



Town of Hampden
Planning Board
Wednesday, January 11, 2023, 7:00 P.M.
Municipal Building Council Chambers
Minutes

In Attendance:

Planning Board

Richard Tinsman, Chair
Ben Dunham, Vice Chair
Amanda Day
Jacob Beaulier
Ryan Tribou
Dennis Marble
Monica Small (Alternate)
Benjamin Kaiman (Alternate)

Staff

Clifton Iler, Town Planner
Wanda Libbey, Admin Asst.
Amy Ryder, Economic Development Director

Public

Jim Kiser
David Higgins
John Higgins
John F. Perry Jr.
Patrick Layne
Caren Mulford

Chair Tinsman called the meeting to order at 7:00 p.m. and verified that all attendees in-person and virtual could hear and see each other.

1. Administrative

a. Election of Planning Board Chair and Vice-Chair

- i. **Motion** by Member Dunham to nominate Member Tinsman to serve as Chair; second by Member Day; motion carried 7/0/1 by roll call (Member Tinsman abstained).
- ii. **Motion by** Member Tinsman to nominate Member Dunham to serve as Vice-Chair; second by Member Day; motion carried 7/0/1 by roll call (Member Dunham abstained).

b. Planning Board Meeting Schedule

Planner Iler went over the 2023 Planning Board Schedule for regular and workshop meetings included in Board's packets. It was noted that the following workshops have been rescheduled to the following:

- January 17, 2023, → January 25, 2023; April 18, 2023, → April 19, 2023; June 20, 2023, → June 21, 2023

c. Minutes – December 14, 2022, Regular Meeting

Motion by Member Dunham to approve the minutes of the December 14, 2022, Regular Meeting; second by Member Day; motion carried 4/0/4 by roll call (Members Marble, Beaulier, Tribou, and Kaiman abstained as they were not present at the meeting).

2. Old Business – None

3. New Business

- a. Lot 20 HBP – Public hearing and Major Site Plan review of a proposed warehouse building located on Carey Circle in the Hampden Business and Commerce Park (Tax Map/Lot: 10-B-020). This property is located in the Industrial Park District.

Chair Tinsman went over the rules for public hearings, confirmed with Planner Iler that the required public hearing posting had been met, and then opened the public hearing at 7:10 p.m.

Jim Kiser, representing the applicant, presented the plan:

- 17,000 SF warehouse with small office space that will include bathrooms.
- Two loading docks
- Two-grade level entrances for vehicle access.
- All Town Staff and Peer Review concerns have been addressed to date.
- Floor drains, and oil water separator will be added if needed.

Town Planner Iler presented his report on the application:

- Third-party review was completed by Woodard & Curran and the report was included in the packet. W&C referenced requirements for vegetative buffers around the property boundaries.
- Staff reviewed the application and provided comments that the applicant has included within the revised application. All other requirements have been met.

Planner Iler noted that staff talked in depth about the potential of the Planning Board adding a condition of approval to require floor drains and oil water separator now not at the tenant's discretion. Planner Iler also referenced Peer Review of the potential for a vegetative buffer around the property boundaries, typically that would be a hedge, tree lines, or fencing. Although this is required for the industrial park district, there has not been a requirement from the Planning Board to do so for any other projects within the town's business park.

Chair Tinsman asked Planner Iler if he was recommending the board condition the approval process with floor drains and oil water separator. Planner Iler said no, he just wanted to note that this was discussed at the staff level in depth. He added that if those items are needed or not the applicant would modify the building permit with the Code Enforcement Officer.

Chair Tinsman asked if there was a comment made on lighting. Jim Kiser explained that in the Peer Review comment on lighting, the applicant will only be providing lighting at the entrances and on the building itself. There are no area lights in the parking area.

Member Beaulier asked as a point of order for clarification if vegetative buffers are in the existing ordinance but have not been followed by the board to date. Planner Iler stated that is correct and because this lot is landlocked within the Industrial Park Zone, and there is no potential for adjacency related to residential use, that requirement does not need to be met.

Public Questions/Concerns/Opposition: None

Planning Board Questions:

Member Marble asked if plans approved by the Planning Board can be amended after the fact. Planner Iler explained that minor changes to the structure or the site plan can be approved by the Code Enforcement Officer or Staff Review Committee as appropriate.

Chair Tinsman closed the public hearing at 7:22 p.m.

Chair Tinsman appointed Alternate Member Small as a Voting Member of the Board from this point forward on the agenda.

Motion by Member Marble to approve the Major Site Plan for the construction of a warehouse building located on Carey Circle in the Hampden Business and Commerce Park (Tax Map/Lot: 10-B-020); second by Member Beaulier; motion carried 7/0/0 by roll call vote.

- b. Hampden Crossing – Public hearing and review of a Major Subdivision and Major Site Plan for a proposed 18-unit multi-family development located on Old County Rd (Tax Map/Lot: 10-0-037-1). This property is located in the Residential B District.

Chair Tinsman went over the rules for public hearings, confirmed with Planner Iler that the required public hearing posting had been met, and then opened the public hearing at 7:30 p.m.

Jim Kiser, representing the applicant, presented the plan:

- 18 DU multi-family development on a 2.3 AC parcel in the Residential B District
- Planning Board and Staff completed a site walk in October 2022
- Project will require a stormwater law permit from MaineDEP due to the location within the Sucker Brook Urban Impaired Stream watershed.
- Stormwater runoff is proposed to be treated via a wet pond on site.
- Requested a waiver of §4.7.1.1 *Maximum Number of Parking Spaces*

Town Planner Iler presented his report on the application:

- Third-party review was conducted by Woodard & Curran and the report was included in the packet. A secondary staff report was compiled and sent to the applicant. The comments within both reports were mostly addressed by the applicant and included in a revised application.

Planner Iler still maintained concerns with the stability of the ledge adjacent to the proposed structures and requested additional clarification on the foundation and stabilization efforts the applicant will employ for this project. Jim Kiser explained that the structures will include a basement below the first floor and an appropriate foundation will be used. Regarding stabilization, the site plan addresses stabilization via grading and stormwater management to redirect stormwater to the wet pond through swales and foundation drains.

Planner Iler followed up stating that the final application shall include updated elevations and foundation design details. He also recommended increased stabilization of the ledge and the bank of Sucker Brook given the project's impacts on the urban impaired stream. Hampden's Compensation Fee Utilization Plan (CFUP) does not specify a project at this

location so the cost for stabilization would fall on the applicant and not be funded by the Town.

Planner Iler recommended the Planning Board not grant the requested waiver for the parking requirements. In lieu of creating additional impervious areas, Planner Iler recommended pervious pavers or geocells as an alternative to dedicated parking areas. Jim Kiser noted that pervious solutions and geocells are difficult to maintain and plow in the winter. The request is still maintained by the applicant.

Finally, Planner Iler explained the application process for the new Planning Board members. Given this iteration is the Preliminary Plan, a Final Plan will be completed by the applicant based on the comments and recommendations made at this meeting.

Public Questions/Concerns/Opposition:

John Higgins, an abutter, stated that he and his neighbors are unpopular with the proposed project.

Patrick Layne, an abutter at 342 Old County Road, had the following questions:

- *What does the report from DEP mean in reference to the application?* Planner Iler explained that projects in the State of Maine must meet certain state and federal requirements before being approved by the Town. The report from DEP and other agencies included in the application is necessary for this process.
- *Has there been any discussion on sight distance turning in and out of project property?* Planner Iler stated that Staff has requested sight distance for the final plan be accounted for and measured by the applicant to ensure compliance.
- *Will the entrance be a two-lane driveway, and will it be at road level or graded?* Jim Kiser explained that the driveway width will be 24 FT and the grade will come off the existing edge of the pavement and continually go up to the natural grade of the land.
- *Can a driveway be within 10 FT of his property line?* Planner Iler stated that driveways must be located a minimum of 10 FT from the side property line unless a shared driveway is used.
- *Will there be a sign identifying the name of the complex?* Jim Kiser answered that there will be a road sign and stop sign, but no signage identifying the development.

David Higgins, residing at 340 Old County Rd., expressed concerns about erosion if a retaining wall is not built. Mr. Higgins also shared concerns about the sight distance as well as concern about property values in the neighborhood.

Caren Mulford, an abutter at 342 Old County Road, is concerned for the safety of her children in their own yard. Caren asked if the Planning Board can require the applicant to construct a fence between the properties. Jim Kiser answered he will talk with the residents and see what the best mitigation efforts are moving forward.

Planning Board Questions:

Member Marble asked the following questions:

- *Could the applicant provide clarification on where this project is located on Old County Road?* Jim Kiser explained that if you are going north to south it would be on the right and on the north side of Sucker Brook
- *Why has it been decided by the applicant not to do assigned parking?* Jim Kiser stated the assigned parking does not alleviate a neighbor from parking in your space when they have a guest visiting.
- *What is DEP's role in this project with the Sucker Brook bank?* Planner Iler explained that Jim Kiser will apply for a DEP permit for stormwater management for this project, and when DEP completes the permit, it will be submitted to the Town. This is a standard procedure for projects in the Sucker Brook area.
- *How are the distance and slope of the existing road validated in order to determine whether it is a safe location?* Jim Kiser explained that the Public Works Director and the project engineer will look at the speed limit and sight distance entering Old County Rd. If traffic generation measured by MDOT exceeded 100 ADT, the applicant would require a specified permit from MDOT. However, since the predicted ADT is lower no permit is required.

Member Day expressed concern with the major erosion she saw during the site walk. She asked if it is possible to put a condition on the final plan to include a stabilization study. Jim Kiser stated that they will probably reduce the slope and put armoring in to protect and stabilize the soil.

Member Beaulier asked the following questions:

- *Is there anything in the Subdivision Ordinance concerning buffers between residences and is there a plan to have vegetative buffers in this project?* Jim Kiser did not see a requirement within the Subdivision Ordinance, but he will be talking with the owner about adding buffering of some kind.
- *Why is the applicant requesting additional parking spaces beyond the Ordinance?* Jim Kiser explained that this would provide parking for visitors, flexible parking areas, and ease in snowplowing during the winter.

An audio and video glitch caused the Board to lose contact with Jim Kiser. Chair Tinsman read aloud a provision in the Zoning Ordinance regarding waivers while waiting to be reconnected with Jim Kiser.

Member Beaulier moved to go into a five-minute recess at 8:27 p.m. due to the loss of audio and video with Jim Kiser and all others watching and listening virtually; seconded by Member Dunham; motion carried 7/0/0 by roll call vote.

Member Dunham moved to come out of recess at 8:32 p.m.; seconded by Member Beaulier; the motion carried 7/0/0 by roll call vote.

Chair Tinsman asked the following questions:

- *On the southern side of the proposed buildings will the decks indicated be elevated or ground level?* Jim Kiser stated they would be elevated to the first floor above the daylight basements.
- *Are the daylight basements on the southern side of the buildings?* Jim Kiser stated that yes there will be daylight basements. He also explained that the project is required by code to have two exits and minimum egress windows out of the basements for each unit.
- *Are there doors or windows on the daylight basements?* Jim Kiser stated that where they can grade and get doors in, they will. Building three will be the only one with egress windows.
- *How far is the building from the proposed top of the bank?* Jim Kiser stated they would be 40 FT from the top of the bank it might be a bit larger.
- *Will there be access to the backyard for the apartments?* Jim Kiser stated there would be walking access.
- *Does the design engineer have any concerns for the safety of the occupants of the apartments who might have children with the very steep bank?* Jim Kiser explained that they are planning on stabilizing the bank, but the design criteria will be included in the final plan.

Member Beaulier concurred with the concerns of other Board members regarding the bank stabilization. He also asked Planner Iler to describe what can and cannot encroach on property lines. Planner Iler explained that impervious areas, such as parking lots, fencing, etc., don't count in reference to setback requirements they can encroach on a property line. Setback requirements apply to primary structures and secondary structures.

Chair Tinsman closed the public hearing at 8:50 p.m.

Motion by Member Beaulier to approve the Preliminary Site Plan and Subdivision Plan for construction of a multi-family development at Old County Rd (Tax Map/Lot: 10-0-037-1), subject to the conditions and waivers included below:

- Condition: Provide a detailed bank stabilization plan or program in order to maintain the structural integrity of the bank and structures.
- Condition: Require a detailed landscaping and buffering plan.
- Waiver: Amend the waiver for parking spaces per dwelling unit not to exceed 2.25.

Motion by Member Marble to deny the motion to grant the requested waiver.

Member Beaulier asked as a point of procedure that if the waiver is denied at this meeting is it possible for the applicant to reapply for the waiver in the final review? Planner Iler stated that is correct.

Motion by Member Beaulier to amend the motion to remove the waiver of parking spaces per dwelling unit and approve the project with the conditions as presented; seconded by Member Marble; motion carried 7/0/0 by roll call.

4. Town Planner Report

Town Planner Iler reminded Board Members that the January Workshop Meeting has been rescheduled for Wednesday, January 25, 2023, at 6:30 p.m.

There are two MMA Planning Board training coming up, one is Thursday, February 16, 2023, and one is Tuesday, March 7, 2023. Staff will hold the Thursday, February 16, 2023, webinar in Council Chambers so that members can watch it as a group if desired.

5. Planning Board Comment

Chair Tinsman shared his gratitude for the knowledge and expertise of the Board's newest members. He said that this knowledge will go far in representing the Town.

6. Adjournment

Motion by Member Marble moved to adjourn the meeting at 9:10 p.m., seconded by Member Dunham; the motion was carried by a roll call vote of 8/0/0 in favor.

Respectfully submitted by Wanda Libbey,
Administrative Asst.