



Town of Hampden
Planning Board
Wednesday, October 12, 2022, 7:00 pm
Municipal Building Council Chambers
Minutes

In Attendance:

Planning Board

Richard Tinsman, Chair
Jennifer Austin, Vice Chair
Amanda Day
Kelley Wiltbank
Brent Wells

Staff

Clifton Iler, Town Planner
Wanda Libbey, Admin Asst.
Paula Scott, Town Manager
Amy Ryder, Economic Development Director
Public
Jim Kiser
Aaron Watt
Brandy & Colby Gray
Chip Crawford

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. Minutes – September 14, 2022, Regular Meeting

Motion by Member Wiltbank to approve the minutes of September 14, 2022, regular meeting, second by Member Day; motion carried 4/0/1 by roll call vote (Member Austin abstained).

- b. Minutes – September 20, 2022, Workshop Meeting

Request to consolidate the minutes with the September 27, 2022, minutes (see below).

- c. Minutes – September 27, 2022, Special Workshop Meeting (Combined with September 20, 2022, Workshop Minutes)

Motion by Member Austin to consolidate the minutes from the September 20, 2022, workshop meeting, due to a lack of quorum, with the minutes of the September 27, 2022, special workshop meeting, that obtained a quorum; second by Member Wells; motion carried 5/0/0 by roll call vote.

2. Old Business:

- a. 37 Main Rd N – Public hearing for a Conditional Use permit for a proposed accessory apartment located at 37 Main Rd N; Tax Map/Lot: 36-0-051-1. This parcel is located in the Town Center district.

Chair Tinsman went over the rules for public hearings, confirmed with Town Planner Iler that the required public hearing posting had been met, and then opened the public hearing at 7:05 p.m.

Motion made by Member Wiltbank to continue the Public Hearing for Conditional Use Permit for 37 Main Rd N; seconded by Member Austin; motion carried 5/0/0.

Applicant, Aaron Watt, explained that he would like to build a small living space above the existing garage at 37 Main Rd N.

Town Planner Iler presented his report on the application:

- Located in Town Center
- Construct an apartment above the existing garage at 37 Main Rd N.
- Meets dimensional standards
- Received necessary permits required from Code Enforcement.

Town Planner Iler explained that at the Public Hearing held on September 14, 2022, an abutter to the property asked for clarity as to which property the garage is located was confirmed that it would be on 37 Main Rd N.

Interested Parties Questions/Concerns/Opposition – None

Planning Board Questions – None

Chair Tinsman closed the public hearing at 7:11 p.m.

Motion by Member Wiltbank to approve the Conditional Use application to construct an accessory apartment located at 37 Main Rd N (Tax Map/Lot: 36-0-051-1) in the Town Center district; seconded by Member Austin; the motion carried 5/0/0 by roll call vote.

3. New Business:

- a. 676 Main Rd N – Public hearing and final plan review for a major subdivision to construct 16 dwelling units at 676 Main Rd N; Tax Map/Lot: 20-0-034-01. The property is located in the Business District.

Chair Tinsman confirmed with Town Planner Iler that the required public hearing posting had been met and opened the public hearing at 7:13 p.m.

The representative for the applicant, Jim Kiser, presented the opening statement:

- The Preliminary Plan was approved in May 2022.
- The 16-unit development is adjacent to the Dollar General on Main Road North.
- The DOT entrance permit has been updated to include this development as part of a common entrance with Dollar General.
- The applicant provided a technical evaluation of the floodway per request of the Board at the Preliminary Plan review. The evaluation indicates that encroachment into the flood zone will have minimal impact on that community's flood elevation and that there was to be no change in the vertical elevation of the flood plain at the location of crossing Main Rd N (US Route 1A).
- The applicant is no longer in pursuit of the abutting property located at 317 Old County Rd due to restrictions on the property preventing the use of multi-family use. For this reason, no sidewalk connection was included in the plan set.

- The Stormwater Management Plan was been updated to include a discussion of the stormwater runoff and run-on from off-site properties. A minimal amount of stormwater run-on will come off the side slope in the southwest corner of the property. This volume of water will be transported across the property and into the filter bed. No treatment capacity is proposed for that water as it would be outside the development boundaries. With other updates to the site, other off-site runoff/run-on will be directed to the north by the grading of the access drive and building fill areas. These design features will protect this property from drainage impacts.
- The public safety turn-around has been relocated by shifting Building 4 toward the west and placing the turn-around between the parking areas for Buildings 3 and 4. This turning area was reviewed by public safety and deemed acceptable.
- Project lighting is proposed to utilize leased fixtures from Versant Power and installed on the Versant-owned poles. These lights will be the area light style with a Type 4 distribution pattern and 48-watt LED fixture. All building entrance lighting will be canister-style lighting mounted under the porch canopy.

Town Planner Iler started by explaining that although the 317 Old County Rd property is no longer in the applicant's development portfolio, the Planning Board should encourage similar site development requirements for any future development of the property. That aside, Town staff had no additional questions or concerns related to the project and it meets the submission requirements of the Subdivision Ordinance and Major Site Plan.

Interested Parties Questions/Concerns/Opposition – None

Planning Board Questions – None

Chair Tinsman closed the public hearing at 7:21 p.m.

Motion by Member Austin after the public hearing was duly noticed and held; based on findings required by Section 4.1.6.2 of the Hampden Zoning Ordinance, to approve the Final Major Site Plan and Subdivision Plan for construction of a multi-family development at 676 Main Rd N; Tax Map/Lot: 20-0-034-1; seconded by Member Wiltbank; motion carried by roll call vote 5/0/0.

Motion by Member Austin to address Hampden Realty Group, LLC sketch plan review on the agenda next; seconded by Member Wiltbank; motion carried by roll call vote 5/0/0.

- b. Hampden Realty Group, LLC – Sketch plan review for a major subdivision to construct 18 dwelling units on Old County Rd; Tax Map/Lot: 10-0-037-1. The property is located in the Residential B District.

The representative for the applicant, Jim Kiser, presented the opening statement:

- The project is located on a 2.3 AC parcel and will construct 18 units in 3 buildings – with 6 units in each building.
- Buildings will be appropriately fire-rated between every two units so that they will meet IRC provisions for single-family dwellings.

- Because the development is within 75 FT of Sucker Brook, the developer will follow the stormwater criteria as laid out in the ordinance and by DEP.
- Property will be accessed directly off Old County Rd and will be using municipal water and sewer.
- A fire hydrant is almost immediately across from this site.
- Site survey for wetlands is underway and no on-site wetlands are anticipated.

Town Planner Iler explained the Sketch Plan process and the series of determinations that the Board will need to make based on staff recommendations:

- Subdivision Type: Major (16 dwelling units)
- Style of Subdivision: Standard
- Type of Street: Minor
- Review: Major Subdivision and Major Site Plan
- Site Walk: TBD

Staff noted that the applicant should include a sight distance measurement from the driveway entrance within the Preliminary Plan submittal documents for the Director of Public Works and the Director of Public Safety to review.

Member Wiltbank asked for a description of where the property is located on Old County Rd. Jim Kiser explained that it is on the Route 202 side of Old County Rd approximately 400 FT southerly of Triangle Rd and just northerly of the stream crossing of Sucker Brook stream. It is currently an open field previously owned by the Perry family who owns an existing cow farm on Old County Rd.

Town Planner Iler explained that currently, future development to the Perry farmland would have to be accessed by Old County Rd unless there was a curb cut extended to Route 202.

A discussion was held, and it was a consensus of the Board to schedule a site walk on Tuesday, October 25, 2022, at 8:00 a.m.

Jim Kiser agreed to stake out the location of the buildings on the property for the Board and the entrance location for the site walk.

Motion by Member Wiltbank to classify the subdivision as a Major Standard Subdivision and the type of street being a lane; seconded by Member Austin; motion carried by roll call vote 5/0/0.

- c. Zoning Ordinance Amendments – Public hearing for various proposed amendments to the Hampden Zoning Ordinance. This request has been filed by the Town of Hampden.

Chair Tinsman confirmed with Town Planner Iler that the required public hearing posting had been met and opened the public hearing at 7:46 p.m.

Town Planner Iler presented opening statements on behalf of the Town of Hampden. He began by going over the critical path flow chart explaining why the Town is requesting these amendments and how that fits in to a larger process with the Comprehensive Plan and Zoning Ordinance rewrite.

Recent State legislation, like LD 2003, requires a significant reevaluation of the intent and purpose of the Zoning Ordinance. The legislation plainly redefines how municipalities are to classify and restrict housing development. It was the opinion of Town staff that rewriting the Zoning Ordinance to accommodate these changes would be easier than amending the current version. This would need to be completed before LD 2003 goes into effect on July 1, 2023.

Town Planner Iler explained that the reason for the amendments before the Board today is a stop-gap amendment to address many loopholes, gaps, and conflicts within the current Zoning Ordinance. Addressing the existing conflicts and gaps will allow staff to effectively operate until a new Zoning Ordinance is adopted by the Town Council. Town Planner Iler reiterated that these changes have been discussed at multiple meetings with the Planning Board and Town Council and staff has identified numerous problems over the past couple years. The proposed stop-gap amendments will last for an eight to ten-month period until the Zoning Ordinance is repealed and replaced with a new one.

Board Questions/Comments:

Chair Tinsman congratulated Town Planner Iler on bringing the Town through to where it is currently, where we are going, and why we need to adopt a new Zoning Ordinance and tie it to a new Comprehensive Plan.

Member Wiltbank asked Town Planner Iler to explain the difference between the current use-based Zoning Ordinance and the proposed form-based code. Planner Iler explained that use-based zoning separates a series of uses based on residential, industrial, commercial, and office so two different uses don't function on the same property. A form-based code would allow, for example, a business on the ground floor and a residence above. Another example would be to have a house within walking distance of a grocery store. Staff is proposing to consider form-based code as an alternative to the traditional use-based code. A form-based code in the Town of Hampden would eliminate the barriers to entry in terms of development. It would also allow individual property owners to have more choices on what they can do with their property. There would still be barriers within the ordinance so that inappropriate uses would not be adjacent.

Chair Tinsman asked if the proposed amendments are fundamental changes within the language and within the scope of the existing Zoning Ordinance. Town Planner Iler stated that is correct.

Member Wiltbank asked what residents of the Town of Hampden are going to see around their property that they may not be aware of, what density can be allowed in residential zones, and what is an accessory dwelling unit? Planner Iler explained that Town staff is well equipped to navigate any problems with the LD 2003 changes. LD 2003 will change the need to get Planning Board approval for accessory dwelling units, which was necessary for the first application on this agenda. Under LD 2003, it is proposed to make it permitted by-right, so if you own a single-family home, you will only need to get a building permit from Code Enforcement Officer and will not be required to come before the Planning Board. This is the

only aspect of LD 2003 that made it into this iteration of amendments presented. All other aspects of LD 2003 will need to be discussed as a community.

Chair Tinsman asked if the only State requirement that is being dealt with at this is a Conditional Use Permit for accessory dwelling units. Planner Iler stated that is correct.

Planner Iler explained that some of the changes are an attempt to loop in existing State laws. In terms of changes to the sign section of the ordinance, one of those is tying in something that Code Enforcement Officer, Ryan Carey, uses as a backup for any sign-related questions, which is the State guidance.

Public Questions/Comments:

Resident Jim Kiser, who resides at 15 Constitution Ave, is confused with the depth of the changes in something that was recently, dramatically rewritten. Mr. Kiser stated that because there are not enough lots in urbanized areas of town people are moving further out. He finds it unfortunate that as a Town we have not heavily embraced the expansion of sewer and water into areas that would be very well advised to be served by sewer and water. This has hampered development for those in reference to business and land use activities. Mr. Kiser is unsure why entire sections of the ordinance are being dropped knowing that the entire ordinance will be changed within 6 to 8 months.

Mr. Kiser is concerned with the way the ordinance has flip-flopped in reference to quadplex and duplex several times. Mr. Kiser expressed that from a leasing standpoint, quadplexes are more economical. Planner Iler explained that quadplexes are still allowed in most zoning areas in this iteration, what was altered was removing them from places in Town that do not have access to public water, public sewer, and fire protection.

Another concern of Mr. Kiser's is regarding cluster provisions being a vital part of the ordinance and expressed his hope that it would come back in the next iteration of the ordinance. He also has concerns with signage within the ordinance and believes that enforcement is key. Mr. Kiser shared his concern with the change in accessory uses that there is no notification required to abutters.

Chair Tinsman clarified that the proposed amendments for this public hearing are not being affected by a new way of doing zoning such as a form-based code.

Chair Tinsman closed the public hearing at 8:32 p.m.

Member Austin expressed her appreciation for the discussion from the Board, Town Planner Iler's detailed summary, and the comments from Jim Kiser as a resident and developer. The amendments before us tonight should not be new to any of us as we have discussed them many times at Planning Board meetings and workshops. As Town staff said, this is a way for us to temporarily stop current conflicts within the Zoning Ordinance. Planner Iler, staff, and Planning Board will continue to work to develop a Zoning Ordinance which will replace what we currently use. Town staff deals with zoning issues daily, and the Board only deals with zoning issues only a couple of times each month. The role of the Planning Board, in reference to ordinance amendments, is to take the information provided by staff and make a recommendation to Town Council. It is Town Council that will debate, discuss, and decide

on the final ordinance approval or not. Based on staff recommendations we should move these amendments forward.

Member Austin asked Planner Iler if there is anything he could provide the Board and the public in reference to any guidance or advisement that Town Council may have concerning the amendments before us. Town Planner Iler explained that at Council Workshop we discussed some of the changes specifically, but what we discussed more so was the process and why are we doing this, and why it's necessary. Making these changes will give us the opportunity to see if these changes work or not.

Motion by Member Austin to send the proposed Zoning Ordinance amendments discussed at this public hearing to Town Council with the recommendation to approve; seconded by Member Wells; motion carried by roll call vote 5/0/0.

4. Town Planner Report:

Town Planner Iler informed the board that the workshop meeting scheduled for Tuesday, October 18, 2022, has been canceled.

5. Planning Board Comment:

Member Austin expressed that the critical path diagram is very well done. It shows clearly why it is important that we do these tasks in succession, how they relate to each other, and what's involved in them. She would like to see more of this in planning development.

Member Wilbank expressed his appreciation to continue discussion of planning and zoning issues in a public forum so citizens of Hampden are aware of what the future holds.

Chair Tinsman expressed his gratitude to Planner Iler and Town staff for keeping the public engaged and informed through the Comprehensive Plan process and through discussion at Planning Board meetings.

6. Adjournment:

Motion by Member Wiltbank moved to adjourn the meeting at 8:44 p.m., seconded by Member Austin; the motion was carried by a roll call vote of 5/0/0 in favor.

Respectfully submitted by Wanda Libbey,
Administrative Asst.