

Town of Hampden

PLANNING & DEVELOPMENT COMMITTEE MEETING

Wednesday, January 23, 2019

6:00 P.M.

HAMPDEN TOWN OFFICE

AGENDA

1. Approval of Minutes
 - a. November 7, 2018 Meeting
2. Committee Applications
3. Citizen's Initiatives
4. New Business
 - a. Sucker Brook Compensation Fee Utilization Plan – referral to Town Council
5. Unfinished Business
6. Zoning Considerations/Discussion
7. Staff Updates
 - a. MRC/Fiberight
 - b. Staff Report
 - i. Tradewinds CEA update
 - ii. Town Center planning project update
 - iii. Shoreland Zoning update
 - iv. Zoning Amendments update
8. Manager Items
9. Public Comments
10. Committee Member Comments
11. Adjourn



Town of Hampden
Planning and Development Committee
Wednesday November 7, 2018, 6:00 pm
Municipal Building Council Chambers
Minutes - DRAFT

Attending:

Committee/Council

David Ryder - Chair
Dennis Marble
Terry McAvoy
Mark Cormier
Stephen Wilde

Staff

Karen Cullen, Town Planner
Myles Block, Code Enforcement Officer
Jim Chandler, Town Manager

Public

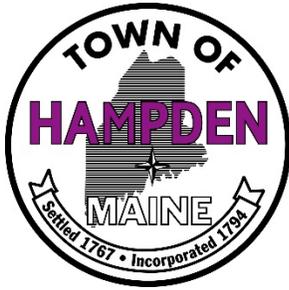
None

Chairman Ryder called the meeting to order at 6:00 pm.

1. Minutes for the October 3, 2018 meeting – **Motion** to approve as submitted made by Councilor Marble; second by Councilor McAvoy; carried 5/0/0.
2. Committee Applications: None
3. Citizen's Initiatives: None
4. New Business:
 - a. Urban Impaired Streams and Compensation Fee Utilization Plan. Planner Cullen presented the draft plan, summarizing the four projects staff included. The main points of the discussion were:
 - Concern about doing work and spending this money on private property; Planner Cullen and SEO Block explained that a lot of the mitigation projects are on private property since that's where many of the water quality problems come from. Planner Cullen further explained that such projects are done with contributions and the cooperation of the property owner, and in some cases DEP's enforcement capacities may help.
 - This plan is mandated by DEP, in order for the town to collect the fees that are required by DEP to be paid by developers within the watershed who need a stormwater permit or site law permit from DEP.
 - In addition to the fees collected into this fund, other money can be used for these projects, such as the Environmental Trust, TIF funds, etc.
 - The plan can be amended to modify projects, add projects, delete projects, or change the priority of the projects, provided DEP approves the amendments. It is meant to be a living document the town can use to gradually implement projects to improve the water quality of the stream.
 - Regarding project 4, the main focus for implementation of stormwater facilities such as bio-filter basins would be within the open space areas of the business park.
 - Concern with using these funds to clean up trash and other debris on private properties where the owner has been acting irresponsibly.

DRAFT

- Staff decided not to include bank stabilization along the stretch between Route 202 and Old County Road, given the complexities of doing so at this time.
 - The committee agreed by consensus to have Planner Cullen send the draft plan to DEP for their review and approval.
 - Planner Cullen said once DEP has approved it, the plan will be reviewed by P&D and then sent to Council for a vote to approve it.
5. Old Business: None
6. Zoning Considerations/Discussions: None
7. Updates:
- a. MRC/Fiberight: CEO Block reported that the contractor (Cianbro) is leaving the job and Bancroft is picking up where they left off to complete the construction work. The most recent timeframe given for opening the facility is April 2019, but there is skepticism on that date holding based on the fact that the plant is not yet ready for testing with some municipal solid waste, which was supposed to be happening by now.
 - b. Staff Report: Planner Cullen handed out a map of the Shaw Brook watershed and told the committee that once the Sucker Brook plan is completed then she'll be starting work on a compensation fee utilization plan for Shaw Brook. The map shows the watershed boundary as mapped by (previous) town staff and another boundary mapped by DEP. She said the first step is to meet with DEP and come to an agreement on where the boundary is – at this point we are hopeful that DEP will accept our boundary since it is more detailed, but since neither one has been ground verified we'll have to let that process play out. Once the boundary is defined then staff will meet to come up with potential projects to include in the plan. We are hoping to have this complete within six months.
8. Public Comments: None
9. Committee Member Comments:
- Councilor Marble inquired about the Mayo Road housing development; Planner Cullen told the committee that the applications going before the Planning Board are posted online, as is the packet which includes the planner's reports. She noted there are concerns with both that application as well as the one for Stearn's Farm off Main Road North. She added both are at the sketch plan phase and will be discussed at the Planning Board meeting next week.
 - Councilor Ryder noted that Dysart's in Hermon is adding a car wash.
 - Councilor Wilde asked about the parcels on Route 202 north of Coldbrook Road where logging is being done; no development is proposed there – these parcels have no access to the highway except for temporary uses such as logging or hunting.
 - Councilor Marble noted the boat landing sign at Marina Road appears to be tipping further than it was; Manager Chandler said he and DPW Director Currier are working on other signage issues and he'll add this one to the list.
10. Adjournment: **Motion** to adjourn the meeting at 6:40 pm made by Councilor McAvoy, seconded by Councilor Marble; motion carried 6/0/0.



Town of Hampden
Land & Building Services

Memorandum

To: Planning & Development Committee
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: January 15, 2019
RE: Sucker Brook Compensation Fee Utilization Plan

The Sucker Brook Compensation Fee Utilization Plan (CFUP) has been reviewed by the DEP and their approval is expected shortly. At this time I am requesting that the P&D Committee refer the Plan to Town Council for adoption.

The purpose of this plan is to set forth projects which can be undertaken by the Town, in partnership with private landowners where appropriate, to improve the water quality of Sucker Brook, which is now designated as an urban impaired stream. In accordance with state statutes and regulations, some developments will be required to pay a compensation fee prior to construction as a condition of DEP permits. A separate account will be set up to receive these fees, and that money is to be used to help pay the cost of the projects included in the CFUP.

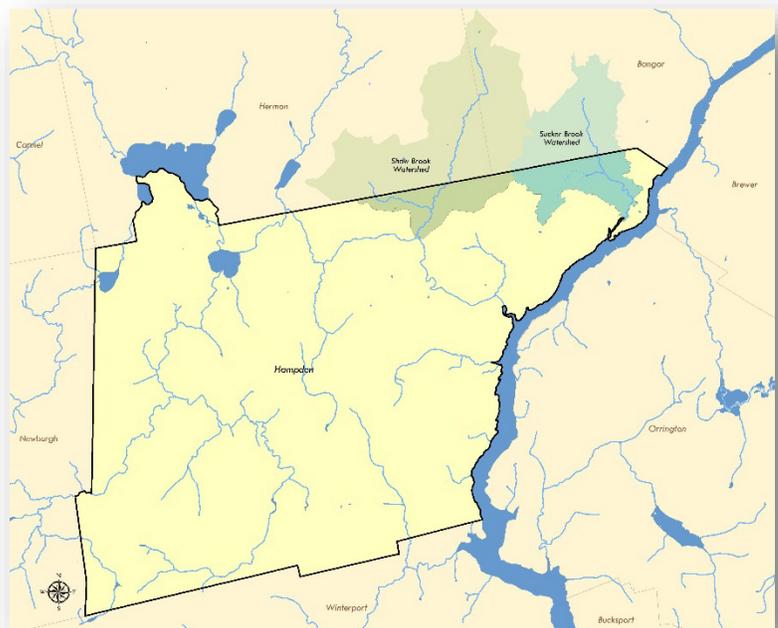
The Plan includes two projects: stream bank stabilization in the stretch between Route 202 and Old County Road, and also in the stretch between Main Road North and the Penobscot River. There is no timeline for spending these funds and it is acceptable to allow the balance to grow until enough is available to proceed with one or both of the projects.

Compensation Fee Utilization Plan



Sucker Brook
Watershed in
Hampden Maine

Jan. 11, 2019



Sucker Brook Compensation Fee Utilization Plan

1. Purpose

Sucker Brook, which has its headwaters in Bangor and flows through an industrial/commercial area within Bangor before crossing into Hampden, was designated as an Urban Impaired Stream by the Maine DEP in May of 2018 (see Appendix B of MDEP Rule Chapter 502). Under 38 MRSA Section 420-D.11 and Section 6 of Chapter 500 of the MDEP Rules, certain property owners who wish to develop their land within the watershed of Sucker Brook have the option of paying a compensation fee in lieu of performing mitigation to existing development to reduce stormwater pollution. As required under state laws and rules, this Compensation Fee Utilization Plan has been created to allow property owners the option of paying the fee.

The Town of Hampden hereby creates the Sucker Brook Compensation Fee Utilization Fund for the purpose of depositing fees and paying for projects listed in this Plan. This fund will accumulate interest at the standard rate that is applied to all Town accounts. This fund and any interest earned may only be used for the implementation of projects described in Attachment A, which are designed to mitigate the effects of stormwater discharges in the Sucker Brook watershed.

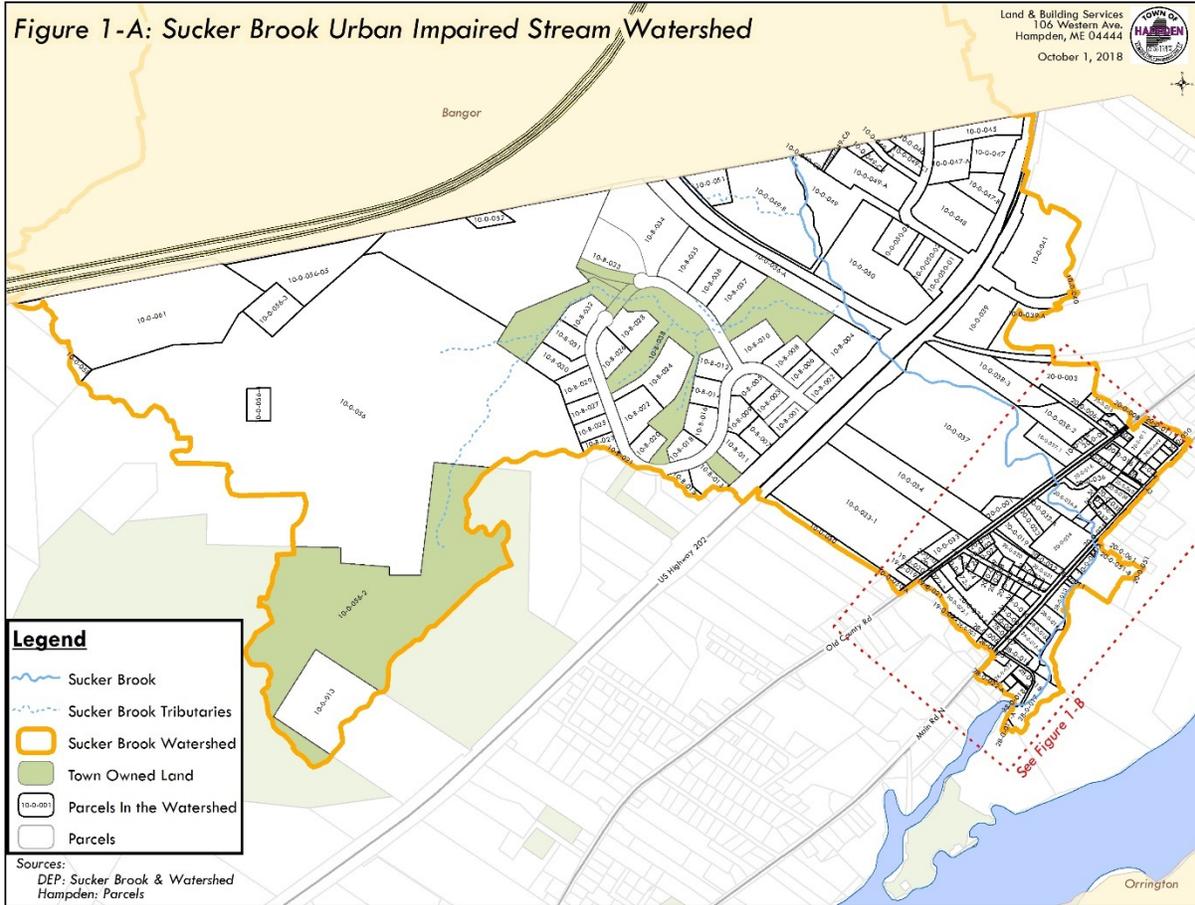
2. Limits of Area

Figure 1 shows the parcels existing as of May 23, 2018 that are within the Sucker Brook watershed and therefore may be subject to the Urban Impaired Stream (UIS) Standard, and are eligible to pay into this fund. It should be noted that parcels (including undeveloped parcels) within the Hampden Business and Commerce Park that are developed in such manner that an amendment to the existing Site Law Permit for the Park is not required are not subject to the UIS Standard.

Figure 2 shows the watershed within Hampden along with the zoning districts as of October 2018. These include one residential district, two commercial districts, and three industrial districts.

Figure 1-A: Sucker Brook Urban Impaired Stream Watershed

Land & Building Services
106 Western Ave.
Hampden, ME 04444
October 1, 2018

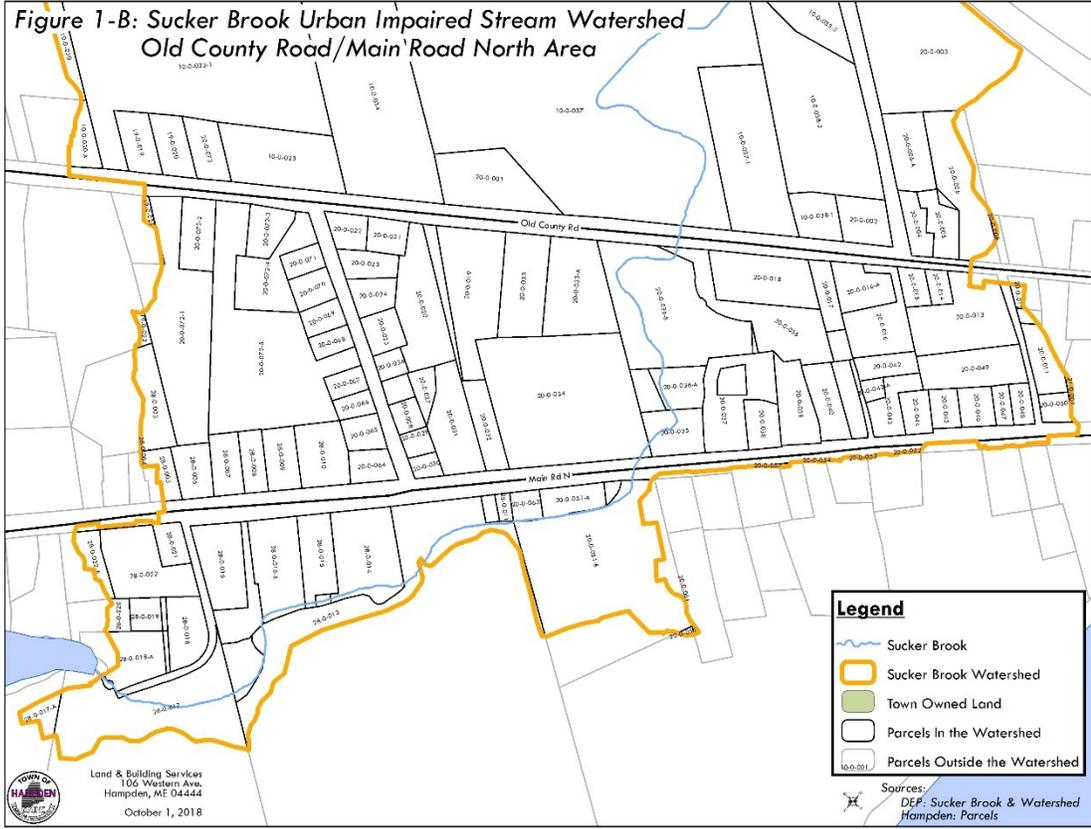


Legend

- Sucker Brook
- Sucker Brook Tributaries
- Sucker Brook Watershed
- Town Owned Land
- Parcels In the Watershed
- Parcels

Sources:
DEP: Sucker Brook & Watershed
Hampden: Parcels

Figure 1-B: Sucker Brook Urban Impaired Stream Watershed
Old County Road/Main Road North Area



Legend

- Sucker Brook
- Sucker Brook Watershed
- Town Owned Land
- Parcels In the Watershed
- Parcels Outside the Watershed

Sources:
DEP: Sucker Brook & Watershed
Hampden: Parcels

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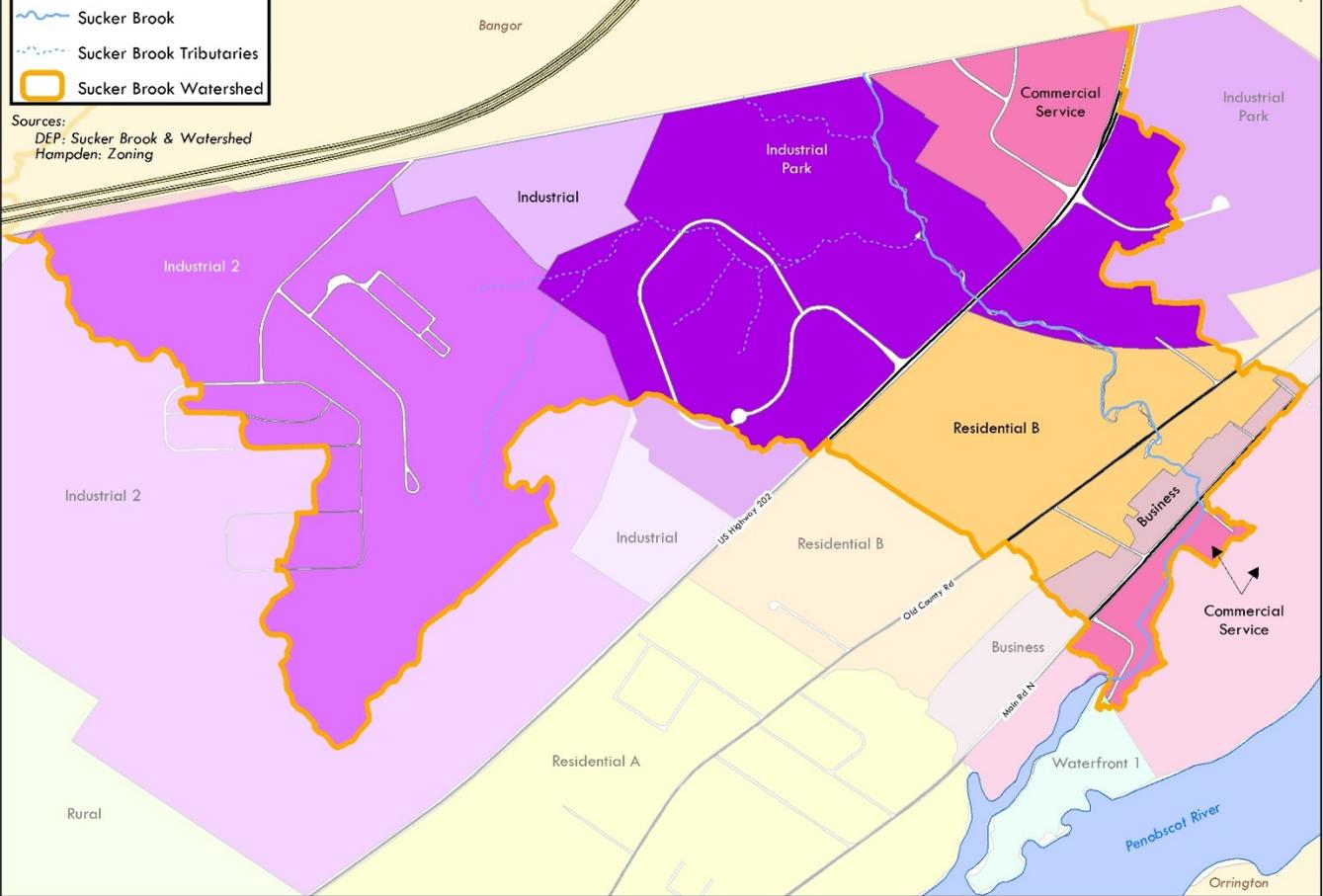
Figure 2: Zoning in the Sucker Brook Watershed

Legend

- Sucker Brook
- Sucker Brook Tributaries
- Sucker Brook Watershed

Sources:
DEP: Sucker Brook & Watershed
Hampden: Zoning

Land & Building Services
106 Western Ave.
Hampden, ME 04444
October 1, 2018



3. Fee Amount

The MDEP will determine the amount of the fee that is due, based on the area of roofs, other impervious areas, and landscaped areas (see Chapter 501, section 3A). As of October 2018, the fees were \$5,000 per acre of roof, \$12,500 per acre of other impervious surface, and \$2,500 per acre of landscaped area; fractions of acre are prorated. The fee is assessed regardless of treatment of stormwater from the site.

Payment of the fee is optional; the alternative being to mitigate existing development within the watershed to reduce stormwater pollution. Refer to Chapter 501 for information on that option.

4. Process for Receiving Compensation Funds

A developer electing to pay into the Sucker Brook Compensation Fee Utilization Fund must notify the Planning Department in writing.

Upon receiving the compensation fee, the Town will provide the developer with a written receipt confirming payment of the fee. The developer is responsible for submitting this receipt to MDEP to enable MDEP to issue the necessary permits for the proposed project.

The Town will deposit the payment into the Sucker Brook Compensation Fee Utilization Fund.

5. Compensation Project Implementation

The Hampden Planning Department will determine when sufficient funds have been collected to begin a project using the funds in the Sucker Brook Compensation Fee Utilization Fund. Projects eligible for funding are described in Attachment A.

For projects that involve privately owned property, project initiation should follow these steps:

- a) Town staff will contact the property owner to confirm interest in completing the project. Refinements to the project may be made upon written agreement by the Town, the property owner, and any lessee affected.
- b) The Town will develop detailed design plans and specifications for the project, with assistance from consultants if necessary and with input/assistance from the property owner.
- c) The Town will formalize the plan for long term maintenance of any stormwater BMP's to be installed on the site. This plan, which must conform to the most recent version of the Maine Stormwater BMP Manual, must identify the parties responsible for such maintenance, a schedule for regular maintenance and inspections, and any penalties for failure to follow the maintenance plan.
- d) The Town will construct the project, with a contractor if necessary and with input/assistance from the property owner.

6. Authorization and Revisions to the Sucker Brook Compensation Fee Utilization Plan

This Plan was developed by the Town of Hampden and has been reviewed and approved by the MDEP. This Plan may be revised from time to time as additional compensation projects are identified that will fulfill the goal of reducing stormwater pollution in Sucker Brook. It will be updated upon completion of a Sucker Brook Watershed Management Plan, which likely will be done in cooperation with the City of Bangor. Based on a Stream Corridor Assessment of Sucker Brook completed by Bangor and Hampden in 2014, a majority of potential impacts to the brook were identified in the Bangor portion of the watershed. Any proposed revisions to this Plan require MDEP approval.

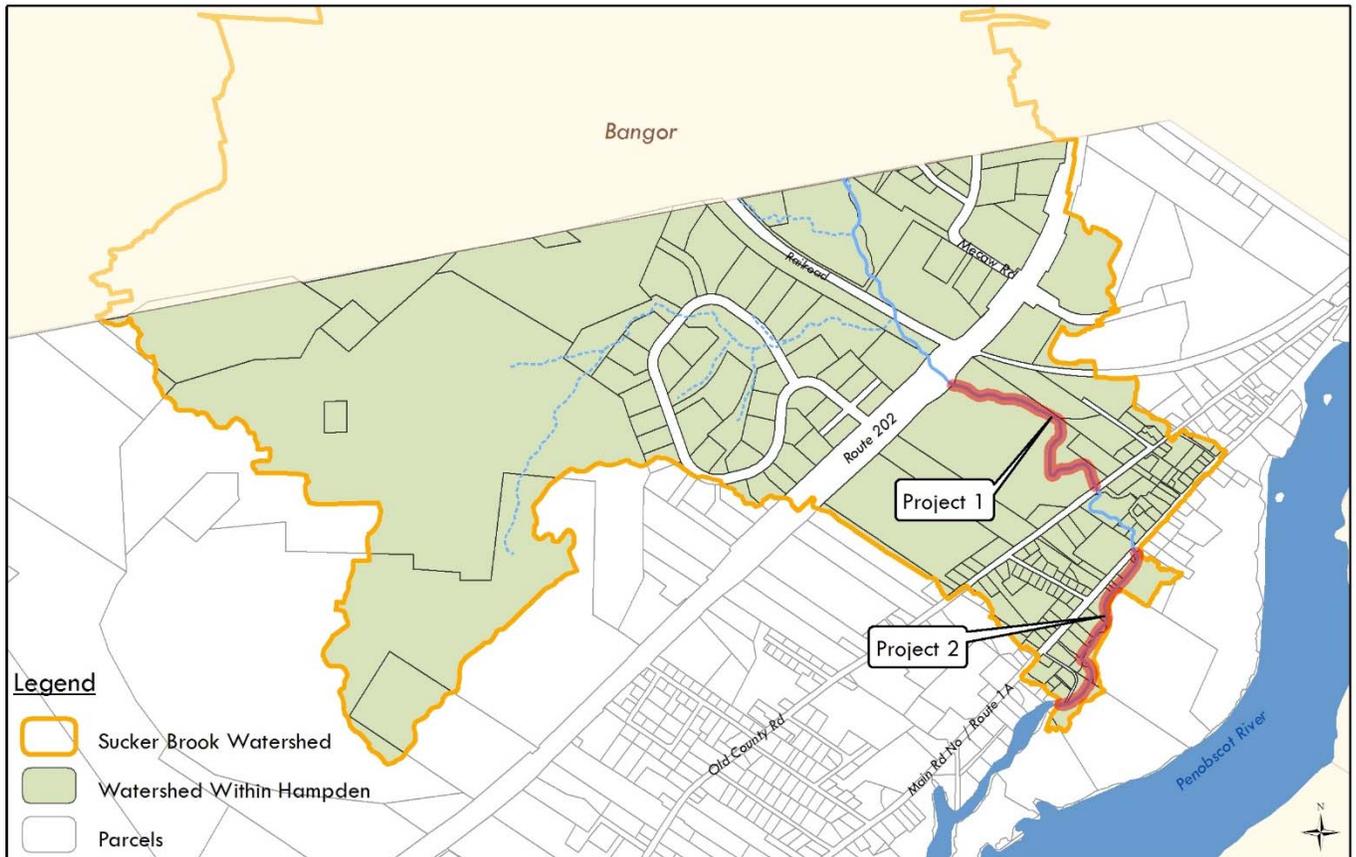
Approved by the Maine Department of Environmental Protection on _____
Date

Printed Name and Title

Signature

Attachment A – Compensation Projects, Sucker Brook Watershed

The map below shows the locations of the projects identified in this attachment.



Project 1:

Project Name: Bank Stabilization – Route 202 to Old County Road

Property Owner: John F. Perry Jr.

Site Address: Opposite 333 Old County Road

Parcel: 10-0-037

Project Type: Bank and stream bed stabilization

Estimated Design Cost: \$37,500

Estimated Installation Cost: \$212,500

Total Estimated Cost: \$250,000

Project Description: To perform a fluvial-geomorphological study of the stream to identify areas in need of stabilization and to design mitigation strategies, and to implement those strategies to reduce erosion of the stream bank, sedimentation of the stream, and to allow the stream to stabilize over time. This project will require an agreement with the property owner. Current land use is agricultural, a cattle farm.

Project location – Route 202 to Old County Road; through the Perry Farm



Project 2:

Project Name: Bank Stabilization – Main Rd N to Penobscot River

Property Owner: Various (8 property owners, 15 parcels)

Site Address: 681 Main Rd N to Marina Road (behind development)

Parcel: Map 20 Lots 51-B, 51-A, 63; Map 28 Lots 11, 13, 14, 15, 16, 16-B, 17, 18-A

Project Type: Bank stabilization

Estimated Design Cost: \$20,000

Estimated Installation Cost: \$180,000

Total Estimated Cost: \$200,000

Project Description: To perform a fluvial-geomorphological study of this stretch between Main Road North (Route 1A) and the confluence of Sucker Brook with the Penobscot River to identify areas where bank stabilization could be done to minimize future bank erosion and sedimentation of the stream without contributing to problems in the stream, which could improve habitat.

Specific areas to target may include:

- The area behind Rawcliffe’s car wash and garage, where old cars are lodged into the stream bank and automotive fluids can wash into the stream; potential projects include removal of cars and stabilization of the bank with rip-rap or gabion baskets, installation of an oil/water separator in or adjacent to the parking lot, installation of a silt filter.
- The area through Lane Construction’s site, where the culvert is failing and the stream banks are eroding; potential projects include removing the culvert and providing an open channel for fish passage and stabilization of the banks.
- The entrance to the Bangor snow dump, where sediment and mud tracking are a problem; potential projects include adding 100 feet of rock apron to the entrance/exit to prevent tracking mud.
- Doing a stream cleanup event in this stretch of stream and doing targeted public outreach to reduce littering and improper disposal of goods and materials.



Project location

Project List - Planning

Project Name	Location	What it is	Size ¹	PB Action/Date	Type
Southstreet Development Co	Route 202/Coldbrook Rd	zoning map amendment; Resid A to Comm. Service	16 acres	Approved	Zoning Map Amendmemt
Aaron Watt	Cottage St	new multi-family building	4 units	Withdrawn	Sketch Plan ²
Good Shepherd	Penobscot Meadow	addition of 7,550 sq ft impervious area	-	Approved	Site Plan Amendment
Pat's Pizza	662 Main Road N	new restaurant to replace current restaurant	3,500	Approved	Site Plan
Southstreet Development Co	98 Coldbrook Rd	new Tradewinds convience store with gasoline sales	6,900	Approved	Site Plan
Town of Hampden	Hampden Business Park	amendment to approved subdivision		Approved	Final minor subdivision
T&A Realty	50 Main Road North	Business adding a rental apartment	760 sq ft	Approved	Conditional Use
Katherine Carter	76 Main Road South	Customary Home Occupation - Artist Gallery		Approved	Conditional Use
Town of Hampden	355 Canaan Road	Request for waiver to site plan review for essential service, salt shed	1,260	Approved	Site Plan Waiver
Southstreet Development Co	Route 202/Coldbrook Rd	request for waiver to allow a larger sign	-	Approved	Minor Revision
Residential Care Facility	569 Back Winterport Rd	conversion of existing duplex into a 2-unit independent living home for adults with disabilities	2 units	Approved	Conditional Use
F.A. Peabody	36/38 Main Road N	construction of new office building	4,500 sq ft	Approved	Site Plan
Day's Care Children's Center	100 Mayo Rd	convert house to child care center	1,335 sq ft	Approved	Conditional Use
F.W. Webb	Hampden Busn Park lots 33-35	construct new warehouse/wholesale facility	72,750 sq ft	Approved	Major Site Plan
Zucco's Dog House	Hampden Busn Park lot 25	construct new kennel (dog daycare)	3,512 sq ft	Approved	Conditional Use & Site Plan
Smith, Andrew	115 Main Road South	Addition for storage	1320 sq ft	Approved	Minor Site Plan
MRC/Fiberight	348 Coldbrook Road	insubstantial modifications to site plan	NA	Approved	Site Plan Modification
Daryl Coulliard	Back Winterport Rd	split second lot off parcel w/in 5 year period	2 lots	Approved	Minor Subdivision
Shaw Subdivision	Pond Rd/Fowler's Landing Rd	minor subdivision	2 lots	Approved	Minor Subdivision
Revision Energy	Littlefield Rd	solar array behind the White House Inn	NA	Approved	Major Site Plan
Bangor Realty Group LLC	Mayo Rd	multi-family cluster project	30 units	2/13/2019	Major Site Plan & Subdiv.
Stearns Farm Subdivision	Main Rd North	single family cluster subdivision	35 lots		awaiting Prelim Subdiv appl
Carmichael Transport	178 Ammo Park Rd	addition of a garage bay	1,800 sq ft	Approved	Minor Site Plan
Historical Society	83 Main Rd South	addition to building	1,020 sq ft	Approved	Minor Site Plan
T&A Realty	50 Main Road North	convert retail space to apartment	1 unit	Approved	Conditional Use
Zucco's Dog House	Hampden Busn Park lot 25	change grass to turf in outdoor dog area	16,000 sq ft	Approved	Minor Site Plan

1. Size refers to square footage of building (new or addition), number of new building lots, number of new units, or acreage.