nov 16, that the siting of the new impervious area will not result in directly piped stormwater drainage into the Nadine Way drainage system. Short of requiring stormwater treatment under the original Macaw Road Subdivision Permit, we recommend that the Town of Hampden work with the applicant to minimize the potential for stormwater drainage connectivity to the Nadine Way drainage system. This may be accomplished by refining site grading to maximize sheet flow to natural areas on the lot and through reduction or elimination of ditching around the Nadine Way entrance which currently routes stormwater to the Nadine Way drainage system. The applicant should attempt to maximize onsite retention and infiltration wherever possible as any discharge into a municipal drainage system within the Sucker Brook watershed may result in a violation for the Town of Hampden under the MS4 General Permit related to TMDL provisions (Part 1.D.4).

Please contact our office if you have any questions.



Town of Hampden
Land & Building Services

Planning Board Order
Pine Tree Food Equip. Site Plan

Approval Date: January 11, 2017

Project Name: Pine Tree Food Equipment

Location of Project: 17 Nadine's Way

Assessor's Reference: 10-0-049-C1

Deed Reference: B14127/P3

Zoning District: Commercial Service

Total Acreage: 1.17 acres

Type of Use: Office, retail, and industrial

Building Area: 3,600 square feet (2,400 in office use, 1,200 in shop use)

Applicant: Jumping Jac Realty, LLC
78 Cape Road
Raymond, ME 04071

Owner: Same as Applicant

Plans Prepared by: Kiser & Kiser Co.

Plans Dated: November 11, 2016

Application Date: November 23, 2016

Public Hearing: January 11, 2017

*PB Members:*¹ Peter Weatherbee, Michael Avery, Kelley Wiltbank, Joan Reilly, James Davitt, Eugene Weldon, and Morton Syversen.

PB Action: Approved with conditions. This Site Plan is approved under Section 4.1 of the Hampden Zoning Ordinance.

¹ Planning Board Members who were eligible/appointed to vote on this case.

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Summary Description of Application: This application is to build a 3,600 square foot building on the site to house a food equipment dealership. The building will have two areas, an office and retail area of 2,400 square feet and a shop area of 1,200 square feet. There will be a parking area with 10 spaces, one of which will be handicap. There are loading spaces by the shop area to accommodate trucks bringing equipment to and from the business. One half of the building is two story, with a showroom and office space on the main level and additional office space on the upper level. The site is within the Mecaw Road Business Park subdivision, approved in 2005.

Findings: After the public hearing duly noticed and held, the Hampden Planning Board made the following findings as required by Section 4.1.7 of the Hampden, ME Zoning Ordinance:

1. The proposed project meets the provisions of all applicable regulations and ordinances of the Town of Hampden and meets the intent of the comprehensive plan, given that it is the development of a lot within a business park with a permitted use.
2. The proposed project is consistent with generally acceptable design practices and is properly integrated with the terrain and existing buildings in the vicinity, given that the site is relatively flat and the building will be located in the back corner, furthest from Mecaw Road, and will need a modest amount of fill for construction.
3. The proposed project provides for safe ingress and egress for vehicles, given that the existing driveway on Nadine's Way is appropriately located on the road and will not interfere with other traffic, and the proposed new entrance on Mecaw Road is located as close to directly across the road from the entrance to the tennis club as possible, given the existing hydrant to the south of the new driveway. The site will not create pedestrian traffic and will create minimal vehicular traffic.
4. The proposed project provides for safe on-site circulation for vehicles and pedestrians, given that there will be little traffic and there are two driveways to facilitate truck traffic.
5. Any signage and exterior lighting for the proposed project will comply with the applicable regulations of the Zoning Ordinance and will not present a hazard due to location, glare, or other conditions that negatively impact abutting property or the travelling public.
6. The proposed building is properly integrated with the existing topography and natural features of the site, given the proposed location on the site and the modest amount of fill required.
7. The proposed project minimizes earthmoving, erosion, tree clearance, vegetation disturbance, and the destruction of natural amenities, given that the building will require only a modest amount of fill.
8. The slopes created for this project will have 4 inches of loam and will be seeded to prevent erosion.
9. The proposed project provides adequate stormwater management to prevent adverse impacts on neighboring properties, downstream water quality, or any public or private

stormwater drainage system, and prevents soil erosion, given that the project adds very little impervious surface to the Sucker Brook watershed (0.014%) and will have negligible impacts on the stormwater management system for the watershed. There will be 21.14% impervious surface on the site, and the stormwater management on the site is sheet flow to the existing ditches and a small amount to the back of the site.

10. The proposed project will not have a negative impact on existing scenic or natural beauty, rare or irreplaceable historic sites, or other features of importance to the community, given that the area where the building is proposed is within an existing business park and is not, so far as has been identified, a historic site.
11. The proposed project will not create an undue burden on utilities (e.g. sanitary sewer, stormwater drainage system, water lines), nor on municipal services (e.g. public safety, schools, open spaces, recreational facilities or programs, roads, solid waste disposal), given that the project will not create a significant demand on utilities, is non-residential, and will not produce significant amounts of traffic or solid waste.
12. The proposed project is designed to ensure adequate setbacks and screening for all exposed storage areas, machinery installations, service areas, truck loading areas, utility buildings, and any accessory areas and structures to provide audio/visual buffers that will minimize adverse impacts on surrounding properties, given that the building and loading area are situated as far from the roads as possible.
13. The proposed project will not have any unreasonable adverse impact on surface water quality, ground water quality, ground water quantity, soil quality, or air quality, given that it is below the threshold requiring MDEP stormwater permits and is designed to discharge the smallest amount of runoff directly into the ditches as possible.

Based on these findings, the Hampden Planning Board voted _____ to approve the Site Plan for Jumping Jac Realty, LLC to construct a building at their property at 17 Nadine's Way as previously described, subject to the following conditions:

- 1.

For the Hampden Planning Board:

Peter Weatherbee, Chairman

Date

Michael Avery

Kelley Wiltbank

Eugene Weldon

Morton Syversen

James Davitt

Joan Reilly

Notes:

1. *A copy of this decision is on file with the Land & Building Services Office at the Town Offices, 106 Western Avenue, Hampden, ME 04444.*
2. *This decision is subject to appeal in accordance with Article 6 of the Hampden Zoning Ordinance within 30 days after the date this decision is made by the Planning Board.*

DRAFT



Town of Hampden
Land & Building Services

Memorandum

To: Planning Board
 From: Karen M. Cullen, AICP, Town Planner *KMC*
 Date: January 4, 2017
 RE: Ledgewood Drive

We have received several inquiries lately about the land at the end of Ledgewood Drive. The owner, Randal Atwood, would like to split the large (12 acre) parcel into two lots, one (about 2 acres) for the existing house and the remaining 10 acres to be a separate lot, which at this time is proposed to be sold to the abutting landowner (not a lot within the original subdivision). Mr. Atwood's surveyor has suggested an easement could be used for frontage and the latest inquiry was whether that would be possible. I have researched this issue and have concluded the following:

1. The subdivision was approved by the Hampden Planning Board in July 1966. See attached plan.
2. The first 800 feet of the road was constructed in 1968 and was accepted by the Town shortly thereafter.
3. The end of the road and cul-de-sac, having not been constructed and not accepted by the Town, was thus a Private Way. See aerial maps⁸ attached.
4. Under Maine Revised Statutes, Title 23 Section 3032 (attached), the portion of the subdivision road layout that was not constructed and accepted was automatically vacated on September 29, 1997, because it had not been constructed or used as a way, nor had it been accepted as a town, county, or state way or highway or as a public utility or recreational easement. At that point, the lots fronting on that end of the road where less than 200 feet of the lot's frontage was on the accepted portion of the road became non-conforming (assuming the frontage requirement in 1997 was 200 feet). This impacts lot 9-0-073 (32 Ledgewood Drive) and lot 9-0-73-1 (33 Ledgewood Drive).
5. Maine Revised Statutes Title 23 Section 3033 includes provisions regarding claiming ownership of the land area that was vacated. I am unaware of any notice under this section having been filed in the Registry of Deeds. I do not know what other Maine laws or court cases exist pertaining to ownership of the land area of vacated ways. In many states the common practice is that the abutting land owners own to the centerline of the right-of-way that has been vacated, but I don't know if this is the case here in Maine.
6. Hampden's Zoning Ordinance provides definitions of road frontage and of road (see below). By these two definitions, the vacated portion of Ledgewood Drive clearly does not meet the definition of a road that can be counted as frontage.

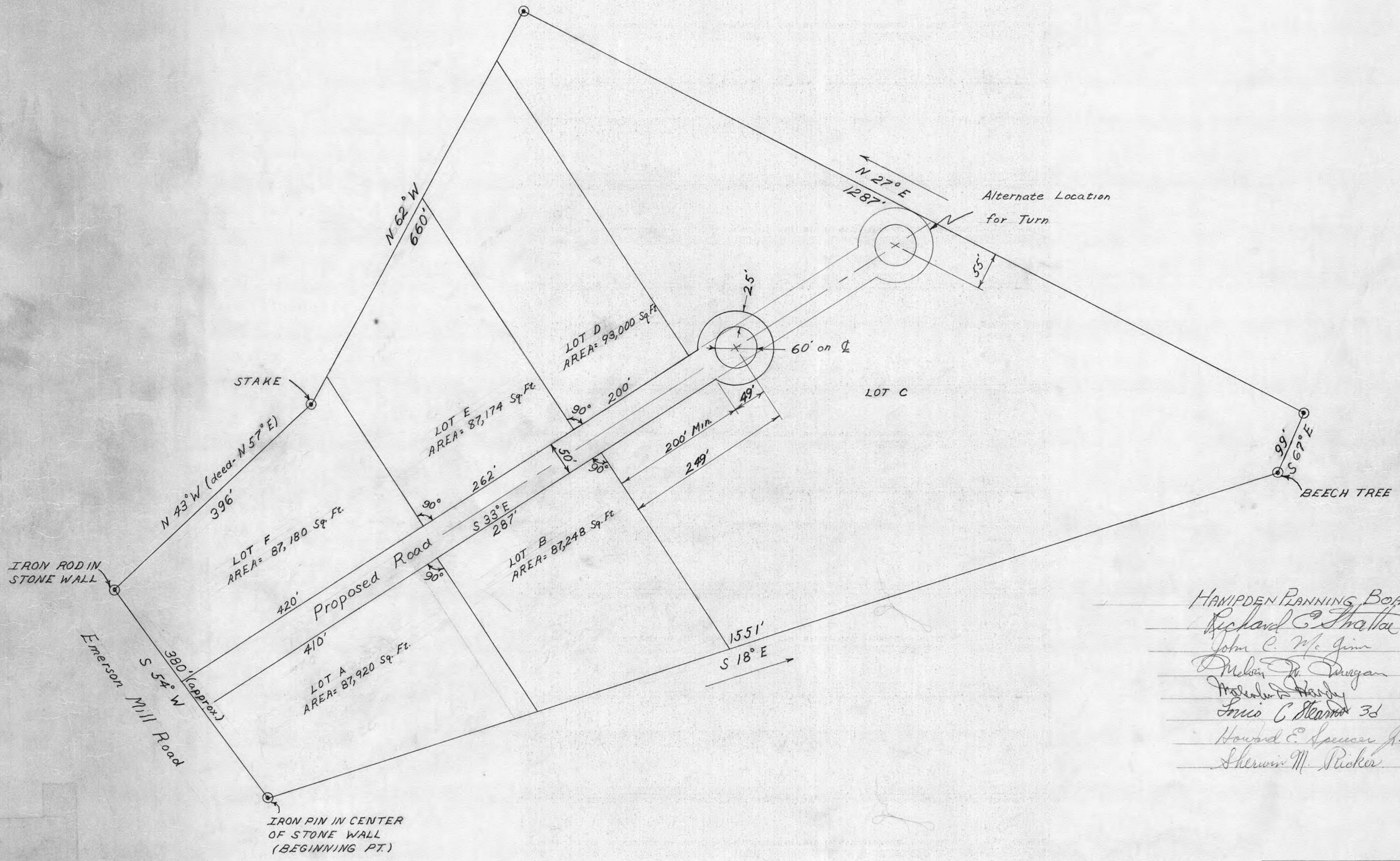
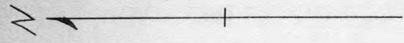
Frontage, road: The continuous horizontal distance on a street or road, as defined by Article 7.2 [the definition section of the ordinance], between the intersection of the side lot lines with the front lot line. An abandoned/discontinued road is not considered accepted road frontage. For a lot to meet minimum road frontage requirements for establishment of uses under the requirements of

Article 3 of this Ordinance, the lot width must equal at least the minimum road frontage required (in the applicable district) for the continuous distance from the front lot line to the front setback line. (Amended: 6-3-02)

Road or street: Shall mean a right-of-way in the Town of Hampden intended for motorized traffic which is either: a. owned, established and maintained by the Town of Hampden, the County of Penobscot, or the State of Maine, or b. is shown on a plan of a subdivision which has been duly approved by the Hampden Planning Board and recorded in the Penobscot County Registry of Deeds and has not been vacated as a result of 23 M.R.S.A. § 3032, 23 M.R.S.A. § 3031, 23 M.R.S.A. § 3027, or 23 M.R.S.A. § 3027-A. (Amended: 6-3-02)

It appears to me that in order to subdivide or split off a lot from parcel 9-0-73, the subdivision plan would have to be amended to re-establish the right-of-way, and the end of the road would need to be constructed. This could, in theory, be done either as a public road or as a private road. Another possibility, if the ten acres is to be sold to the abutting land owner (parcel 9-0-7), might be to do a boundary line adjustment to move the line between 9-0-73 and 9-0-7. Since the nonconformity would not be made worse (i.e. the lack of frontage would not get any worse) then this might work.

The reason this is before the Planning Board now is to allow the owner an opportunity to discuss the situation with the Board and receive any feedback from you on how he might be able to accomplish his goal – to split the house off to a separate lot and transfer the rest of the parcel to the abutter.



HAMIPDEN PLANNING BOARD JULY 7, 1966
 Richard C. Thatta
 John C. McJinn
 Nelson J. Morgan
 Alexander H. Hardy
 Louis C. Stearns 3d
 Howard E. Spencer Jr.
 Sherwin M. Pickett

Rec'd & Filed
 July 5, 1966
 Otto W. Rogers, Town Clerk

PLOT PLAN OF BLAINE
 W. ATWOOD and GLENN A. W.
 ATWOOD PROPERTY
 Scale: 1" = 100'
 DRAWN BY: B.C. COLES
 DATE: JUNE 22, 1966

Ledgewood map 9 lot 73-74



Ledgewood Drive

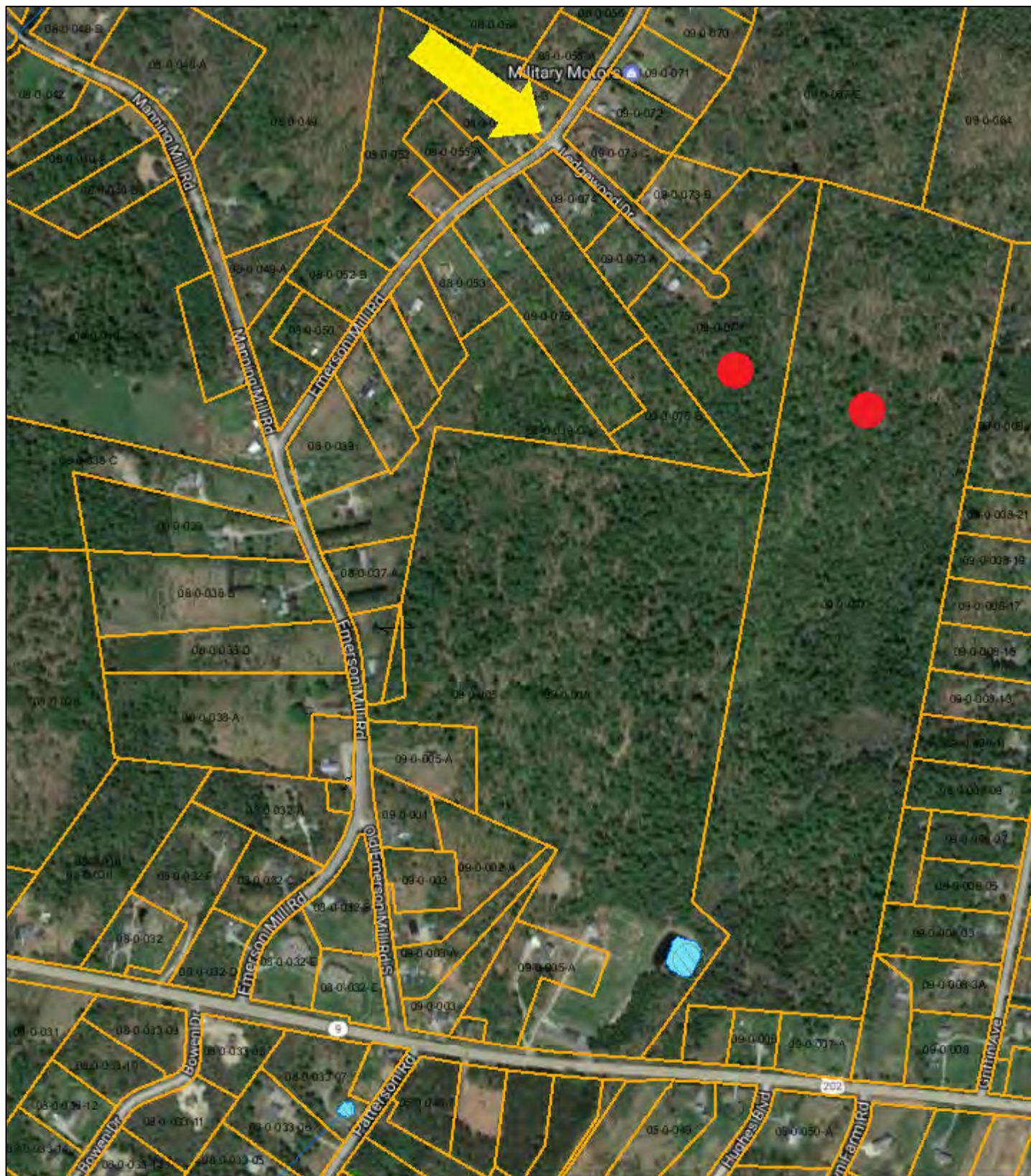
Hampden, ME



January 4, 2017

1 inch = 600 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



09-0-073-B
2 Ac

09-0-073-1
2 Ac

09-0-073-A
1.75 Ac

09-0-007
74 Ac

09-0-073
12 Ac

09-0-075-B
3.94 Ac

Ledgewood Dr

apx end of town road

apx location new lot line

Maine Revised Statutes
Title 23: TRANSPORTATION
Chapter 304: ACQUISITION OF PROPERTY FOR HIGHWAY PURPOSES

§3032. PROPOSED, UNACCEPTED WAYS DEEMED VACATED

1. Deemed vacation.

[1997, c. 386, §1 (RP) .]

1-A. Deemed vacation. A proposed, unaccepted way or portion of a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds prior to September 29, 1987 is deemed to have been subject to an order of vacation under section 3027 if, by the later of 15 years after the date of the recording of the subdivision plan laying out the way or portion of the way or September 29, 1997, both of the following conditions have been met:

A. The way or portion of the way has not been constructed or used as a way; and [1997, c. 386, §2 (NEW) .]

B. The way or portion of the way has not been accepted as a town, county or state way or highway or as a public, utility or recreational easement. [1997, c. 386, §2 (NEW) .]

A way or portion of a way considered vacated under this subsection is subject to section 3033.

[1997, c. 386, §2 (NEW) .]

2. Extensions. The municipal officers of the affected municipality may except a proposed, unaccepted way or portion of a proposed, unaccepted way described in subsection 1-A from the operation of the time limitations of that subsection by filing, in the registry of deeds where the subdivision plan is recorded, a notice stating that the way or portion of the way is excepted from the operation of subsection 1-A for a period of 20 years from the filing of the notice. To be effective, this exception must be filed prior to the expiration of the time limitations of subsection 1-A. An extension accomplished under this subsection may be extended by the municipal officers for a subsequent 20-year period by the filing of a new notice within the preceding 20-year extension period.

[1997, c. 683, Pt. B, §10 (AMD); 1997, c. 683, Pt. B, §11 (AFF) .]

SECTION HISTORY

1987, c. 385, §2 (NEW). 1997, c. 386, §§1,2 (AMD). 1997, c. 683, §B10 (AMD). 1997, c. 683, §B11 (AFF).

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