

Town of Hampden

Planning Board

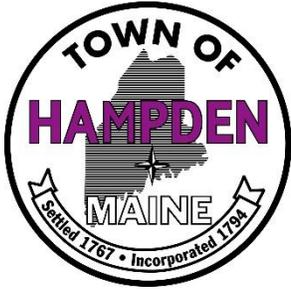
Wednesday October 11, 2017, 7:00 pm

Municipal Building Council Chambers

## Agenda

1. Administrative
  - a. Minutes – September 13, 2017
2. Old Business
  - a. Introduction of contract planner, Ben Smith, AICP. Discussion of approved scope of services, availability for Board support during interim engagement.
3. New Business
  - a. Public Meeting: Michael Levesque proposes amendment (pursuant to the Subdivision Ordinance Sec. 342) to the approved Springer Estates Minor Subdivision to increase the area contained in Lot 3 by 1.6 acres. Subdivision located off Western Avenue (Parcel 07-0-035B, Parcel 07-0-035C).
4. Staff Report
5. Planning Board Comments
6. Adjournment

**Reminder:** The Planning Board Ordinance Committee will meet on Tuesday, October 17<sup>th</sup> at 6:30 PM in the Municipal Building Conference Room to review proposed amendments to the Zoning Ordinance regarding the prohibition of retail marijuana sales and social clubs in the Town of Hampden.



Town of Hampden

Planning Board

Wednesday September 13, 2017, 7:00 pm

Municipal Building Council Chambers

## Minutes – Draft

### In Attendance:

#### Planning Board

Gene Weldon, Chair  
 Peter Weatherbee  
 Jim Davitt  
 Mort Syversen  
 Tom Dorrity  
 Jennifer Austin  
 Kelley Wiltbank

#### Staff

Angus Jennings, AICP, Town Manager

#### Public

Sean Thies, P.E., CES, Inc.  
 Todd Hardy, Hardy Construction  
 Steve Wilde, Town Councilor

Chairman Weldon called the meeting to order at 7:00 pm. In the absence of a regular member, he appointed Alternate Member Austin to serve as a full voting member on the business before the Board tonight.

#### 1. Administrative

- a. Minutes of August 9, 2017 meeting: **Motion** by Member Davitt to approve as submitted; second by Member Wiltbank, carried 7/0/0.

#### 2. Old Business: None

#### 3. New Business

- a. Public Hearing, Site Plan Review: Hamlin's Marina for a new boat storage building to be constructed on a portion of an existing paved boat storage area. The building is proposed on a portion of Parcel 28-0-017-A located at 100 Marina Road.

Chairman Weldon opened the public hearing at 7:01 pm.

Sean Thies, P.E., summarized the application on behalf of the applicant:

- Proposed 100'x100' building to be located on the existing paved parking lot.
- There are no utilities to the building – no water, sewer, or electrical. Just boat storage.
- Noted comments from Town staff regarding proposed building location. Summarized the proposed revised location in order to increase setbacks from traveled way. These changes were provided to the Town office since the Board's packet was circulated last week, and were presented by the applicant tonight with copies to Board members.

Planning Board members asked questions:

- Member Wiltbank asked how many boats would fit in the building? The contractor Todd Hardy introduced himself to the Board and estimated that about 80 boats would fit, varying based on the sizes of the boats.
- Member Davitt asked about the DPW Director's reference to the use of hay bales, and Mr. Thies said that the note 9 on the plan has been revised to show the correct detail. He said that silt sacks would be used to keep erosion sediment out of the catch basins.
- Chairman Weldon called for additional comments from the public. There were none. He closed the public hearing at 7:07 pm.

Planning Board members asked additional questions:

- Member Austin asked if the revised building location had been reviewed by public safety. Manager Jennings said that the revised plan set had been circulated to the Code Enforcement Officer, DPW Director and peer review engineer upon receipt, and that no additional comments were received back. He further noted that, because the use is allowed by-right (i.e. not a conditional use), and because it met the zoning setbacks as proposed, the relocation of the building is voluntary on the applicant's behalf.
- Chairman Weldon invited the applicant to speak to the items in the memo from Woodard & Curran. Mr. Thies referred to snow storage, noting that snow isn't presently cleared from the lot in the winter.
- Member Syverson asked whether Sucker Brook is an impaired stream and advised that the applicant look into this.
- Chairman Weldon asked if a stormwater permit is required but Mr. Thies noted that less than an acre is being disturbed, and that the building site is currently a paved lot. He said there are no proposed drainage structures.
- Chairman Weldon asked about ingress and egress. Is the lot currently being used for boat storage, and now the boats will be stored in the building? Mr. Thies confirmed yes.

**Motion** by Member Weatherbee to approve the site plan for Hamlin's Marina along with the Board Order as submitted to the Planning Board, with no conditions since the requested changes were now reflected on the site plan; second by Member Davitt; carried 7/0/0.

The contractor Todd Hardy thanked the Board and said that construction is expected to begin next spring.

- b. Public Meeting: Coastal Resources of Maine, LLC (formerly Fiberight) proposes "insubstantial changes" (pursuant to Condition 2 of the Board Order) to the approved Site Plan and Conditional Use Approval to construct a Solid Waste Processing Facility off the new road off Coldbrook Road (Parcel 14-0-007, Parcel 09-0-027, Parcel 09-0-035, Parcel 09-0-036, Parcel 09-0-037, Parcel 09-0-038, and Parcel 09-0-039).

On behalf of the applicant, Sean Thies, P.E., summarized the application materials included in the Board's meeting packet.

Member Weatherbee said that the primary concerns of the public, as expressed within last year's public hearing sessions, related to odor. He asked what consideration was given in these proposed revisions to the issue of odor. Mr. Thies said that there were no proposed changes to the approved methods for odor control.

Member Syverson asked about the role of Coastal Resources, LLC. Manager Jennings said that Fiberight had described that Coastal Resources, LLC was a single-purpose LLC and is an additional entity with a role in the project financing, but that Fiberight would still be named as a permit holder.

Member Wiltbank asked if any of the proposed changes would have any environmental impact and Mr. Thies said they would not. Chairman Weldon asked about the chemical transfer area and Mr. Thies said that there are containment areas including where trucks would be offloading solid waste in the event of any spill. Chairman Weldon asked about the capacity of the proposed fuel tank size and Mr. Thies estimated it would be in the 1,000 gallon range.

Member Wiltbank asked if any of the applicant's expectations regarding traffic had changed and Mr. Thies said they have not.

Chairman Weldon asked whether the air handling system will continue to maintain negative air pressure when the bay doors are open, as had been presented last year. Mr. Thies said that it would, and that nothing has changed in this regard.

Manager Jennings said that there are two actions needed tonight: first, the Chairman must find that the proposed changes are insubstantial (as that term is defined in Condition 2 of the Board Order); and second, if the changes are found to be insubstantial, the Board would be asked to take action regarding the proposed changes. Member Wiltbank asked Manager Jennings to read Condition 2 and Manager Jennings read the Board Order's Condition 2 into the record:

"2. In the event the Applicant seeks any change in this Board Order after this decision is final, all such changes must be presented to the Board for approval and for modification of this decision. Changes deemed "insubstantial" by the Board may be addressed at a public meeting of the Board. "Substantial changes or modifications to this Board Order shall only be made upon written request accompanied by redlined plans indicating the proposed changes and a statement supporting the basis for approving such changes, and upon the holding of a public hearing regarding the requested change after which the Board may approve or disapprove the requested modifications or amendments to this Board Order. If it deems necessary the Board may, at the Applicant's expense, retain consultants to review and advise the Board regarding any proposed changes. Insubstantial changes may include, but are not limited to:

- a. Changes in Building Footprint which will not increase the gross floor area of the building or buildings within the approved Site Plan.
- b. Changes in exterior doorways, the location or placement of doorways, entrances and windows, and the design of a building façade which otherwise conforms to the Ordinance.

- c. Minor adjustments to the alignment of parking spaces necessitated by on-site conditions when such realignment would not change the number or size of spaces or affect vehicular or pedestrian circulation.
- d. Changes in exterior stairways and loading docks which constitute a reduction in size of these building details.

The Planning Board Chairman or designee, upon consultation with professional Town Staff, if needed, will issue a written decision to the Applicant whether such request properly constitutes an insubstantial change to the approved plan or record or constitutes a substantial change which requires further review by the Planning Board.”

Chairman Weldon said that he feels that the proposed changes are insubstantial. Manager Jennings said that the Chairman’s finding will be reduced to writing in order that it may be signed by the Chairman and added to the project file. Manager Jennings said that the Board may now consider the proposed changes. Because the proposed changes affect the site plans, not the written decision, he said that, if approved, the Appendix A: Plans of Record exhibit would be updated to reflect the dates of the approved plan set.

**Motion** by Member Weatherbee to approve the proposed site plan revisions as submitted and as reviewed tonight; second by Member Wiltbank; carried 6/0/1 by roll call vote. Member Austin, not having been part of the Board’s original action, abstained from the vote.

- c. Consideration of proposed amendments to Zoning Ordinance Sec. 7.2 regarding the sale of retail marijuana and retail marijuana social clubs – for referral to Planning Board public hearing or for referral to the Planning Board Ordinance Committee – *referral from Town Council*

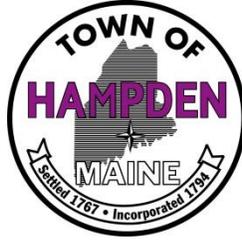
**Motion** by Member Weatherbee to refer the proposed zoning amendments to the Board’s Ordinance Committee for review; second by Member Wiltbank. The Board members discussed that the issue of recreational marijuana was a hot issue and asked how the voters of Hampden had voted on the November 2016 referendum. Manager Jennings said that he didn’t have the exact tally handled but recalls that Hampden voters opposed the legalization of recreational marijuana by a nearly 60%-40% margin. Chairman Weldon asked whether the Board members would be prepared to consider the proposed amendments tonight, for referral to public hearing, rather than refer them to the Ordinance Committee. The Board members did not support considering the proposed amendments tonight. Member Weatherbee’s motion carried 7/0/0. It was agreed that Town staff would contact Board members to confirm the date and time for a meeting of the Ordinance Committee.

- 4. Staff report: Manager Jennings summarized the staff report materials included in the Board’s meeting packet. He referred to the Board’s consideration, in July 2017, of formally adopting an official Zoning Map, and asked whether there would be any objection to referring the current Zoning Map, as is, to public hearing, once ready. No objections were expressed.
- 5. Planning Board Comments: None.

The meeting was adjourned at 7:52 pm by motion of Chairman Weldon with second by Member Wiltbank; motion carried 7/0/0.

*Respectfully submitted by Angus Jennings, Town Manager*

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



**Phone:** (207) 862-4500  
**Fax:** (207) 862-5067

DATE: October 3, 2017  
TO: MRC / Fiberight / Coastal Resources, LLC  
FROM: Eugene Weldon, Planning Board Chairman  
RE: Finding of insubstantial changes

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This is a finding that the modifications proposed to the approved Site Plan by the above-named Applicants, submitted on August 29, 2017 and considered by the Planning Board at a public meeting on September 13, 2017, are properly considered insubstantial changes to the approved plan of record.

As the chairman I based this finding upon review of the proposed changes, the language of the July 19, 2016 Board Order approving the Site Plan and Conditional Use (which provides guidance regarding what constitutes an insubstantial change) upon consultation with professional Town Staff and third party peer review.

As a result of this finding, the proposed changes are properly considered within a duly posted public meeting, and do not require a newly advertised public hearing.

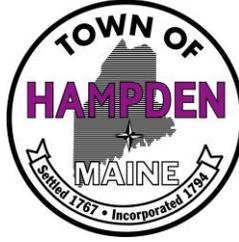
This finding was presented verbally at the Planning Board meeting on September 13, and summarized in this memo to document my finding along with our meeting minutes.

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Eugene Weldon  
Planning Board Chairman

Dated: \_\_\_\_\_

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



**Phone:** (207) 862-3034  
**Fax:** (207) 862-5067  
**Email:**  
townmanager@hampdenmaine.gov

**TO:** Planning Board  
**FROM:** Angus Jennings, Town Manager  
**DATE:** October 3, 2017  
**RE:** Contract planner, Ben Smith, AICP

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As you know, the Town has contracted with a consulting planner in order to maintain the Planning Department's baseline operations during the interim period when the Town Planner is unavailable.

Ben Smith, AICP, will staff the Planning Board's meeting on October 11. Town staff were primarily responsible for assembling the materials for the Board's meeting packet, but Ben has reviewed the materials, and is familiar with the issues and the governing regulations, so will be in a position to support the Board's actions that night. Assuming the continued absence of the Town Planner, for some period of time, it is anticipated that Ben will have primary responsibility for assembling the Board's November 8 meeting packet, and is scheduled to staff that meeting.

I had hoped to attend the October 11 meeting in order to more formally introduce Ben but instead need to attend a required emergency management training.

I have enclosed the Scope of Work for which Ben (and The Musson Group, which is the business umbrella under which Ben is operating) has been retained. At this point, our focus is on the Primary Scope of Work, although over time Ben and/or his colleague Noel Musson, AICP, may take on one or more initiatives pursuant to the Secondary Scope of Work.

Town Planner responsibilities outside of the Scope of Work have been temporarily assigned to other Town personnel. However, during this interim period Ben, and Danielle Simons, will be the Board's primary contact and can assist with whatever may be needed.

### Primary Scope of Work: Interim Planning Support Services

1. Review of proposed development (Site Plan, Conditional Use, Subdivision) for compliance with Town ordinances and regulations. To include working with Administrative Assistant (Danielle Simons) to circulate applications and related materials to Town staff (Code Enforcement, Public Works, Public Safety, Assessing) and, when needed, engineering peer review (Woodard & Curran), and coordinating among the applicant and various parties.
2. Based on reviews, prepare staff reports to Planning Board including draft findings and draft Board Orders with permit conditions, each for Planning Board review, modification and action.
3. Correspondence with Town officials including (but not limited to) Town Manager, Planning Board Chair and Planning & Development Committee Chair as needed.
4. Monthly, prepare Planning Board meeting packets. Meeting packets to be finalized no later than close of business (6 PM) on the Wednesday preceding the meeting. (Administrative Assistant to distribute the packets to Board members and post agendas, hearing notices and meeting packets to the Town website and other posting locations).
5. Attend Planning Board meetings (2nd Wednesday of the month at 7 PM).
6. Prepare Planning Board meeting minutes.
7. Attend daytime meetings with staff, developers, and/or prospective applicants on an as-needed basis in order to review and explain the various regulatory standards and procedural requirements.
8. As needed, serve as Town liaison with various local, State and Federal agencies.
9. Respond to public correspondence to planning office. Establish office hours to support Town responsiveness to planning or permitting related questions from developers, prospective developers, residents, businesses and others.
10. Participate in weekly "Code Huddle" Monday at 8 AM, during which key personnel review developments in permitting, under construction, or on the horizon. In-person attendance at initial Code Huddle; once consultant(s) has met other key Town personnel, this may be by remote participation (i.e. Skype).

### Secondary Scope of Work: Zoning and Regulatory Consulting Services

1. Based on advance agreement to scope and authorized billable hours, lead preparation of amendments to Zoning Ordinance, Subdivision Ordinance, and/or other local land use regulations or procedures.
2. If ordinance amendments are proposed (by Town, or by private party), attend meetings of the Town Council's Planning & Development Committee based on advance scheduling. (Meetings are held the first and third Wednesday at 6 PM, but if consultant attendance is expected this would be agreed in advance).
3. If ordinance amendments are proposed (by Town, or by private party), attend meetings of the Planning Board's Ordinance Committee (scheduled as needed, typically the 3<sup>rd</sup> Tuesday at 6 PM, but if consultant attendance is expected this would be agreed in advance). If meetings of the Ordinance Committee are needed, consultant would be responsible to prepare meeting packets.
4. Other work as assigned and upon advance agreement to scope and authorized billable hours.



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**BEN SMITH, AICP**  
COMMUNITY PLANNER

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## EDUCATION

M.A., Community Planning & Development, Muskie School of Public Service at the University of Southern Maine

B.A., Psychology, Bates College

## PROFESSIONAL AFFILIATIONS

American Planning Association,  
Northern New England Chapter

Maine Association of Planners

Growsmart Maine

## TRAINING/CERTIFICATIONS

Member - American Institute of Certified Planners

Sustainable Comprehensive Planning. APA Training, 2014

Ben is a planner with experience in transportation, land use and comprehensive planning. He established North Star Planning in 2017, after more than a dozen years of experience working in state and municipal government and private sector planning positions. Ben currently serves as the Planning Director for the Town of Windham, Maine.

## EXPERIENCE

### TOWN OF WINDHAM, MAINE

- Comprehensive Plan Update (anticipated adoption 2017)
- 21<sup>st</sup> Century Downtown Plan for North Windham. Adopted in 2013. Implementation includes ordinance updates and major infrastructure improvements (preliminary design 2016)
- Complete Streets Policy
- Contract zoning & land use ordinance amendments
- Impact Fees – recreational, intersection & sidewalk infrastructure
- Tax Increment Financing
- North Route 302 Transportation Plan
- Design Standards and Design Guidelines
- Grant Management
- Subdivision and Site Plan Review
- Municipal committee support
- Board Member, Windham Economic Development Corporation

### WITH PREVIOUS EMPLOYERS

- Gateway 1 Project. Regional transportation/land use project for 21 mid-coast Maine communities along US Route 1. Tasks included comparative comprehensive plan and zoning analysis, traffic studies, public participation
- Toll Plaza Diversion Studies, York and New Gloucester, Maine
- Roadside Signage Inventory & Analysis, Maine Turnpike Authority
- GIS analysis, various environmental and transportation projects, Maine Turnpike Authority

Town of Hampden  
Land & Building Services



Report on Application  
Modification to  
Springer Estates Minor Subdivision

To: Planning Board  
From: Angus Jennings, AICP, Town Manager  
Date: October 3, 2017  
RE: Report on Application for Modification to Springer Estates Subdivision

Project Information

Applicant: Michael Levesque  
Site Location: Off Western Avenue; Parcel 07-0-035-B and Parcel 07-0-035-C  
Zoning District: R – Rural  
Proposal: Modify approved Minor Subdivision to add 1.6 acres to Lot 3.

The applicant's representative Jim Kiser, P.E., met with Town staff prior to submittal of the application before you, in order to review the proposal and determine applicable permitting requirements.

The Final Subdivision Plan of Springer Estates was approved by the Planning Board, with the mylar plan signed by the Board on December 8, 2004. The Subdivision created three buildable lots, each with frontage on existing roads (Western Ave., and Deer Hill Lane). The Subdivision did not create any new roads. The original Subdivision Plan includes a Sketch Plan illustrating the entire 107± acre parcel, but the subdivision approval was limited to the 8.63 acres of land encompassing the three buildable lots.

The applicant proposes addition of 1.6 acres to Lot 3, which would bring Lot 3 from its original approved area of 4.59 acres up to a new area of 6.19 acres. The overall locus of the subdivision would increase from 8.63 acres (original) to 10.23 acres (proposed).

This matter is before the Planning Board because of language in the Subdivision Ordinance Sec. 342(10) stating that "No changes, erasures, modifications, or revisions shall be made in any subdivision plan after approval has been given by the Planning Board and endorsed, in writing on the plan, unless the plan is first resubmitted to the Planning Board and the board approves the modifications."

Upon receipt, I reviewed the proposal with Town staff including the Town Assessor, and conferred by phone with the Town Planner (who had previously been aware that this proposal was coming).

Because no new roads or infrastructure are proposed, the application was not sent for engineering peer review.

For a Minor Subdivision, the Subdivision Ordinance at Sec. 343.2.7 requires a field survey of the boundary lines of the parcel to be subdivided, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor.

The proposed amended plan before the Board does not include a boundary survey of the entire 107± parcel. However, the proposed amended plan does provide the required survey data for the land to be further subdivided. Staff review finds that the application is in compliance with the requirements of the Subdivision Ordinance.

The original Subdivision Plan also includes the following note:

“An independent boundary survey has not been performed on the entire parcel. Therefore, the remaining 100 acres shall not be included in the review of this three lot subdivision. The entire parcel shall be surveyed and approved by the Planning Board prior to any further subdivision.”

The meeting minutes documenting the Planning Board’s initial approval do not discuss this note nor its rationale.

Since the 96.7+/- acres of the original parcel that are not included in the subdivision have no bearing on the proposal, it is recommended that prior to Board endorsement, the note cited above be revised to read as follows (underline/strikethrough to illustrate proposed changes):

“An independent boundary survey has not been performed on the entire parcel. Therefore, the remaining ~~100 acres~~ acreage shall not be included in the review of this three lot subdivision. Prior to any further subdivision, the ~~The entire parcel~~ area of land proposed for subdivision shall be surveyed and approved by the Planning Board ~~prior to any further subdivision.~~”

At request of staff, the applicant’s representative will provide a revised set of mylars, bearing the revised note above, for Planning Board endorsement.

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

The landowner Michael Levesque will be present at the October 11 Planning Board meeting to respond to any questions.

**A. Minor Subdivision Plan - Michael C. Levesque & David T. Locke - Requesting review of Springer Estates Subdivision, a 3 lot, 7.37 acre subdivision with no public improvements - Located at 1042 Western Avenue in a Rural District ( Tax Map 7, Lot 35) Public Hearing**

Chairman Deane opened the public hearing.

Steve Ribble of Ames Corp. spoke for the applicant of this proposed subdivision. This is a 3 lot subdivision with the fourth (unnumbered) lot being retained by the owners. The applicant has paid cash in lieu of open space, which has been received. The existing barn structure that was close to one of the (proposed) lot lines, has been completely removed including the foundation. They are requesting approval of this application.

As no one else wished to speak Chairman Deane closed the public hearing and asked for staff comments.

Mr. Osborne stated that this is a simple application with one notable feature being that one of the lots gets it's frontage from both streets, Deer Hill Lane and Western Avenue. He indicated that the application is complete, the lots all meet requirements and that the plan meets the subdivision ordinance standards for minor subdivision approval. Staff would recommend approval.

A motion was made by Member Wilder that the Planning Board approve the subdivision application as submitted, this motion was seconded by Member Thomas. The vote was seven in favor and none against this motion. Alternate Member Meo voted on this application.

**B. Major Subdivision, Preliminary Plan - COL-TEA, MAC, Inc. Terrence Cliff) - Requesting review of a 15 lot, 15.55 acre subdivision with proposed Public Improvements including approximately 1,000 feet of new street, sewer and water - Located off Ruth Avenue (Coolbrook Subdivision) in a Residential A District (Tax Map 9, Lot 28) - Public Hearing**

Chairman Deane stated that not all the pieces are in place for this application, what the Board plans to do is hold the public hearing, then table the application until the needed information and documentation is in place, on storm water, sewer, etc. The process will not end tonight.

Chairman Deane opened the public hearing.

Terrence Cliff, part owner of this project. Mr. Cliff stated that there were several points made at sketch plan. At Sketch plan Sandra Pellitier's lot was to be included as a numbered lot in the subdivision, that has been done. A buffer strip (to the rear of the Ruth Avenue lots), a 20 foot no cut buffer strip on the lots. Access to the stormwater detention area is at the end of the road has been provided. These changes have been made.

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, December 8, 2004, at the Hampden Municipal Building by Chairman Beric Deane.

Attendance: Planning Board Members: Chairman Beric Deane, David Caliendo, Mike Avery, Dawn Thomas, Mort Syversen and Shirar Wilder, Carie Meo, and Andrew Nelson.

Also in attendance: Town Planner Robert Osborne, along with Applicants for tonight's hearing.

**1. APPROVAL OF MINUTES - November 10, 2004**

Member Syversen moved that the minutes be accepted as written, this was second by Member Thomas.

The minutes were accepted unanimously.

**2. UNFINISHED BUSINESS**

- A. Major Subdivision, Final Plan for Phase 2 of the Hampden Center Estates Subdivision - Onsite Developers, LLC - Request for major subdivision, final plan approval for a 13-lot, 32 acre subdivision with a public street - Located on the corner of Patterson Road and Western Avenue in a Rural District (Tax Map 8, Lot 33)- Continued from November 10, 2004 Planning Board Meeting.**

The Board voted unanimously to remove this item from the table.

Jeff Allen, PE, of James W. Sewall Company spoke representing Onsite Developers. He discussed the letter that they had provided discussing side lot lines and their review of the Zoning and Subdivision Ordinances as they relate to the question of the regulation that side lot lines must be perpendicular to street lines. He indicated that they meet the lot line regulations contained in Article 500, they have provided everything that was required and they are back seeking final approval.

Bob Osborne, Hampden Town Planner indicated that staff agreed with Mr. Allen's analysis of the lot line question. The Zoning Ordinance defines lot and its various lot lines: street, side and rear. The question raised at the last meeting was: Must a proposed new street intersect at a 90 degree angle to an existing street to satisfy the standard that side lot lines intersect perpendicular to street lines? The answer is no because the lot lines are both street lines and are not covered in the subdivision

14 September 2017

Karen Cullen  
Hampden Town Planner  
106 Western Ave  
Hampden, ME 04444

**Springer Estates, Minor Amended, Western Ave**

Dear Karen,

On behalf of Michael Levesque, we are submitting the attached application for approval of a minor amendment to the Springer Estates Subdivision. The proposal is to increase the area contained in lot 3 by 1.6 ac to facilitate the sale of the home on lot 3. The increased acreage will be transferred from the remaining land owned by Michael C. Levesque.

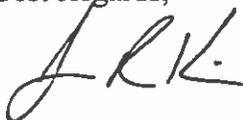
This project amendment is being submitted under the minor subdivision standards as contained in the Hampden Subdivision Ordinance. The submittal includes the following items.

1. Subdivision Application;
2. Subdivision Fee;
3. Deeds;
4. USGS Map;
5. Aerial Map;
6. Amended Subdivision Plan.

The soils data for each lot was submitted at the time of original approval and the lot is developed as a residential property.

We look forward to meeting with the board at the September meeting and if you have any questions prior to the meeting, please contact us.

Best Regards,



James R. Kiser, PE  
Kiser & Kiser Company

C: Michael Levesque

**RECEIVED**

SEP 18 2017

TOWN OF HAMPDEN ASSESSING DEPT.



**SUBDIVISION APPLICATION**

Please note that this application must be submitted with plans in conformance with Section 4.1 and 4.2 of the Hampden Zoning Ordinance. *Incomplete applications will not be processed. All fees must be paid for application to be processed. Proper number of copies of application must be submitted in order to be processed.* All town ordinances are available at [www.hampdenmaine.gov](http://www.hampdenmaine.gov) for review.

This application is for (check one):

- Sketch Plan       Minor Final       Major Preliminary       Major Final

Date: 14 Sep 17

**APPLICANT (LANDOWNER):**

Name: Michael C. Levesque

Address: PO Box 747, Hampden, ME 04444 (both)

Phone: 944-3088      Cell: \_\_\_\_\_      Email: \_\_\_\_\_

**AGENT (SUBDIVIDER):**

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

Address: PO Box 282, Hampden, ME 04444

Phone: 862-4700      Cell: 852-9562      Email: jim@kiser-kiser.com

**THE SITE:**

Location of site: Western Ave      Hampden tax map and lot number: 7-35B,35C

Zoning district: Rural      Existing use of property: Residential

Legal interest in the parcel: Ownership

Subdivision size (acres): 1.6      Proposed number of lots: amend 1 lot

Will your project disturb one acre or more of land area? .....  Yes .....  No

If Yes, and if your project is in the Urbanized Area, refer to the Town of Hampden Post Construction Storm Water Ordinance.

If Yes, and if your project is outside the Urbanized Area, Contact the Maine Dept. of Environmental Protection.

Will your project result in one acre or more of non-revegetated land area? .....  Yes .....  No

If Yes, you will most likely require a State Storm Water Permit, Contact the Maine Dept. of Environmental Protection.

**(APPLICATION CONTINUES ON REVERSE SIDE.)**

**FEES:** Application fees are as follows (from section 2.12 of Fees Ordinance):

- Subdivision Sketch Plan – no charge.
- Minor Subdivision (less than five lots and no public improvements) - \$35.00 plus \$20.00/acre.
- Minor Subdivision Review/Inspection Draw – not required.
- Major Subdivision Preliminary Plan (five or more lots and/or public improvements) - \$85.00 plus \$50.00/acre, plus \$1,000.00 peer technical review draw account.
- Major Subdivision Final Plan (review/inspection draw account) – Fee based on 10% of estimated cost of completing all on-site public improvements, plus 10% of estimated cost of completing all off-site public improvements.
- Major Subdivision Final Plan (mobile home park construction review/inspection draw account) – Fee based on 10% estimated cost of completing all on-site improvements, plus 10% of estimated cost of completing all off-site improvements.
- OPEN SPACE: Please contact the town to discuss requirements for open space, calculations for required acreage or calculations for fee-in-lieu of open space.

Application fee amount: ~~\$55.00~~ 120.00

**Complete and accurate submissions require less time to review.)**

Other fees may be incurred throughout the development process, including but not limited to: sewer hook-on or opening of a public way fees.

**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 if the constructed site improvements are not built in accordance with the Zoning and Subdivision Ordinances 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: LRK Date: 14 Sep 17

\*\*\*\*\*

**OFFICE USE ONLY**

Date received: 9/15/17 Date complete: \_\_\_\_\_

Fees paid: Amount/Date: 120.00 Draw paid: Amount/Date: \_\_\_\_\_

Conditional Use determination: \_\_\_\_\_

Planning Board action: \_\_\_\_\_ Date: \_\_\_\_\_

Conditions: \_\_\_\_\_

Is this in the Urbanized Area?  Yes  No

**RELEASE DEED**

**HEMI LLC**, a Maine limited liability company, with a mailing address of P.O. Box 747, Hampden, Penobscot County, Maine, and **MICHAEL C. LEVESQUE**, with a mailing address of P.O. Box 747, Hampden, Penobscot County, Maine grants to **MICHAEL C. LEVESQUE** and **JUNE LEVESQUE**, both with a mailing address of P.O. Box 747, Hampden, Penobscot County, Maine, as joint tenants, all right, title and interest in and to the land, together with any buildings and improvements thereon, in Hampden, Penobscot County, Maine, more particularly depicted as **Lot 3** as shown on the plan entitled "Subdivision Plan: Amended Springer Estates, Route 9, Hampden, Maine" by Kiser & Kiser Company dated August 29, 2012 and recorded in Map File 2012-93 of the Penobscot County Registry of Deeds.

Any and all other rights, easements, privileges and appurtenances belonging to the granted estate are hereby conveyed.

For source of title, reference is made to the deed from Chokebore, LLC to Hemi LLC dated February 27, 2012 and recorded in Book 12737, Page 83 of the Penobscot County Registry of Deeds and the deed from Chokebore, LLC to Michael C. Levesque dated February 17, 2012 and recorded in Book 12737, Page 81 of the Penobscot County Registry of Deeds. The purpose of this deed is to confirm title in the property described herein in the names of the grantees.

IN WITNESS WHEREOF, HEMI LLC has caused this instrument to be signed in its corporate name and sealed with its corporate seal by Michael C. Levesque, its Manager, hereunto duly authorized, this 2<sup>o</sup> day of September, 2012.

WITNESS:

HEMI LLC

\_\_\_\_\_

By: Michael C. Levesque  
Michael C. Levesque, its Manager

WITNESS:

\_\_\_\_\_

Michael C. Levesque  
Michael C. Levesque

STATE OF MAINE  
PENOBSCOT COUNTY

September 20, 2012

Then personally appeared the above-named Michael C. Levesque and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability company and his free act and deed in his individual capacity.

Before me,

Gail J. Joekel  
Name: \_\_\_\_\_  
Notary Public/Attorney at Law

GAIL J. JOECKEL  
Notary Public - State of Maine  
My Commission Expires August 31, 2018



No Transfer Tax Paid

PENOBSCOT COUNTY, MAINE

Susan F. Bulley  
Register of Deeds

**QUITCLAIM DEED WITH COVENANT**

**CHOKEBORE, LLC**, a Maine limited liability company, with a mailing address of P.O. Box 747, Hampden, Maine, grants to **MICHAEL C. LEVESQUE**, of Hampden, Penobscot County, Maine, with Quitclaim Covenant, the land, together with any buildings or improvements thereon, in Hampden, Penobscot County, State of Maine, described in the deed from Elizabeth A. Bush to Michael C. Levesque and David T. Locke dated September 16, 2004 and recorded in Book 9549, Page 324 of the Penobscot County Registry of Deeds and the Release Deed from Michael E. Bush to Michael C. Levesque and David T. Locke dated October 8, 2004 and recorded in Book 9583, Page 293 of the Penobscot County Registry of Deeds.

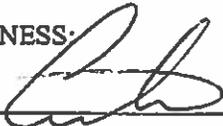
Excepting, and not hereby conveying, Lot 1, Lot 2 and Lot 3 as shown on the on a plan of a subdivision entitled "Final Subdivision Plan of Springer Estates, Route 9, Hampden, Maine" by AMES A/E dated October 24, 2004 and recorded in Map File 2005-27 of the Penobscot County Registry of Deeds.

Any and all other rights, easements, privileges and appurtenances belonging to the granted estate are hereby conveyed.

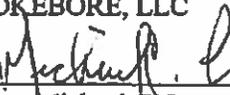
The Grantee's mailing address is P.O. Box 747, Hampden, Maine 04444.

IN WITNESS WHEREOF, CHOKEBORE, LLC has caused this instrument to be signed in its corporate name and sealed with its corporate seal by Michael C. Levesque, its Manager, hereunto duly authorized, this 17<sup>th</sup> day of February, 2012.

WITNESS:

  
\_\_\_\_\_

CHOKEBORE, LLC

By:   
\_\_\_\_\_  
Michael C. Levesque, its Manager

STATE OF MAINE  
PENOBSCOT COUNTY

February 17, 2012

Then personally appeared the above-named Michael C. Levesque and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability company.

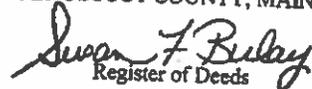
Before me,



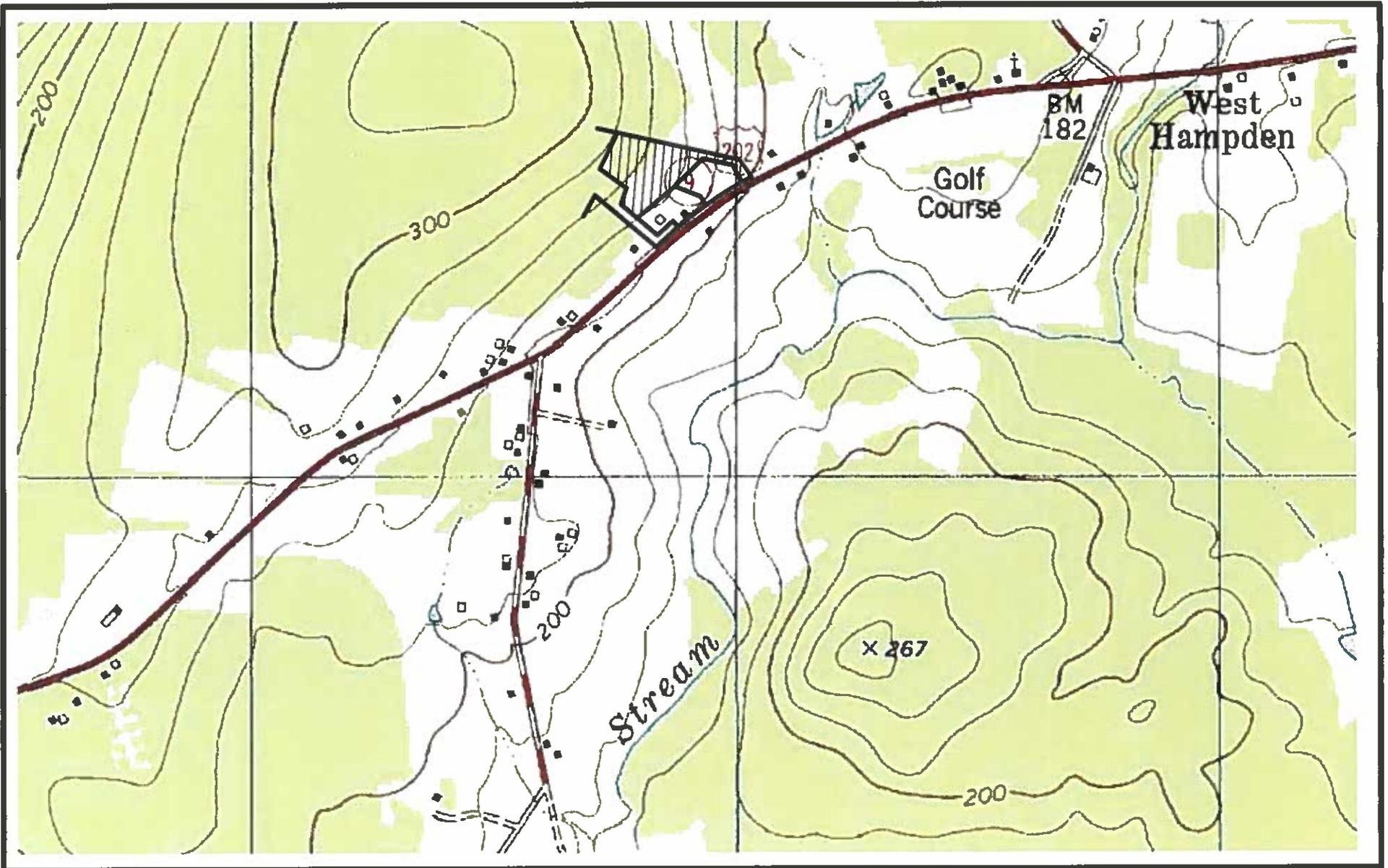
Name: CHRISTOPHER J. AUSTIN  
Notary Public/Attorney at Law

No Transfer Tax Paid

PENOBSCOT COUNTY, MAINE



Register of Deeds



USGS MAP  
 LOT 3, SPRINGER ESTATES  
 WESTERN AVE. HAMPDEN  
 FOR:  
 MICHAEL LEVESQUE  
 HAMPDEN, ME 04444

SCALE: 1"=1000'



14 SEP 17



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



AERIAL PHOTO  
LOT 3, SPRINGER ESTATES  
WESTERN AVE. HAMPDEN  
FOR:  
MICHAEL LEVESQUE  
HAMPDEN, ME 04444

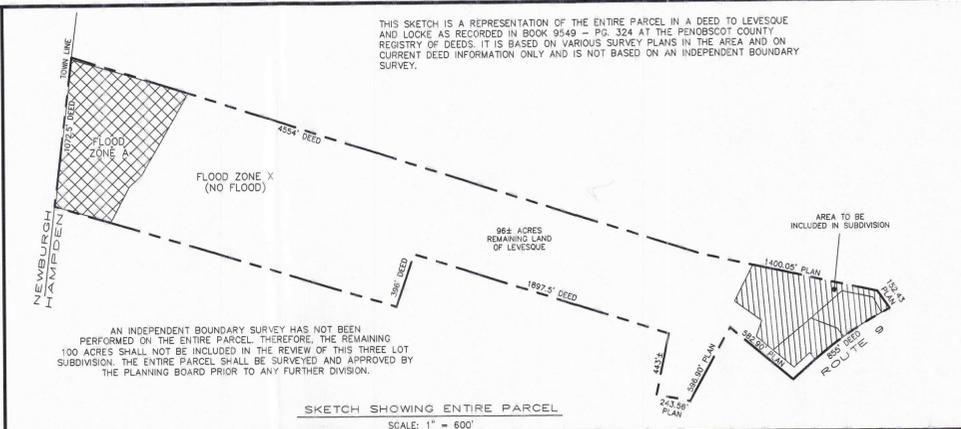
SCALE: 1"=150'



14 SEP 17



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



- GENERAL NOTES:**
- RECORD OWNERS OF THE PROPERTY PROPOSED FOR SUBDIVISION AMENDMENT ARE AS FOLLOWS:  
 LOT 3 MICHAEL C. LEVESQUE & JUNE LEVESQUE, PO BOX 747, HAMPDEN, MAINE (BK 12953, PG 68)  
 REMAINING LAND MICHAEL C. LEVESQUE, PO BOX 747, HAMPDEN, MAINE (BK 12737, PG 81)
  - CURRENT ZONING OF PROPERTY: RURAL ZONE  
 MIN LOT SIZE 2.0 AC  
 MIN ROAD FRONTAGE 200 FT  
 STREET YARD 30 FT  
 OTHER YARD 30 FT  
 MAX GRND COV 10%  
 MAX BLDG HGT 35 FT
  - THE PARCELS ARE SHOWN ON HAMPDEN TAX MAP 7 AS LOTS 35, 35B AND 35C.
  - THIS SUBDIVISION AMENDMENT IS FOR THE BOUNDARY MODIFICATION (1.6 AC) OF LOT 3 & THE REMAINING LAND AND THE REMOVAL OF THE EASEMENT BENEFITING LOT 3 ACROSS LAND OF LOT 1 & REMAINING LAND. THE AMENDMENT DOES NOT CREATE ANY NEW LOTS.
  - PROJECT AREA SUMMARY:  
 PARCEL ORIGINAL AREA NEW AREA  
 LOT 3 4.59 AC 6.19 AC  
 TOTAL SUBDIVISION 6.63 AC 10.23 AC
  - FLOOD INFORMATION SHOWN ON SKETCH OF ENTIRE PARCEL WAS TAKEN FROM A "FLOOD INSURANCE RATE MAP, TOWN OF HAMPDEN, MAINE, PENOBSCOT COUNTY, PANEL 3 OF 25, COMMUNITY-PANEL NUMBER 230168 0003 B, EFFECTIVE DATE: SEPTEMBER 4, 1987.

- SURVEY NOTES:**
- THE AREA WITHIN LOTS 1 - 3 WAS SURVEYED BY AMES A/E IN OCTOBER OF 2004. THE PROPERTY LINES SHOWN HEREON ARE BASED ON VARIOUS SURVEYS IN THE AREA (SEE PLAN REFERENCES), EXISTING MONUMENTATION AS FOUND AND LOCATED DURING THE SURVEY AND ON DEED INFORMATION OBTAINED AS PART OF THIS SURVEY. AN INDEPENDENT BOUNDARY SURVEY WAS NOT PERFORMED FOR THE ENTIRE PARCEL (107± ACRES).
  - THE NORTHERLY SIDELINE OF ROUTE 9 IS BASED ON EXISTING MONUMENTS FOUND AS PART OF THE SURVEY AND ON THE CENTERLINE OF THE CURRENT TRAVELED WAY OF THE ROADWAY. AMES A/E DID NOT PERFORM RESEARCH TO DETERMINE THE STATUS OR WIDTH OF SAID ROAD. THEREFORE, THE BOUNDARY LINE SHOWN MAY NOT REPRESENT THE EXTENT OF TITLE THAT PASSES BY IMPLICATION OR OPERATION OF LAW.
  - EXISTING FEATURES WITHIN THE SITE AREA WERE LOCATED USING TRADITIONAL SURVEY METHODS. FEATURES SHOWN ON ADJUTING PROPERTIES AND WITHIN THE SUBDIVISION THAT WERE CONSTRUCTED SINCE THE ORIGINAL APPROVAL WERE TAKEN FROM AERIAL PHOTOGRAPHS OF THE AREA AND SHOULD BE CONSIDERED APPROXIMATE.
  - SOILS TEST PITS WERE COMPLETED BY S.W. COLE ENGINEERING OF BANGOR MAINE ON OCTOBER 14, 2004. ALSO, THERE APPEAR TO BE NO WETLANDS IN ANY PORTION OF THE PROPOSED LOT.
  - DIRECTIONS ARE BASED ON GRID NORTH AS TAKEN FROM PLAN REFERENCE #1.
  - SOURCE DEED: ELIZABETH A. BUSH TO MICHAEL C. LEVESQUE AND DAVID T. LOCKE AS DESCRIBED IN BOOK 9549, PAGE 324 AT THE COUNTY REGISTRY OF DEEDS. ALSO, A DEED FROM MICHAEL E. BUSH TO MICHAEL C. LEVESQUE AND DAVID T. LOCKE AS DESCRIBED IN BOOK 9583, PAGE 293 AT THE PENOBSCOT COUNTY REGISTRY OF DEEDS.

- PLAN REFERENCES:**
- "FINAL SUBDIVISION PLAN, ELLINGWOOD HEIGHTS, ROUTE 202 & 9, HAMPDEN, MAINE" DATED JUNE 22, 1987 AND RECORDED IN MAP FILE #092-89 AT THE PENOBSCOT COUNTY REGISTRY OF DEEDS.
  - "PRELIMINARY SURVEY PLAN OF LAND OF WILLIAM AND RACHEL SHAKESPEARE, ROUTE 9, HAMPDEN, PENOBSCOT COUNTY, MAINE, FEBRUARY 21, 2003" PREPARED BY CES, INC. OF BREWER, MAINE.
  - "LAND OF WILLIAM & RACHEL SHAKESPEARE, ROUTE 9, HAMPDEN, MAINE, MARCH 31, 1980" AND RECORDED IN MAP FILE #C17-80 AT THE PENOBSCOT COUNTY REGISTRY OF DEEDS.
  - "STANDARD BOUNDARY SURVEY FOR THE ESTATE OF MARY BROWN, ROUTE 9, HAMPDEN, MAINE" AND RECORDED IN MAP FILE #C17-88 AT THE PENOBSCOT COUNTY REGISTRY OF DEEDS.
  - "SURVEY PLAN, HAMPDEN, MAINE FOR MRS. WILLARD CARLETON" BY PRENTISS & CARLISLE CO., INC. AND RECORDED IN MAP FILE 3C30-80 AT THE PENOBSCOT COUNTY REGISTRY OF DEEDS.
  - "AMENDED SUBDIVISION PLAN, ELLINGWOOD HEIGHTS, ROUTE 202 & 9, HAMPDEN, MAINE" PREPARED BY THE AMES CORPORATION AND RECORDED IN MAP FILE #1999-20.
  - "FINAL SUBDIVISION PLAN OF SPRINGER ESTATES, ROUTE 9, HAMPDEN, MAINE" PREPARED BY AMES A/E AND RECORDED IN MAP FILE #2005-27.
  - "SUBDIVISION PLAN, AMENDED, SPRINGER ESTATES, WESTERN AVE, HAMPDEN, MAINE" PREPARED BY KISER & KISER CO. AND RECORDED IN MAP FILE #2012-93.

- LEGEND:**
- IRON REBAR / BOLT (FOUND-AS NOTED)
  - 5/8" IRON REBAR SET
  - ⦿ 5/8" REBAR (TO BE SET)
  - ⊕ UTILITY POLE
  - PRELIMINARY SOILS TEST PIT
  - CATCH BASIN
  - 6"x6" GRANITE MONUMENT (FOUND)

*Kenneth J. Muir*  
 KENNETH J. MUIR, PROFESSIONAL LAND SURVEYOR NO. 1297  
 153 STORER ROAD, BANGOR, ME 04410



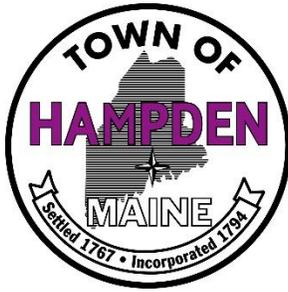
STATE OF MAINE  
 PENOBSCOT, SS  
 REGISTRY OF DEEDS  
 RECEIVED AND FILED  
 \_\_\_\_\_ 20\_\_\_\_  
 \_\_\_\_ h \_\_\_\_ m \_\_\_\_ M  
 ATTEST: \_\_\_\_\_ REGISTER  
 RECORDED AS MAP FILE: \_\_\_\_\_

THIS IS TO CERTIFY THAT AFTER REVIEWING THE SUBDIVISION INFORMATION FOR THE SUBDIVISION SHOWN ON THIS PLAN AND CONSIDERING EACH OF THE CRITERIA SET FORTH IN M.R.S.A. TITLE 30-A, SECTION 4404 & SECTION 4407, AS AMENDED, AND IN THE HAMPDEN SUBDIVISION ORDINANCE, THE UNDERSIGNED HAVE MADE FINDINGS OF FACT ESTABLISHING THAT THIS SUBDIVISION PLAN ALONG WITH ITS ADDITIONAL SUBMISSION INFORMATION HAS MET ALL THE CRITERIA SET FORTH AND THEREFORE, THE SUBDIVISION IS APPROVED.

APPROVED: TOWN OF HAMPDEN PLANNING BOARD  
 CHAIRMAN: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 DATE APPROVED: \_\_\_\_\_  
 DATE SIGNED: \_\_\_\_\_  
 CONDITIONS: \_\_\_\_\_



REV:	DATE:	BY:	COMMENTS:
DATE: 18 SEP 17	DESIGN BY: JRC	SCALE: 1"=60'	PROJ. NO: 537
<b>SUBDIVISION PLAN: AMENDED SPRINGER ESTATES</b>			
WESTERN AVE HAMPDEN MAINE			
RECORD OWNERS: <b>MICHAEL C. LEVESQUE</b> PO BOX 747 HAMPDEN, ME 04444			
ENGINEERING & DEVELOPMENT CONSULTING PO BOX 282, HAMPDEN, MAINE 04444 207-862-4700		<b>RECEIVED</b> SEP 18 2017 TOWN OF HAMPDEN ASSESSING DEPT.	
<b>SHEET 1-1</b>			



Town of Hampden  
Land & Building Services

Planning Board Order

Springer Estates

Amended Minor Subdivision Plan

*Approval Date:* October 11, 2017

*Project Name:* Springer Estates

*Location of Project:* Off Western Avenue

*Assessor's Reference:* 07-0-035-B and Parcel 07-0-035-C

*Zoning District:* Rural

*Total Acreage:* Total site is 107± acres, area within modified subdivision is 10.23 acres

*Type of Use:* Single family residential subdivision

*Number of Lots:* 3 existing lots, no new lots

*Applicant:* Michael Levesque  
PO Box 747  
Hampden, Maine 04444

*Owner:* Same as Applicant

*Plans Prepared by:* Kiser & Kiser Co.

*Plans Dated:* September 18, 2017

*Application Date:* September 18, 2017

*Public Meeting:* October 11, 2017

*PB Members:*<sup>1</sup> Peter Weatherbee, Michael Avery, Kelley Wiltbank, James Davitt, Morton Syversen, Eugene Weldon, and Tom Dorrity

*PB Action:* \_\_\_\_\_. This Amended Minor Subdivision Plan is [approved/approved with conditions/denied] under Section 342 of the Hampden Subdivision Ordinance.

*Summary Description of Application:* This application is to add 1.6 acres to Lot 3 of the approved Springer Estates Minor Subdivision, which is an existing residential neighborhood of 3 lots. The

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<sup>1</sup> Planning Board Members who were appointed to vote on this case.

Minor Subdivision was approved in 2004. The land area within the amended Subdivision is 10.23 acres, out of an overall parcel that is 107± acres. No new roads or infrastructure are proposed.

*Findings:* After the public meeting duly noticed and held, the Hampden Planning Board found that the applicable requirements in Article 342 of the Hampden Subdivision Ordinance have been met. Based on this, the Hampden Planning Board voted \_\_\_\_\_ to [approve/deny] the Minor Amendment to the Springer Estates Minor Subdivision Plan.

*For the Hampden Planning Board:*

\_\_\_\_\_  
Peter Weatherbee, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael Avery

\_\_\_\_\_  
Kelley Wiltbank

\_\_\_\_\_  
James Davitt

\_\_\_\_\_  
Morton Syversen

\_\_\_\_\_  
Eugene Weldon

\_\_\_\_\_  
Tom Dorrity

DRAFT

*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.

**Project List - Planning**

<b>Project Name</b>	<b>Location</b>	<b>What it is</b>	<b>Size<sup>1</sup></b>	<b>PB Action/Date</b>	<b>Type</b>
Fiberight	off Coldbrook	solid waste processing	153,800 sq ft	Approved	Site Plan
Hannibal Hamlin Place	Main Road N	expansion	2,800 sq ft	Approved	Site Plan
Pine Tree Food Equipment	Nadine's Way	new building/business	3,600 sq ft	Approved	Site Plan
Dennis Paper	Mecaw Rd	expansion	27,237 sq ft	Approved	Site Plan
Colonial Heights	off Constitution	phase 3 of subdivision (final plan)	11 new lots	Approved	Subdivision
Carver	Ballfield Rd	conversion of single family to two family	1 new unit	Approved	Conditional Use
Sky Villa	646 Main Road N	conversion of interior to 10 short term rehab beds	3,172 sq ft	Approved	Conditional Use
Brickle	326 Main Road N	conversion of single family to two family	1 new unit	Approved	Conditional Use
Southeast Development Co	Route 202/Coldbrook Rd	zoning map amendment; Resid A to Comm. Service	16 acres	Withdrawn	Zoning Map Amendmemt
Hamlin's Marina	Marina Road	new boat storage building	10,000 sq ft	Approved	Site Plan
Fiberight	348 Coldbrook Road	Site Plan Revision	153,800 sq ft	Approved	Site Plan
Springer Estates	Deer Hill Lane	Addition of land to existing lot within subdivision	1 Lot	10/11/2017	Minor Revision
Hannaford	Western Ave.	Addition of ~12' x 32' external CLYNK bldg as accessory structure.	384 sq ft	11/8/2017	Site Plan Revision
H.O. Bouchard	Coldbrook Road	Expanded office building	1,232 sq ft	Pending	Site Plan (anticipated; not yet filed)

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