



Town of Hampden

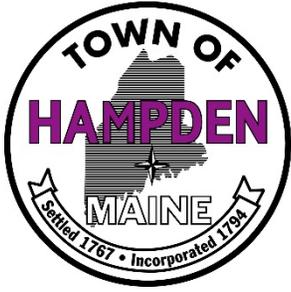
Planning Board

Wednesday, November 8, 2017, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Administrative.
  - a. Minutes – October 11, 2017
2. Old Business – None.
3. New Business
  - a. Public Hearing: Tradewinds/Southstreet Development Company, LLC, to request the rezoning of a 16+/- acre portion of the 31 acre property at the corner of US Route 202 and Coldbrook Drive. The land is currently zoned Residential A zoning district and the request is to rezone the land to Commercial Services zoning district. The property is identified as Tax Map Parcel 33-0-011-A.
  - b. Public Hearing: H.O. Bouchard, Inc., Amended Site Plan. The applicant proposes to construct a 1,680 square foot addition and 300 square foot deck to an existing office building. The project is located at 349 Coldbrook Road, and identified as Tax Map 14; Parcel 01-01. The zoning district is Interchange Zone.
  - c. Public Hearing: Hannaford Bros. Co., LLC, Amended Site Plan. The applicant proposes a 320 square foot detached CLYNK Redemption Unit to be placed within an existing paved area of the Hannaford parking lot. The project is located at 77 Western Ave., and identified as Tax Map 31; Parcel 02.
  - d. Public Hearing: To review and make a recommendation on the proposed zoning ordinance amendments to prohibit recreational marijuana retail sales and social clubs in Hampden – *referral from Town Council and Ordinance Committee*
  - e. Discussion Item: To discuss the current ordinance amendment process relative to the role of the Ordinance Committee and the ordinance amendment procedures detailed in Section 1.5 of the Zoning Ordinance.
4. Staff Report
5. Planning Board Comment
6. Adjournment



Town of Hampden

Planning Board

Wednesday October 11, 2017, 7:00 pm

Municipal Building Council Chambers

## Minutes – Draft

### In Attendance:

#### Planning Board

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

#### Staff

Angus Jennings, AICP, Town Manager  
 Ben Smith, AICP, Contract Planner

#### Public

Michael Levesque, Applicant

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

### 1. Administrative.

- a. Minutes of September 13, 2017 meeting: **Motion** by Member Davitt to approve as submitted; Second by Member Wiltbank, carried 6/0/1, Member Avery abstaining.

### 2. Old Business.

- a. Introduction of contract planner, Ben Smith, AICP. Discussion of approved scope of services, availability for Board support during interim engagement.

Town Manager Angus Jennings introduced Ben Smith as the contract planning who would be assisting the Board with project review and staffing the next several Board meetings in the absence of Karen Cullen. Day to day operations of the department would fall to Danielle Simons in the office and Ben would be in the office a couple days per month.

Ben Smith introduced himself briefly and said he looked forward to assisting the Board.

### 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).

Michael Levesque introduced the project to the Board.

- The proposed change to the subdivision is to add 1.6 acres to Lot 3, which he currently owns, to bring the total acreage of that lot to 6.19 acres.
- The land to be added is coming from a 96+/- acre property to be retained by the applicant.
- The purpose of the application is to give the buyer of Lot 3 some additional land behind the existing house to serve as a buffer to any potential activities on the applicant's remaining land.

Planning Board Members asked questions:

Member Scott asked for clarification on the configuration of future property access. The plan shows an Existing Gravel Drive for the house on Lot 3 on Deer Lane as well as a Woods Road on Route 9 (Western Avenue) that is on the frontage for the Remaining Land, but traverses both Lots 1 and 3 before returning to the Remaining Land. Mr. Levesque stated that the easements over Lots 1 and 3 were to be extinguished and a new entrance would be constructed when necessary for the Remaining Land.

Member Avery noted that there appeared to be only 210 feet of frontage on Route 9 for the entire Remaining Land. The applicant agreed, noting that the only frontage for the Remaining Land was on Route 9.

Member Avery noted that he had done some survey work for an abutting property owner, and that the past work would not impact his review or vote of this application. There was no objection from the Board or the applicant.

Member Avery asked if there had been a previous change to area of Lot 1. Mr. Levesque confirmed that changes to the lot lines between Lot 1 and Lot 3 had occurred in the past.

Member Syversen recalled that during the original application review there had been discussion about how the Remaining Land retained frontage relative to Route 9 (Western Avenue) and Deer Hill Road. Mr. Levesque reiterated that the only frontage for the Remaining Land was on Route 9.

**Motion** by Member Weatherbee to Approve the minor amendment to Springer Estates showing the new lot lines; second by Member Avery; carried 7/0/0.

4. Staff Report: Town Manager Jennings introduced Ben Smith, Contract Planner, who will be working with the Town over the next few months until Planner Cullen is back. Mr. Smith gave a brief introduction of himself and background and expressed his pleasure for the opportunity to assist the Board.

Town Manager Jennings reviewed the Planning Board Project List of projects that are upcoming for the next Board meeting and recently approved projects under construction.

Town Manager Jennings reminded the Board of training opportunities through Maine Municipal Association.

5. Planning Board Comment. Chariman Weldon asked Town Manager Jennings about the status of the Fiberight facility. Manager Jennings said that the recently placed binder pavement had to be removed due to consistency issues with depth of pavement and is being replaced.

The meeting was adjourned at 7:45 pm by motion of Member Davitt, with second by member Syversen; motion carried 7/0/0.

*Respectfully submitted by Ben Smith, Contract Planner*

Town of Hampden  
Land & Building Services



Report on Application  
Zoning District Amendment  
Tradewinds/Southstreet Development  
Company LLC

To: Planning Board  
From: Ben Smith, AICP, Contract Planner  
Date: October 23, 2017  
RE: Report on Application for Zoning District Amendment

Project Information

Applicant: Southstreet Development Company, LLC  
Site Location: Corner of Route 202 and Coldbrook Road, Tax Map/Parcel # 33-0-011-A  
Zoning District: Residential A (current zoning)  
Proposal: Change from Residential A to Commercial Services District

Southstreet Development submitted an application for a zone change for the property on the corner of Route 202 and Coldbrook Road in July 2017. The review of the request was put on hold per the applicant's request. Per an email from the applicant's representative Randy Bragg, P.E., of Carpenter Associates, to Angus Jennings, Hampden Town Manger, dated October 16, 2017, the zone change request has been reactivated.

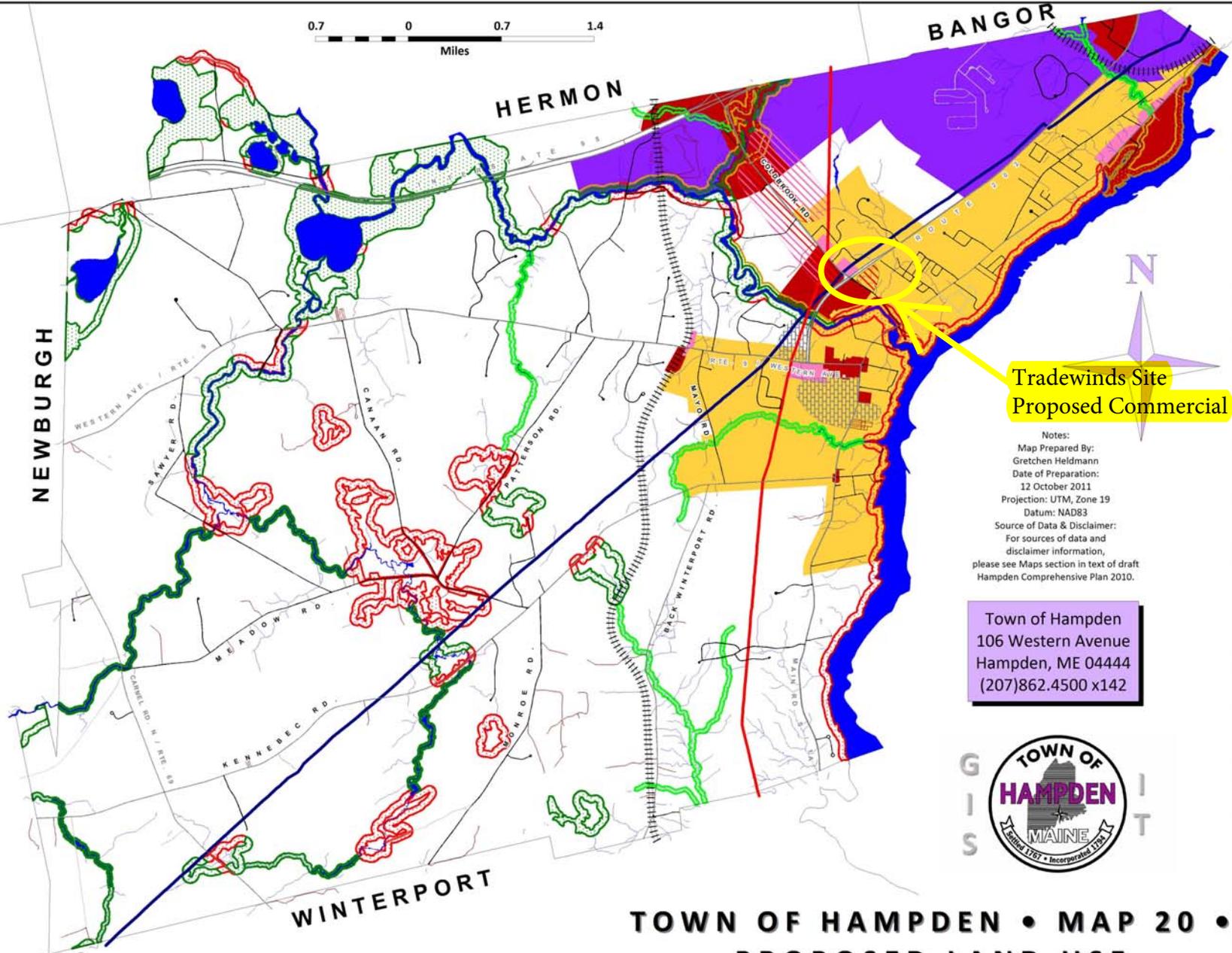
About 16 acres of the total site are proposed for Commercial Services District zoning. As shown on page 6 of the application, the area to be rezoned is about 750 deep from the edge of the Route 202 right-of-way, and there remains a 200 foot buffer of Residential A between the homes on Stoneybrook Road.

The zoning district amendment request is consistent with the Proposed Land Use Map included in the 2010 Comprehensive Plan. The map shows this area as "Proposed Commercial District."



**LEGEND**

- INFRASTRUCTURE**
- Town Roads
  - Private Roads
  - State Roads
  - Unimproved Roads
  - Railroad
  - Pipeline US Government
  - Pipeline ExxonMobil
- GROWTH AREAS**
- Proposed Commercial District
  - Proposed Business District
  - Proposed Institutional District
  - Industrial District**
    - Industrial
    - Industrial 2
    - Industrial Park
  - Residential District**
    - Residential A
    - Residential B
  - Commercial District**
    - Commercial Service
    - Interchange
    - Village Commercial
    - Village Commercial II
  - Business District**
    - Business
    - Business B
- RURAL AREAS**
- Rural District
  - Rural
  - Rural Business
- SHORELAND ZONING**
- 75ft Stream Protection or up to 250ft Resource Protection
  - 75ft Local Stream Protection
  - Limited Residential
  - General Development



Tradewinds Site  
Proposed Commercial

Notes:  
Map Prepared By:  
Gretchen Heldmann  
Date of Preparation:  
12 October 2011  
Projection: UTM, Zone 19  
Datum: NAD83  
Source of Data & Disclaimer:  
For sources of data and  
disclaimer information,  
please see Maps section in text of draft  
Hampden Comprehensive Plan 2010.

Town of Hampden  
106 Western Avenue  
Hampden, ME 04444  
(207)862.4500 x142



**TOWN OF HAMPDEN • MAP 20 •  
PROPOSED LAND USE**



# CARPENTER ASSOCIATES

## CONSULTING ENGINEERS

July 14, 2017

Karen Cullen  
Town Planner  
106 Western Avenue  
Hampden, Maine 04444

**RE: Proposed Zone Map Amendment**

Dear Karen:

Please accept on behalf of Southstreet Development Company, LLC the attached application for a Zoning District (Map) Amendment. The proposed amendment is a request to change a portion of an existing parcel of land located at the intersection of Route 202 and Coldbrook Road from Residential A to Commercial Services District. This location is adjacent to similar zones and makes logical sense for the proximity to the major traffic corridors. In my experience Residential construction is typically not favorable along the corridors and in most instances zoned Commercial and/or Business. Please find enclosed a filing fee of \$650. We are hoping to be placed in front of the Planning Board as soon as possible, no later than August 9th, and hopefully on to a favorable vote by the Council on or about August 21st.

Please let me know if there are any questions that we can answer to keep moving forward.

Sincerely,

Randy Bragg, P.E.

Attachment



File #: \_\_\_\_\_

**Land & Building Services**

106 Western Ave.  
Hampden, ME 04444  
207-862-4500  
www.hampdenmaine.gov

# Application for Zoning District (Map) Amendment

**APPLICANT**

Name of Applicant (primary contact): Chuck Lawrence  
 Company: Southstreet Development Company LLC  
 Mailing Address: 59 Kidder Hill Road, Holden, ME 04429  
 Phone: \_\_\_\_\_ Cell: 207-356-2526  
 Email Address: chukc@aol.com

**OWNER**

Name of Owner: Chuck Lawrence  
 Mailing Address: 59 Kidder Hill Road, Holden, ME 04429  
 Daytime phone: 207-356-2526

**PROPOSAL**

Location of Property: Corner of Route 202 and Coldbrook Road  
 Assessor's Tax Map/Parcel Number(s): (33-0-011-A)  
 Current Zoning District: Residential A Proposed Zoning District: Commercial Services District  
 Acreage of area proposed to be rezoned: 16+-

If the area of the proposed map amendment does not align with current tax map parcel boundaries, provide a written description of the area: see map

**Proposed development (reason why the map amendment is proposed):**

The zone change is proposed to facilitate future Tradewinds facility to service the public.

**Benefit to the Town if the proposed map amendment is adopted:**

This zone request is located along a major traffic corridor, abuts existing similar zones, provides public service, increased tax base.

Attach a map showing the approximate area of the proposed map amendment in relation to the surrounding area, including current zoning districts.

**SIGN**

Applicant's signature: *Chuck Lawrence*  
 Owner's signature: *see purchase + sale agreement*  
 Date: 7/17/2017

**Official Use Only:**

Application Fee: \$ 650- Date Paid: 7-17-17 Check #: 7068  
 Public Notice Fee: \$ \_\_\_\_\_ Date Paid: \_\_\_\_\_ Check #: \_\_\_\_\_ Date of Public Hearing: \_\_\_\_\_  
 Decision of Planning Board: \_\_\_\_\_



# Existing Parcel Map

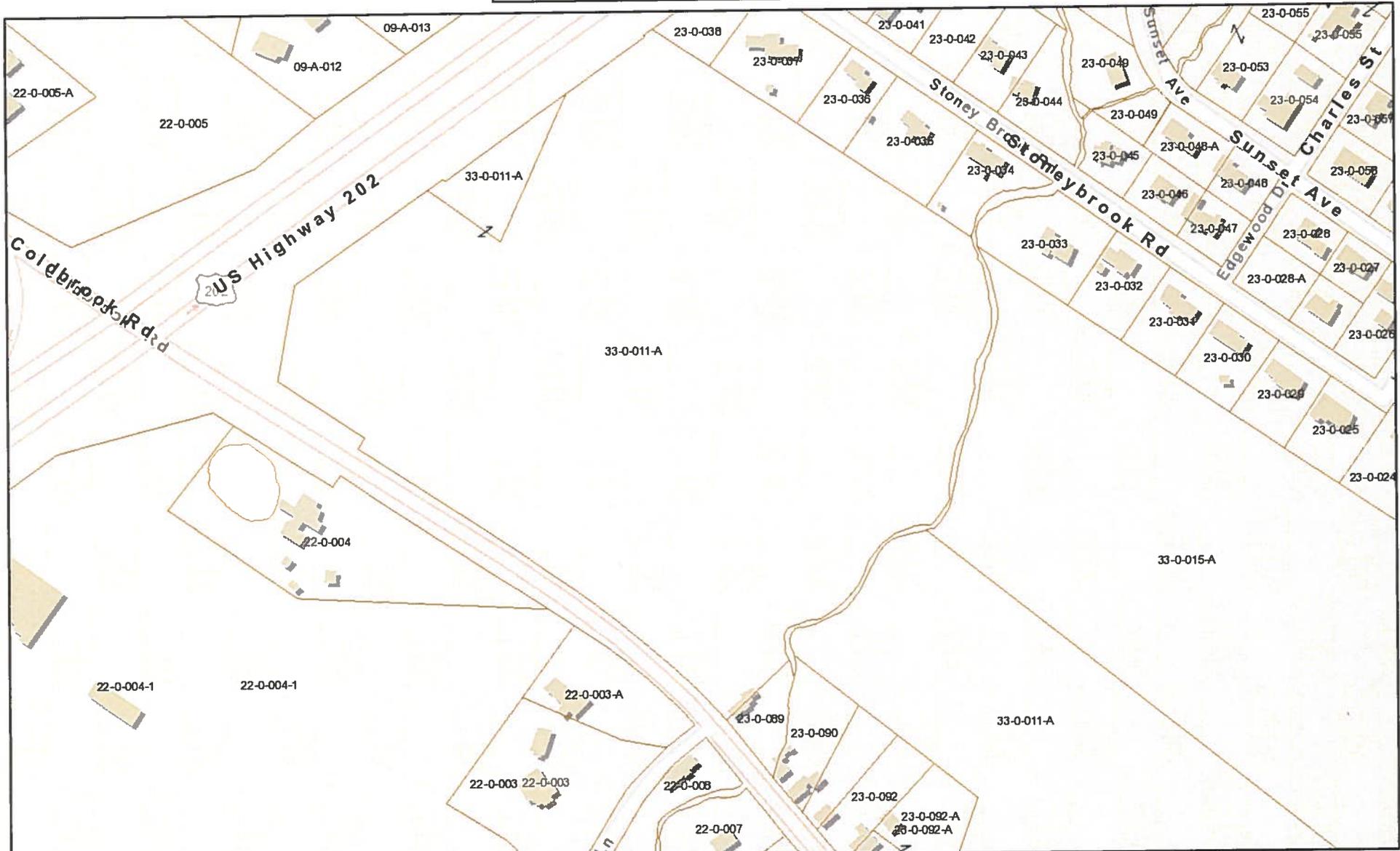
Hampden, ME



July 17, 2017

1 inch = 268 Feet

[www.cai-tech.com](http://www.cai-tech.com)



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



# Existing Zone Map

Hampden, ME



July 17, 2017

1 inch = 268 Feet

[www.cai-tech.com](http://www.cai-tech.com)



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# Existing Drainage Map

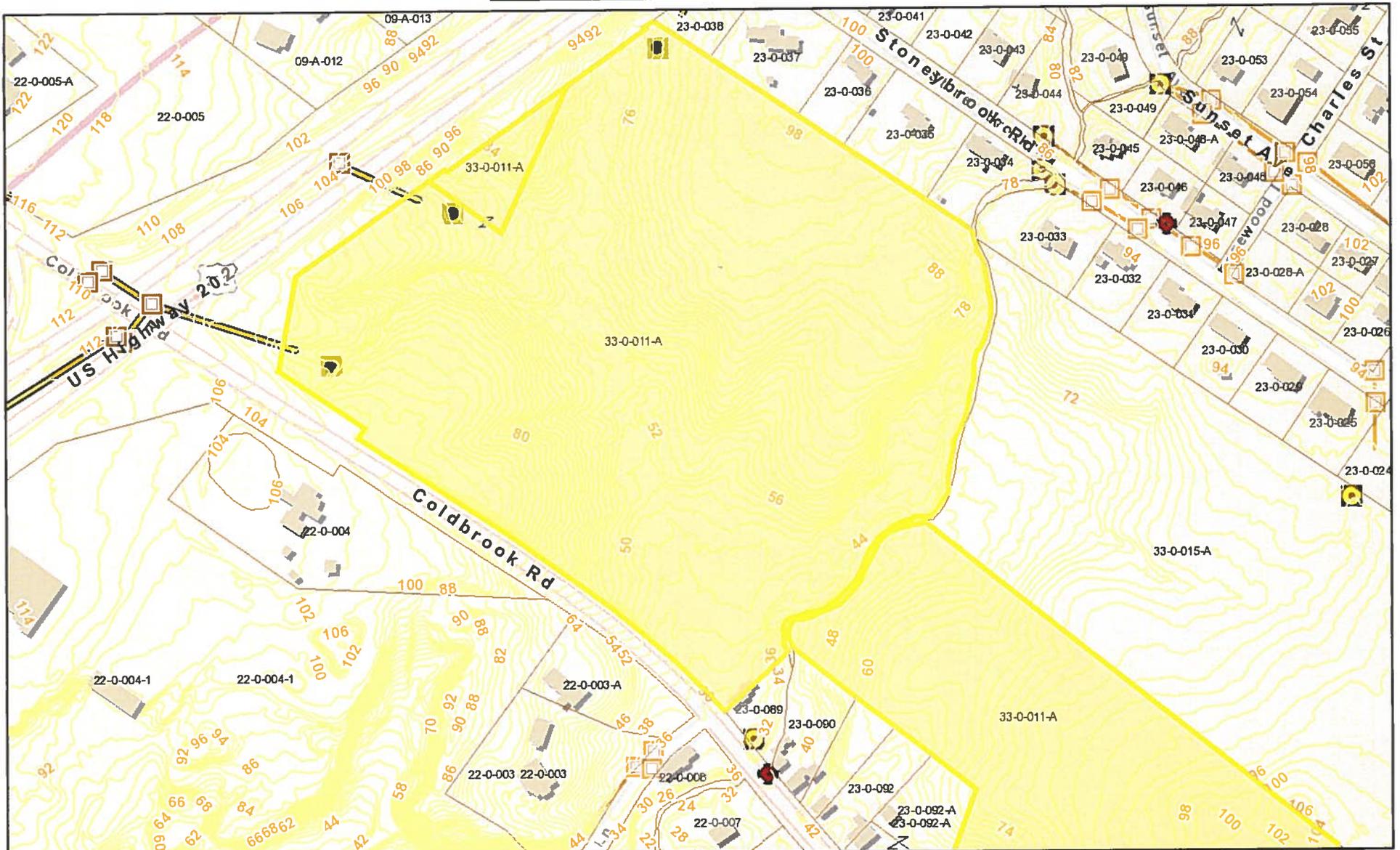
Hampden, ME



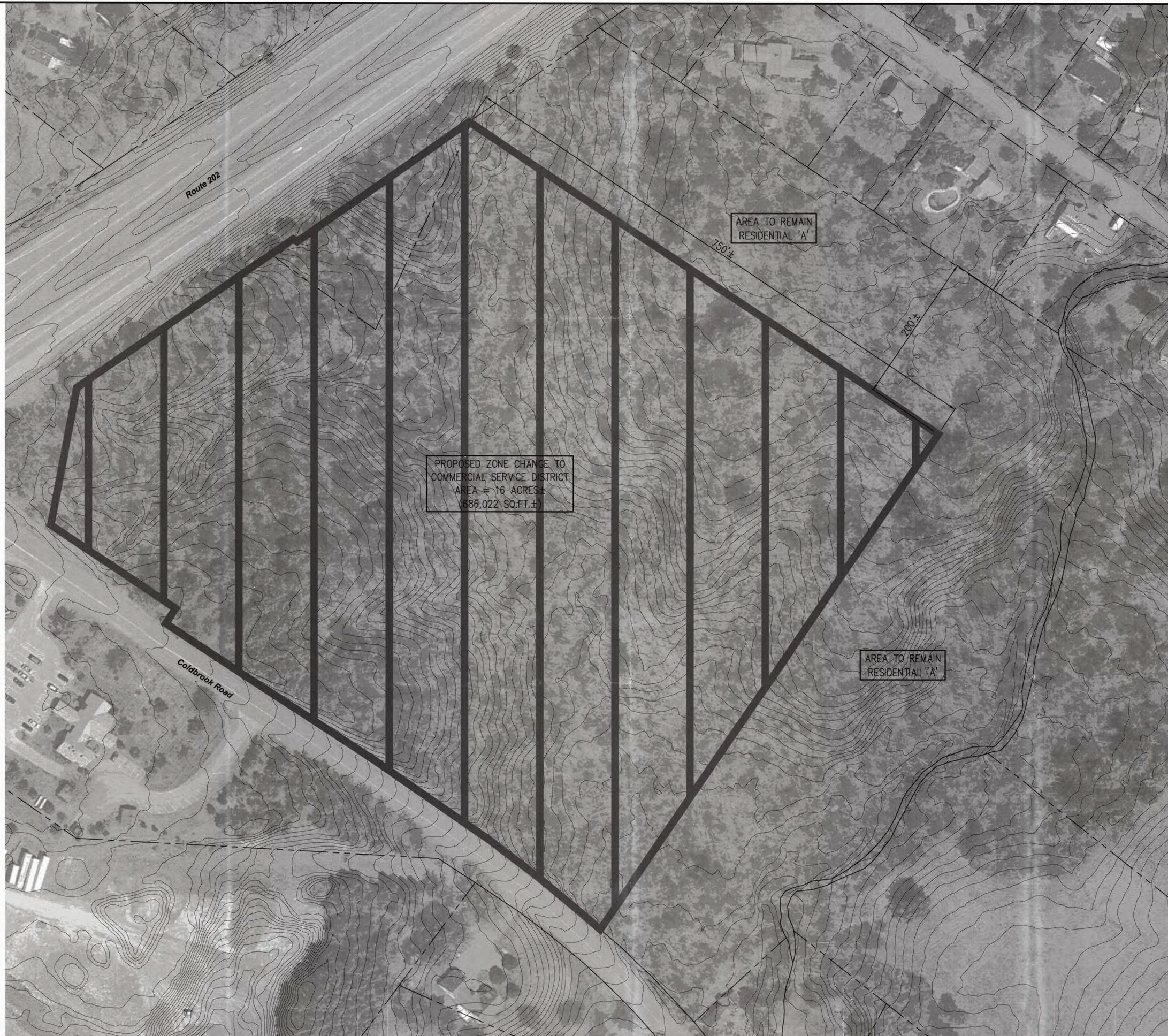
July 17, 2017

1 inch = 268 Feet

www.cai-tech.com



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**CARPENTER ASSOCIATES**  
 CONSULTING ENGINEERS  
 687 STILLWATER AVENUE • OLD TOWN • MAINE 04468

REVISIONS			
NO.	DATE	BY	DESCRIPTION

SOUTHSTREET DEVELOPMENT  
**TRADEWINDS**  
 COLDBROOK ROAD HAMPDEN, MAINE  
**PROPOSED ZONE CHANGE**

Drawn: JE  
 Checked: RB  
 Scale: 1" = 60'  
 Date: 06-22-2017  
 Project No: 17073  
 Sheet Number:

FOR REVIEW  
 07-17-2017

**1**



QUITCLAIM DEED WITH COVENANT

THE STEARNS FAMILY LIMITED PARTNERSHIP, a Maine limited partnership having a place of business in Hampden, County of Penobscot, State of Maine, for consideration paid, grants to SOUTHSTREET DEVELOPMENT COMPANY, LLC, a Maine limited liability company having a place of business in Blue Hill, County of Hancock, State of Maine, with Quitclaim Covenant, a certain lot or parcel of land, situate in Hampden, County of Penobscot, State of Maine, bounded and described as follows:

Beginning at an iron rod set in the southwesterly line of Route 202, said rod also being in the western most corner of land now or formerly of Walter and Barbara Travis as described in a deed recorded in Book 2345, Page 109;

Thence S 55° 32' 37" E by and along said Travis, a distance of 336.98 feet to a 5/8" iron rod found in the southwesterly corner of lands now or formerly of Glendon and Verlie Bowden as described in a deed recorded in Book 5479, Page 133;

Thence continuing S 55° 32' 37" E by and along said Bowden, a distance of 99.95 feet to a 5/8" iron rod found in the southwesterly corner of lands now or formerly Thomas and Elizabeth Figura as described in a deed recorded in Book 6026, Page 210;

Thence continuing S 55° 32' 37" E by and along said Figura, a distance of 200.12 feet to a #6 rebar found with a plastic cap stamped PLS1234 in the southwesterly corner of lands now or formerly of Robert and Grace Treworgy as described in a deed recorded in Book 4532, Page 35;

Thence continuing S 55° 32' 37" E by and along said Treworgy, a distance of 97.98 feet to a #6 rebar found with a plastic cap stamped PLS1234;

Thence continuing S 55° 32' 37" E by and along said Treworgy, a distance of 20 feet more or less to a point in the thread of Stoney Brook.

Thence southerly and westerly by and along the thread of said Stoney Brook, a distance of 1055' more or less to a point in the northeasterly line of land now or formerly of John and Charity Runden as described in a deed recorded in Book 6817, Page 280;

Thence N 54° 05' 35" W by and along said land of Runden, a distance of 21 feet more or less to an iron rod set, said rod being located S 26° 25' 47" W, a distance of 879.71 feet from the previous #6 rebar found with a plastic cap stamped PLS1234;

Thence S 35° 54' 25" W by and along said land of Runden, a distance of 160.73 feet to an iron rod set in the northeasterly sideline of the Coldbrook Road;

Thence N 39° 21' 07" W by and along said Coldbrook Road, a distance of 192.77 feet to a point;

Thence N 56° 02' 48" W by and along said Coldbrook Road, a distance of 698.41 feet to a point;

Thence N 33° 57' 12" E by and along said Coldbrook Road, a distance of 17.00 feet to a concrete highway monument found;

Thence N 56° 02' 48" W by and along said Coldbrook Road, a distance of 200.10 feet to a concrete highway monument found;

Thence N 10° 27' 10" E by and along said Coldbrook Road, a distance of 179.13 feet to a concrete highway monument found in the southeasterly sideline of said Route 202;

Thence N 55° 00' 58" E by and along said Route 202, a distance of 349.99 feet to a concrete highway monument found;

Thence S 33° 18' 21" E by and along said Route 202, a distance of 5.08 feet to a concrete highway monument found;

Thence N 55° 05' 24" E by and along said Route 202, a distance of 500.60 feet to a concrete highway monument found;

Thence N 34° 54' 36" W by and along said Route 202, a distance of 5.00 feet to a point;

Thence N 55° 05' 24" E by and along said Route 202, a distance of 9.87 feet to the point of beginning;

All iron rods set referenced herein are #6 rebar with an aluminum cap stamped "PLS 1030".

**SUBJECT** to a sewer line easement described in deeds from Louis C. Stearns 3d to Richard A. Lindsey & Henry H. Page, recorded in Volume 2848, Page 288, dated April 11, 1978 and to the Hampden Water District, recorded in Volume 2928, Page 27, dated May 22, 1978.

The above described lot or parcel of land contains 24.2 acres, more or less.

The above described lot is a portion of the premises described in a deed from Ruth G. Stearns to The Stearns Family Limited Partnership, dated December 31, 1996 and recorded at the Penobscot Registry of Deeds in Volume 6300, Page 23.

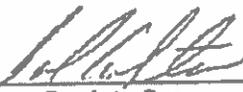
Bearings referenced herein are calculated for a traverse oriented to Grid North of the Maine State Coordinate System (East Zone). Said coordinate system is referenced to the North American Datum of 1983 (NAD 83). The above described parcel is based on a survey by PLISGA & DAY, Land Surveyors for Briggs and Stearns, said survey is dated January 23, 2003 and is further identified as Project No. 02217.

IN WITNESS WHEREOF, The Stearns Family Limited Partnership has caused this instrument to be executed, under seal, by its duly authorized representative this 22<sup>nd</sup> day of October, 2017.

Witness:



THE STEARNS FAMILY LIMITED PARTNERSHIP

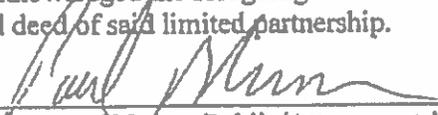
  
By: Paul A. Stearns  
Its: General Partner

STATE OF MAINE

Penobscot, ss.

October 22 2017

Personally appeared the above named Paul A. Stearns, General Partner of The Stearns Family Limited Partnership, 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 partnership.

Before me,   
Signature of Notary Public/Attorney-at-law

Print name: Paul R Brown

Maine Real Estate Transfer Tax Paid

Susan F. Bulay, Register Penobscot County, Maine

Town of Hampden  
Land & Building Services



Report on Application  
H.O. Bouchard Site Plan Amendment

To: Planning Board  
From: Ben Smith, AICP, Contract Planner  
Date: October 25, 2017  
RE: Report on Application for H.O. Bouchard Site Amendment

Project Information

Applicant: H.O. Bouchard, Inc.  
Site Location: 349 Coldbrook Road, Tax Map Parcel 14-0-001-01  
Zoning District: Interchange  
Proposal: Addition of 1,380 square feet to existing office building, 300 square foot deck

The H.O. Bouchard Site Plan was approved by the Planning Board on May 10, 2000. The original site plan approval is attached. The site includes a truck terminal, truck parking, a truck fueling station and an office building for the business.

Review of the application should focus on the proposed changes to the approved plan. The applicant is requesting an amendment to the approved plan in order to add an addition to the office building which is roughly 44 feet by 30 feet, along with a deck shown to measure 12 feet by 25 feet.

Much of the new addition is to be built on an existing parking area, and the overall result of the project will be a reduction in impervious area by about 3,170 square feet as a larger portion of unused pavement will be removed, then loamed and revegetated. The project was subject to a DEP Site Location of Development permit.

The addition is to accommodate workers that are already on site in a different location, so no new traffic is anticipated as a result of this addition. No new site lighting is proposed and the amendment will not impact any tree lines or buffers between the site and abutting properties, so no impacts on neighboring properties are expected.

This project was reviewed with Town staff. All outstanding questions have been addressed with the plan submitted in the Board packet, which is dated October 16, 2017. This version of the plan was produced to clarify existing features that exist on site today with proposed features that are subject to review within the proposed modification.



# Plymouth Engineering, Inc.

P.O. Box 46 - 30 Lower Detroit Road  
Plymouth, Maine 04969  
info@plymouthengineering.com  
Tel: (207) 257-2071 fax: (207) 257-2130

October 11, 2017

Project No. 17248

Town of Hampden Planning Board  
Co/ Eugene Weldon, Chair  
106 Western Ave  
Hampden, Maine 04444

## Site Plan Review - H.O. Bouchard, Coldbrook Road

Dear Mr. Weldon:

Plymouth Engineering, Inc. is pleased to submit the attached site plan review application and support materials for the construction of an office addition on the existing HO Bouchard site at 349 Coldbrook Road. It is a 30' x 44' building addition with a 12' x 25' deck.

We believe the attached support information fulfills the requirements of the Hampden Land Use Ordinance, and we look forward to staff review of the project. If you have any questions, please contact us, and as always, we thank you for your time and consideration.

Sincerely,  
Plymouth Engineering, Inc.

Scott E. Braley, PE, CPESC  
President

Enc  
Cc: HO Bouchard

Town of Hampden  
RECEIVED  
OCT 11 2017  
Code Enforcement  
Office



**SITE PLAN - PERMITTED/CONDITIONAL USE 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.

**Date:** October 6, 2017

**APPLICANT:**

**Name:** H O Bouchard, Inc.

**Address:** PO Box 249, Hampden, Maine 04444

**Phone:** 207-862-4070 **Cell:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**AGENT:**

**Name of agent or representative:** Plymouth Engineering, Inc. Scott E. Braley, PE, CPESC

**Address:** PO Box 46, Plymouth, Maine, 04969

**Phone:** 207-257-2071 **Cell:** 207-332-7343 **Email:** scott@plymouthengineering.com

**THE SITE:**

**Location of site:** 349 Coldbrook Road Hampden tax map and lot number: 14-0-001-01

**Zoning district:** Interchange **Existing use of property:** trucking terminal

**Legal interest in the parcel:** owner (PCRD Book 3147 Page 317)

**Owner of parcel if other than applicant:** \_\_\_\_\_

**Owner's address:** \_\_\_\_\_

**PROPOSED PROJECT:**

**Proposed use of property:** a 1,380 square foot addition to the existing office, and a 300 square foot deck  
*(Please include floor area per use, seating if applicable, and land area).*

**Proposed starting date:** upon permitting **Final completion date:** Spring 2018

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

Town of Hampden  
RECEIVED  
OCT 11 2017  
Code Enforcement  
Office

Will your project result in more than one acre of disturbed land area?  Yes  No.

If yes, you are required to obtain either a Construction General Permit or Stormwater Permit by Rule from the Maine Department of Environmental Protection. If you are in the Urbanized Area of Town and discharge stormwater to the Municipal Separate Storm Sewer System (MS4) a Post-construction Stormwater Management Application shall be submitted to the Town pursuant to the Town of Hampden Post-construction Stormwater Management Ordinance.

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

Application fee amount: \$150.00

**Draw account contribution:** The Town of Hampden requires applicants to provide \$600.00 for the Town to hire an engineer to review their plans and, if necessary, \$1,000.00 for an engineer to review their traffic analysis.

**Draw account contribution is: \$600.00** (Any unspent portion of the draw account will be returned to applicant, however, if additional funds are required, applicant agrees to cover all costs that the Town of Hampden may incur. Complete and accurate submissions require less time to review.)

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

Signature:  Date: 10/6/17

\*\*\*\*\*

**OFFICE USE ONLY**

Date received: \_\_\_\_\_ Date complete: \_\_\_\_\_

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

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

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

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

#### 4.1.7. Standards Governing Site Plan Review –

In approving an application for site plan review, the planning board shall first determine that the development, as planned, will conform to the requirements of the district in which it is to be located and to other pertinent requirements of this Ordinance. Following such determination, the board shall approve the proposed plan if it makes a positive finding based on the evidence presented that it meets all of the following standards. In all cases, the burden of proof shall be upon the applicant.

1. The proposed use, buildings, design and layout meets the provisions of all applicable regulations and ordinances of the Town of Hampden and meets the intent of the comprehensive plan, as amended. **The proposed building is for the relocation of existing dispatchers currently housed elsewhere on the site to a 44' x 30' addition to the south side of the existing office building. Also proposed is a 6' x 10' vestibule, and a 12' x 25' deck. Currently on the site is a permitted truck terminal in the interchange district located at 349 Coldbrook Road. This district is intended to provide areas for motels, restaurants, service stations and similar uses that provide accommodations for tourists and other travelers using Interstate 95. The location of the existing building and proposed additional features are well within the structural setbacks of the zone of the Town of Hampden.**
2. The proposed buildings, design, and layout shall, consistent with generally acceptable engineering and architectural design practices, be properly integrated with the terrain and the existing buildings in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location, and height of the building(s) and such natural features as soil type, slope and drainage ways.

**The addition is being added to the existing office building. The proposed addition is being designed by Carter Architectural Design of Bangor, Maine with the bulk, location, height and visual features of the existing building in mind. This new addition will mirror the previously constructed addition on the northern side of the building, with a similar finished floor elevation. A copy of the Web Soil Survey National Cooperative Soil Survey from the Natural Resources Conservation Service is attached in Appendix B at the end of this application.**

3. The proposed site layout shall provide for safe ingress and egress to and from public and private roads by providing adequate location, numbers, and control of access points including sight distances, turning lanes, and traffic signals, if necessary. Factors for the planning board to consider in this determination are the turning movements in relation to traffic flow, proximity to intersections, location and access of off street parking, provisions of pedestrian traffic, access by emergency vehicles, and minimization of pedestrian-vehicular contacts.
4. The layout and design of on-site vehicular and pedestrian traffic patterns shall provide for safe interior circulation, access by emergency vehicles, separation of pedestrian and vehicular traffic and storage of plowed snow.

**The site is located at 349 Coldbrook Road. The existing entrance to the site is referred to as Bryer Lane. The additional construction will not generate any new traffic trips into or out of the site. The existing employees at the site will be relocated to the expanded area in the office. There is no proposed change to the location, numbers, and control of access points including sight distances, turning lanes, or traffic signals.**

**The overall traffic patterns on site will remain unchanged with the addition of the new construction. There are 11 parking spaces that are currently situated where the addition is proposed, that will be relocated to the south to match an existing row of parking used by the employees. A portion of the existing parking area that is being relocated will be available for snow storage.**

5. Signs and exterior lighting shall be in accordance with the regulations in this Ordinance and in addition shall be so designed and located so as not to present a hazard, glare, reflection or unattractive appearance on or to adjacent properties and the traveling public. **There is no proposed change to the signs on the site. There will be building mounted security lights that will be down cast and shielded installed at the door locations on the addition. The**

**existing building and addition are not visible to adjacent properties or traveling public, so they will not generate a hazard, glare, reflection or unattractive appearance.**

6. Buildings shall, consistent with generally acceptable engineering and architectural design practices, be designed and located so as to be properly integrated with the existing topography, terrain, and other natural features of the site.

**This is the addition to an existing building. The existing grading in the area is 0 to 3 percent which will remain unchanged beyond the limits of the proposed building. There is an existing tree line to the rear of the building that will remain between it and the abutter and Coldbrook Road. The former location of the parking spaces being relocated beyond where the building addition is proposed, will be landscaped as lawn area.**

7. The development shall be designed and constructed to preserve the landscape in its natural state in so far as practicable by minimizing earthmoving, erosion, tree clearance, disturbance of existing vegetation, and the destruction of natural amenities.

**Disturbance on the site will be limited to the location of the proposed building construction, and the removal of 3,170 square feet of pavement which will be loamed and seeded after completion of construction.**

8. All manufactured slopes, other than those constructed of stone, concrete or other impervious materials shall be planted or otherwise protected from the effects of storm runoff erosion. All graded slopes shall be of a character so as to cause the slope to blend with the surrounding terrain and development.

**The area in the vicinity of construction is between 0 and 3 percent. Slopes will remain unchanged. An erosion control narrative is attached at the end of this application narrative in Appendix E describing standard measures that will be implemented before during and after construction to minimize the effects of erosion on the site.**

9. Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, or any public or private storm drainage system. Whenever possible, on-site absorption shall be utilized to minimize discharges from the site. In reviewing the adequacy of surface water drainage plans, the planning board shall emphasize protection of flood plains, reservation of stream corridors, establishment of drainage rights-of-way and the adequacy of the existing system, and the need for improvements, both on-site and off-site, to adequately control the rate, volume, and velocity of storm drainage. In addition, the planning board shall review maintenance responsibilities to determine their adequacy.

**There are no proposed changes to the existing onsite surface drainage. The building location will continue to drain in its current direction, as will the surface after the removal of the 3,170 square feet of pavement to the east of the proposed addition. The impervious area will be reduced.**

10. Adequate provisions shall be made to mitigate any adverse impact on existing scenic or natural beauty, rare or irreplaceable historic sites, or other features of importance to the community

**The construction is located on existing paved area, within the limits of a multi-acre development. There is no anticipated impact on existing scenic or natural beauty, rare or irreplaceable historic sites, or other features of importance to the community.**

11. The development shall not impose an unreasonable burden on, nor exceed the capacity of, utilities such as sewer, sanitary and storm drains, water lines, or on municipal services such as, but not limited to, fire, police, solid waste disposal, schools, open spaces, recreational programs and facilities, roads, or other municipal services and facilities.

**There are no new employees being proposed with the additional construction. As such, no additional demand on water and sewer are anticipated, which are both provided by on site systems. There is not additional burden of municipal services such as, but not limited to, fire, police, solid waste disposal, schools, open spaces, recreational programs and facilities, roads, or other municipal services and facilities being anticipated with the proposed addition.**

12. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize any adverse impact on other land uses

within the development area and surrounding properties.

**There is no change proposed for the on-site exposed storage. There is significant screening in place to ensure the exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize any adverse impact on other land uses within the development area and surrounding properties.**

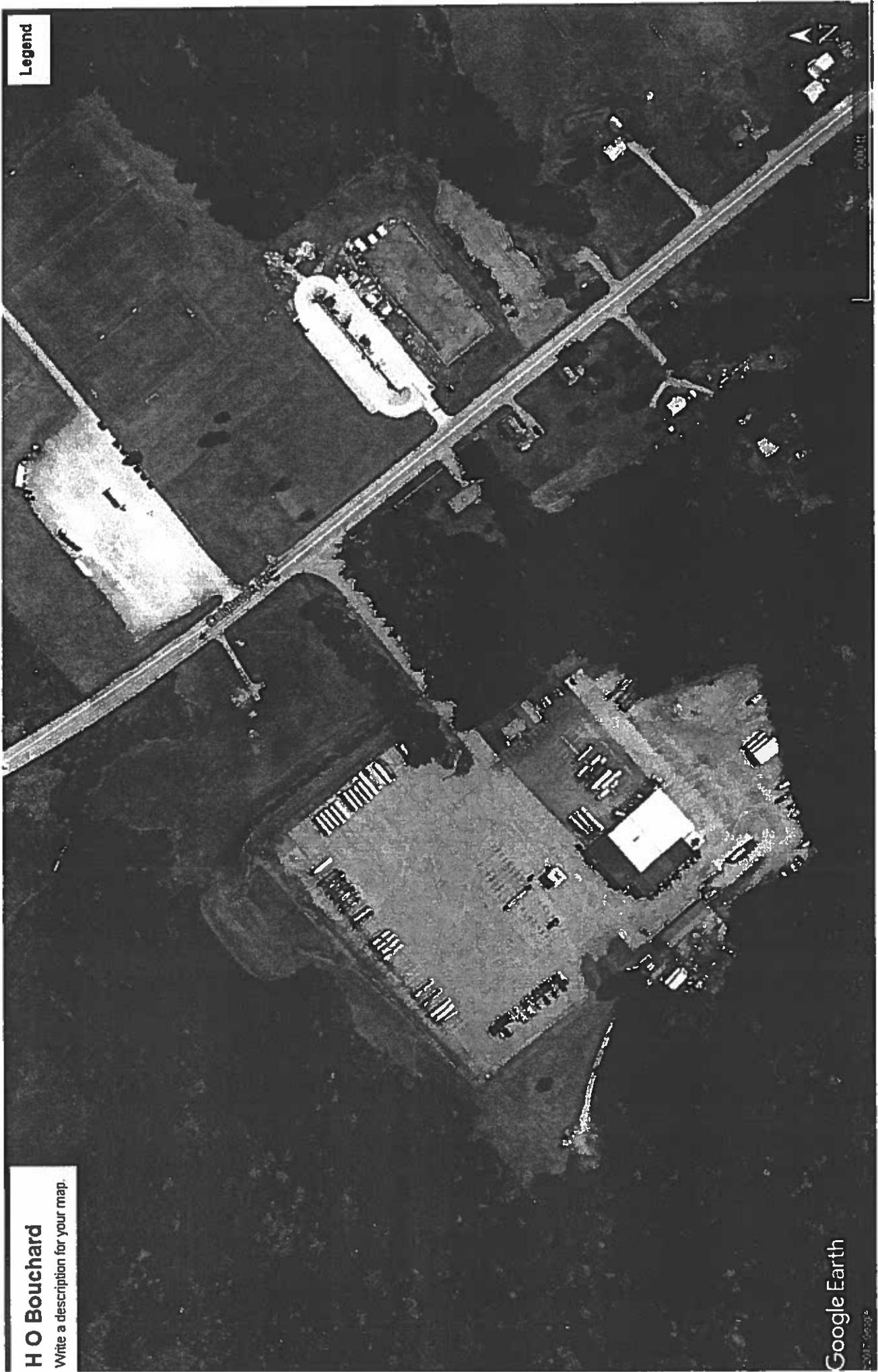
13. The proposed use, buildings, and site development shall have no unreasonable adverse effect on surface water quality ground water quality, ground water quantity, soil quality, or air quality.  
**The proposed addition will not have unreasonable adverse effect on surface water quality, ground water quality, ground water quantity, soil quality, or air quality. There is no proposed change to the number of employees, or vehicles on the site so no additional water use or disposal is proposed. There is a proposed decrease in impervious area on the site so storm water runoff will be decreased.**

APPENDIX A  
SITE LOCATION MAP

**H O Bouchard**

Write a description for your map.

**Legend**

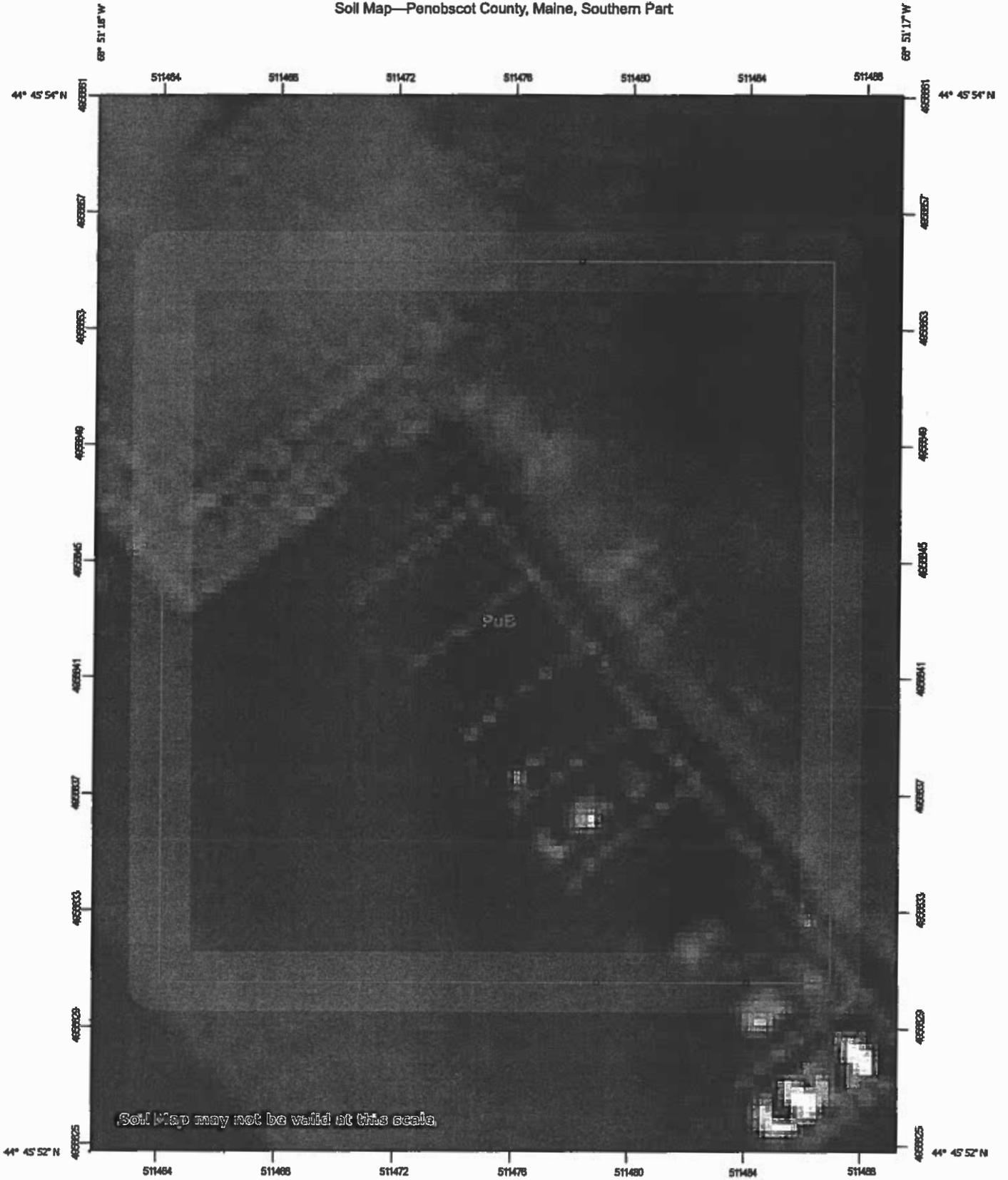


Google Earth

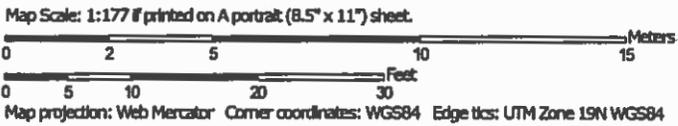
© 2017 Google

APPENDIX B  
FLOOD MAP  
WEB SOIL SURVEY

Soil Map—Penobscot County, Maine, Southern Part



Soil Map may not be valid at this scale.



### MAP LEGEND

-  Area of Interest (AOI)
- Soils**
-  Soil Map Unit Polygons
-  Soil Map Unit Lines
-  Soil Map Unit Points
- Special Point Features**
-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features
- Water Features**
- Streams and Canals**
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

**Warning:** Soil Map may not be valid at this scale.  
 Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Penobscot County, Maine, Southern Part  
 Survey Area Data: Version 2, Feb 10, 2017

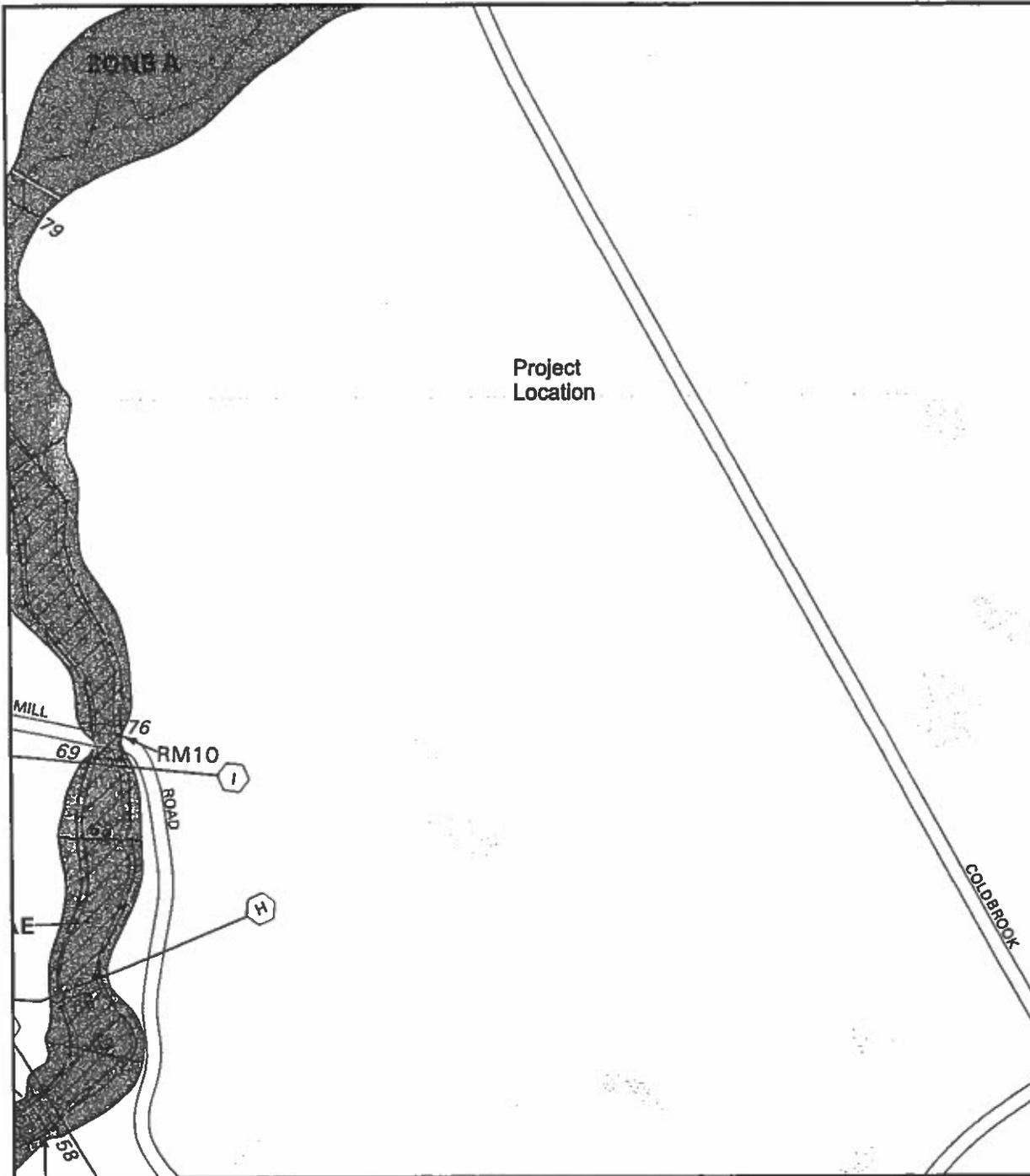
Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 2, 2007—Jul 2, 2016

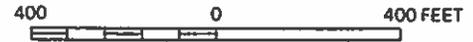
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
PuB	Pushaw-Swanville-Urban land association, 0 to 8 percent slopes	0.1	100.0%
<b>Totals for Area of Interest</b>		<b>0.1</b>	<b>100.0%</b>



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

TOWN OF  
HAMPDEN,  
MAINE  
PENOBSCOT COUNTY

PANEL 8 OF 25  
(SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

COMMUNITY-PANEL NUMBER  
230168 0008 B

**28**

EFFECTIVE DATE:  
SEPTEMBER 4, 1987

**230168**



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

APPENDIX C  
TAX MAP  
LIST OF ABUTTERS





# 100 foot Abutters List Report

Hampden, ME  
October 03, 2017

## Subject Properties:

Parcel Number: 14-0-001-01  
CAMA Number: 14-0-001-01  
Property Address: 349 COLDBROOK RD (1)

Mailing Address: H O BOUCHARD, INC  
P O BOX 249  
HAMPDEN, ME 04444

Parcel Number: 14-0-001-01  
CAMA Number: 14-0-001-01  
Property Address: 349 COLDBROOK RD (2)

Mailing Address: H O BOUCHARD, INC  
P O BOX 249  
HAMPDEN, ME 04444

## Abutters:

Parcel Number: 09-0-042  
CAMA Number: 09-0-042  
Property Address: 357 COLDBROOK RD (1)

Mailing Address: HICKORY DEVELOPMENT, LLC  
P O BOX 249  
HAMPDEN, ME 04444

Parcel Number: 14-0-001  
CAMA Number: 14-0-001  
Property Address: 337 COLDBROOK RD (1)

Mailing Address: HICKORY DEVELOPMENT LLC  
P O BOX 249  
HAMPDEN, ME 04444

Parcel Number: 14-0-007  
CAMA Number: 14-0-007  
Property Address: 348 COLDBROOK RD (1)

Mailing Address: HICKORY DEVELOPMENT, LLC  
P O BOX 249  
HAMPDEN, ME 04444

Parcel Number: 14-0-008  
CAMA Number: 14-0-008  
Property Address: 332 COLDBROOK RD (1)

Mailing Address: HICKORY DEVELOPMENT, LLC  
P O BOX 249  
HAMPDEN, ME 04444

Parcel Number: 15-0-001-A  
CAMA Number: 15-0-001-A  
Property Address: COLDBROOK RD (1)

Mailing Address: H O BOUCHARD INC  
P O BOX 249  
HAMPDEN, ME 04444

Parcel Number: 15-0-010  
CAMA Number: 15-0-010  
Property Address: 140 PAPERMILL RD (1)

Mailing Address: HUTCHINS, ERIC L  
140 PAPERMILL ROAD  
HAMPDEN, ME 04444

Parcel Number: 15-0-010-C  
CAMA Number: 15-0-010-C  
Property Address: 317 COLDBROOK RD (1)

Mailing Address: GRAY, MARK E  
317 COLDBROOK ROAD  
HAMPDEN, ME 04444

Parcel Number: 15-0-012  
CAMA Number: 15-0-012  
Property Address: 319 COLDBROOK RD (1)

Mailing Address: HICKORY DEVELOPMENT LLC  
P O BOX 249  
HAMPDEN, ME 04444

Parcel Number: 15-0-012-A  
CAMA Number: 15-0-012-A  
Property Address: COLDBROOK RD (1)

Mailing Address: H O BOUCHARD INC  
P O BOX 249  
HAMPDEN, ME 04444



www.cai-tech.com

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

10/3/2017

Page 1 of 2



# 100 foot Abutters List Report

Hampden, ME  
October 03, 2017

Parcel Number: 15-0-014  
CAMA Number: 15-0-014  
Property Address: 331 COLDBROOK RD (1)

Mailing Address: HICKORY DEVELOPMENT LLC  
P O BOX 249  
HAMPDEN, ME 04444



[www.cai-tech.com](http://www.cai-tech.com)

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10/3/2017

Page 2 of 2

APPENDIX D  
DEEDS

NOT  
AN

NOT  
20717  
AN  
QUITCLAIM DEED

OFFICIAL COPY  
We, HAROLD O. BOUCHARD and NORMA V. BOUCHARD, husband and wife, both of Hampden, County of Penobscot, State of Maine, for consideration paid, grant to H. O. BOUCHARD, INC., a Maine corporation, having a place of business in Hampden, County of Penobscot, State of Maine, with QUITCLAIM COVENANTS, the following described real estate, to wit:

AN  
OFFICIAL  
COPY

A certain lot or parcel of land, with the buildings thereon, situated in said Hampden, County of Penobscot, State of Maine, bounded and described as follows, to wit: Beginning at an iron pin on the generally westerly sideline of the Cold Brook Road; said iron pin being located in the dividing line between property formerly of H. Sawyer and the herein described parcel of land, said iron pin being further located as being S. 20° E. and 138.65 feet distant, as measured along the generally westerly side line of said Cold Brook Road, from a concrete monument marking the P.C. of a curve of the State Highway relocation at station 115+38.03, established in 1963; thence continuing S. 20° E. along the generally westerly side line of said relocation 199.54 feet to another highway concrete monument located in the generally westerly side line of said relocation; thence continuing S. 20° E. along the generally westerly side line of the Cold Brook Road relocation 225.10 feet to an iron pipe in the dividing line between the herein described parcel of land and land now or formerly of B. A. Bryer; thence S. 74° W. along a barb wire fence 611 feet, more or less, to an angle point in said fence; thence S. 9° E. and along a barb wire fence 260 feet, more or less, to an angle in said fence; thence N. 88° W. along a barb wire fence 468 feet, more or less, to an angle in said fence; thence N. 10° W. along a barb wire fence 196 feet, more or less, to an angle in said fence at a 12" W. Birch tree; thence S. 84° W. along a barb wire fence 261 feet, more or less, to an angle in said fence; thence N. 80° W. along a barb wire fence 288 feet, more or less, to the generally easterly bank of Squadabscook Stream; thence northerly along the generally easterly bank of said stream 20 feet, more or less, to land formerly of H. Sawyer; thence N. 70° E. along the barb wire fence 1560 feet, more or less, to the point of beginning.

EXCEPTING AND RESERVING from this conveyance the property subject to the Notice of Layout and Taking by the State of Maine by instrument dated November 15, 1961, recorded in Penobscot Registry of Deeds.

ALSO EXCEPTING AND RESERVING from the above described parcel, a certain lot or parcel of land bounded and described as follows, viz: Beginning at an iron pin which is located on the generally westerly side line of Cold Brook Road and is S. 20° E. seventy-five (75) feet of an iron pin which marks the dividing line between the property formerly of H. Sawyer and the parcel of land of which this lot herein described is separated. The beginning point is further located as being S. 20° E. two hundred thirteen and sixty-five hundredths (213.65) feet of a concrete

N O T

N O T

A N  
 Monument marking the P.C. of a curve at station 115+38.03,  
 established in 1964; thence continuing S. 20° E. on the  
 westerly side line of Cold Brook Road one hundred twenty-  
 O F F four and fifty-four hundredths (124.54) feet to another  
 concrete monument; thence continuing S. 20° E. two hundred  
 twenty-five and one-tenth (225.10) feet to an iron pin  
 C O N which marks the dividing line between the herein described  
 lot of land and the land now or formerly of B.A. Bryar;  
 thence S. 74° W. two hundred sixty and sixty-three hun-  
 dredths (260.63) feet to an iron pin; thence N. 20° W.  
 three hundred thirty-one and forty-six hundredths (331.46)  
 N O T feet to an iron pin; thence N. 70° E. two hundred sixty  
 (267) feet to the point of beginning. This lot of land  
 contains two and three hundredths (2.03) acres, more or  
 less.

A N  
 Being a portion of the same premises conveyed to the  
 Grantors herein by deed of J. Iona Sheehan dated April  
 O F F 17, 1968, recorded in said Registry of Deeds at Vol.  
 2105, Page 588.

C O N And all other rights, easements, privileges and  
 appurtenances belonging to the granted estate are  
 hereby conveyed.

This conveyance is made expressly subject to an out-  
 standing mortgage given by said Grantors to Merchants  
 National Bank of Bangor dated November 4, 1980, re-  
 corded in Penobscot Registry of Deeds in Vol. 3135,  
 Page 339, in the original principal sum of \$200,000.00,  
 which said Mortgage and Note thereby secured said Grantee  
 for itself, its successors and assigns, hereby assumes  
 and agrees to pay and to forever hold the Grantors  
 harmless from the same.

HAROLD O. BOUCHARD and NORMA V. BOUCHARD, husband and  
 wife, both join as Grantors and both release all rights by  
 descent and all other rights.

WITNESS our hands and seals this 4th day of November  
 1980.

WITNESS:

*Al. R. Harris*

*Al. R. Harris*

*Harold O. Bouchard*  
 Harold O. Bouchard

*Norma V. Bouchard*  
 Norma V. Bouchard



NOT  
AN

NOT  
STATE OF MAINE

OFFICIAL PENOBSCOT, ss: OFFICIAL *December 12*, 1980

Then personally appeared the above-named HAROLD O.

COP MOUCHARD and acknowledged *GARY* the foregoing instrument to be his free act and deed.

Before me,

NOT

NOT



*Robert J. Manning*  
Justice of the Peace

AN

Notary Public

My Commission Expires April 6, 1985

OFFICIAL

OFFICIAL

COPY

RECEIVED PENOB, SS: DEC 19 1980 2 58 m P.M.

APPENDIX E  
EROSION CONTROL PLAN

## EROSION AND SEDIMENTATION CONTROL PLAN

A. Narrative. The purpose of the Erosion and Sedimentation Control Plan is to minimize soil erosion and transportation of sediments both off-site and into environmentally sensitive areas. Through careful construction practices and implementation of the erosion and sedimentation control measures, soil loss and the resulting environmental damage can be minimized. This plan outlines practices for temporary controls during construction of the expanded project and permanent control measures once the project is complete.

1. Soil Types. See the attached Soils Report in Section 11.
2. Existing Erosion Problems. Historic, periodic erosion across property lines. This issue will be addressed by the proposed storm water management plan.
3. Critical Areas. Soil disturbance resulting from the construction of the access road, driveways, lot clearing, lot grading, utility installation, and soil disturbance adjacent to the wetlands are the general areas of concern. During construction, the critical areas will include: reducing sedimentation from the disturbed and exposed subgrade; temporary stabilization of the disturbed subgrade; stabilizing all disturbed areas after completion of construction; controlling siltation of stormwater management systems; and installation of permanent erosion and sedimentation control structures.

### Areas of Concern During Construction

Areas	Temp. Measures	Perm. Measures
Natural Slopes Disturbed	Mulch, Grass Cover, Silt Barrier	Grass Cover
Man Made Slopes <3:1	Mulch, Grass Cover, Silt Barrier	Grass Cover
Man Made Slopes >3:1	Mulch, Grass Cover, Silt Barrier	Erosion Control Blanket, Grass Cover
Man Made Swales <5%	Mulch, Grass Cover, Stone Check Dams	Erosion Control Blanket, Grass Cover
Man Made Swales >5%	Mulch, Grass Cover, Stone Check Dams	Geotextile Fabric, Rip Rap
Site Improvements	Mulch, Grass Cover, Silt Barrier	Grass Cover
Drainage Structures	Hay Bale Inlet Protection	

\* See below for description, product information, usage, maintenance and removal procedures for both temporary and permanent erosion and sedimentation control measures.

### Areas of Concern After Construction

Areas	Temp. Measures	Perm. Measures
Project Slopes <3:1	Mulch, Grass Cover	Grass Cover
Project Slopes >3:1	Mulch, Grass Cover	Erosion Control Blanket, Grass Cover
Drainage Swales	As Required by Plans	As Required by Plans

\* See below for description, product information, usage, maintenance and removal procedures for both temporary and permanent erosion and sedimentation control measures.

4. Protected Natural Resources. For the proposed subdivision, identified protected natural resources include the on-site wetlands. There is no proposed activity for these areas with the exception of road and utility crossing.
5. Erosion Control Measures. Standards for erosion and sedimentation control are developed with the objective of protecting the on-site storm water collection system and preventing unnecessary soil erosion. The plan and drawings were developed utilizing the Best Management Practices contained in the *Maine Erosion and Sedimentation Control BMPS: March 2003*.

Erosion and sediment control structures will aid in reducing sediment inflow to undisturbed areas. Stabilization of disturbed areas will reduce erosion. It is the general contractor's responsibility (or their designated representative) to ensure the specified control structures are properly constructed and maintained. Care must be exercised to ensure control structures are installed in accordance with the plans to insure their proper functioning.

6. Site Stabilization.

- (a). Silt Fence-A temporary sediment barrier consisting of a filter fabric stretched across and attached to supporting posts and entrenched located below disturbed areas where erosion would occur in the form of sheet and rill erosion.
- (b). Storm Drain Inlet Protection-A temporary sediment filter installed around a storm water drain inlet to reduce sediment infiltration.
- (c). Pipe Inlet Protection-A permanent erosion resistant ground cover of large, loose, and angular stone.
- (d). Pipe Outlet Protection-A permanent erosion resistant ground cover of large, loose, and angular stone.
- (e). Stone Check Dams-Small temporary dams constructed across a swale or drainage ditch.
- (f). Vegetated Waterway-A natural or constructed waterway established with suitable vegetation for the safe conveyance of runoff.
- (g). Lined Waterway-A waterway having an erosion resistant lining that provides safe conveyance of flow without damage by erosion where unlined or grassed waterways would be inadequate.
- (h). Temporary Seeding-A temporary stabilization of disturbed soil conditions.
- (i). Permanent Seeding-A permanent stabilization of disturbed soil conditions.
- (j). Maintenance-Once a week, before any forecast of rain, and after each rainstorm producing at least 1/2" of rainfall, which ever is more frequent, the General Contractor or designated alternate is responsible for and shall inspect all temporary erosion and sediment control structures. Such inspection is necessary to ensure the structures are functioning properly.

If any structures are not functioning properly, they shall be repaired or replaced. A control structure is not functioning properly if:

- (1). Water is flowing around the sides of the structure.
- (2). Silt has built up behind the structure to the point where it is not effective.

- (3). Water is freely flowing between the hay bales.
- (4). The structure is no longer constructed in accordance with the plans.
- (5). Seeded areas and swales are not established.
- (6). Evidence of sedimentation such as gully erosion, slumping of banks or discoloration of water.

If silt has built up behind the structure to a point where the structure is no longer effective, the silt and the structure shall be removed and a new structure installed. Used silt fence will be disposed of in the landfill. Used hay or straw bales may be used to mulch disturbed areas. Silt may be used to final grade disturbed areas, with appropriate mulch and seed. If other inefficiencies are found in erosion control structures, they shall be repaired or replaced the same day they are discovered or observed.

- (k). Completion of Construction. It shall be the responsibility of the General Contractor to ensure all erosion control structures and final site work is complete in accordance with approved plans. When all requirements of this plan are fulfilled by the General Contractor, and to the satisfaction of the site owner, the maintenance of erosion control structures will become the site owner's responsibility.

**B. Implementation Schedule.**

1. All silt fences will be installed prior to commencement of work. Mitigation measures with drainage structures shall be installed prior to actual conveyance of water.
2. All clearing activities will be limited to the area necessary for construction.
3. Topsoil stripped for subgrade preparation and not immediately reused will be stockpiled and stabilized with temporary seed and mulch mixture specified herein.
4. Initial grading will be conducted or installed as indicated on the drawings.
5. Grading shall be planned so as to minimize the length of time between initial soil exposure and final grading.
6. Within seven (7) day of final grading, all disturbed areas shall be stabilized using seed, lime, fertilizer and mulch. (See specifications, herein).
7. On disturbed areas where final grading is not possible within 30 days of disturbance, a temporary seeding mixture will be applied (see specification herein).
8. If seeding does not "catch" to 85% germination within 30 days, contractor shall re-seed and mulch and continue this practice until the disturbed areas are fully vegetated.
9. On steep slopes (greater than 3:1 horizontal/vertical) or areas where mulch is likely to move, mulch shall be anchored using netting, erosion matting or other suitable method.
10. Vegetated waterways should be fully stabilized prior to directing runoff to them. Vegetated waterways need to be stabilized early during the growing season.
11. Additional controls whenever necessary due to evidence of sedimentation.
10. Control structures will remain in place and be maintained until such time vegetative controls are sufficient to control erosion and sedimentation without the need for temporary measures.

C. Erosion and Sedimentation Control Plan. See attached site plan.

D. Details and Specifications. See attached drawing.

E. Calculations. Not Applicable.

F. Stabilization Plan.

1. Temporary Seeding. Temporary Seeding of Disturbed Areas - Growing Season, April 15<sup>th</sup> - September 15<sup>th</sup>.
  - (a). Limestone and Fertilizer - Application rates shall be according to soil test recommendations. If soil tests are not feasible or timing is critical then fertilizer may be applied at a rate of 13.8 lbs/1000 SF of 10-10-10 (N-P205-K20) or equivalent. Limestone (equivalent to 50 percent calcium plus magnesium oxide) may be applied at a rate of 138 lbs/1000 SF.
  - (b). Seed - Between August 15th and October 1st, Winter Rye may be applied at a rate of 112 lbs/1 acre and to a depth of 1.0-1.5 inches. Between April 1st and July 1st, Annual Rye may be applied at a rate of 40 lb/1 acre and to a depth of .25 inches. Between May 15th and August 15th, Sudangrass may be applied at a rate of 40 lb/1 acre and to a depth of 0.5-1.0 inches.
  - (c). Mulch - Hay or straw mulch at a rate of 70-90 lbs./1000 SF or equivalent mulch.
  - (d). Matting - Will be applied to disturbed areas, such as the base of grassed waterways, steep slopes (>15%) and any disturbed soil within 100 feet of lakes, streams and wetlands. Installation shall as per manufacturer directions.
  
2. Permanent Seeding. Growing season of April 15<sup>th</sup> to August 15<sup>th</sup>.
  - (a). Seedbed Preparation - Topsoil shall be applied to a level of 4". Limestone and Fertilizer should be worked into the soil to a depth of 4 inches, when practical. All debris, stones 2 inches or larger in diameter, and other unsuitable material should be removed from the surface, when practical.
  - (b). Seed - MDOT Park Mixture shall be used for loamed areas which are expected to be maintained by frequent mowing: i.e. private lawns. MDOT roadside mixture #2 shall be used on loamed or existing soil areas which are expected to be maintained by infrequent mowing: i.e. inslopes, ditches, and rural lawns. MDOT Roadside Mixture #3 inoculants and lime the existing soils, erosion control mix or rip rap areas which are not expected to be moving: i.e. backslopes, guardrail areas.
  - (c). Lime - application rates will be determined by soil tests. If soil tests are not feasible or where time is insufficient for soil tests, ground limestone (equivalent to 50 percent calcium plus magnesium oxide) may be applied at a minimum rate of 138 lbs./1000 SF.
  - (d). Fertilizer - application rates will be determined by soil test results. If soil tests are not feasible or there is insufficient time for soil tests, fertilizer may be applied at a rate of 18.4 lbs. (of 10:20:20(N-P205-K20) per 1000 SF.
  - (e). Mulch - hay or straw bales will be applied at a rate of 70-90 lbs./1000 SF, 1/2"-1" thick.
  - (f). Erosion Control Mat - As per manufacturer directions.
  - (g). Hydroseeding - Hydraulic application is a suitable method for the application of seed, fertilizer, limestone, and mulch. The seedbed is prepared by raking the soil to loosen and smooth the soil and to remove surface stones exceeding 6 inches in diameter and other unsuitable organic and inorganic materials. Slopes must be no steeper the 2 to 1 (horizontal to vertical). Limestone and fertilizer

may be applied simultaneously with the seed. Straw mulch may be used with adhesive materials or 500 pounds per acre of wood fiber mulch. Seeding application rates shall be increased 10 percent when hydroseeding.

- (h). Final Acceptance: Final acceptance will be granted only when seeding is done in season and there is an even stand of grass, 2" tall with 85% germination.
- 3. Sodding. Not applicable.
- 4. Temporary Mulching.
  - (a) Purpose – For a limited amount of time, temporary mulch prevents erosion by protecting the exposed soil surfaces and to aid in the growth of vegetation by conserving available moisture, controlling weeds, and providing protection against extreme heat and cold.
  - (b) Function – Temporary mulch is the most effective and quickest means of controlling runoff and erosion on disturbed land when permanent erosion control is not possible.
  - (c) Application – Apply to exposed soil surfaces prior to any storm event and within 7 days of soil exposure.
  - (d) Product – Organic mulches: Hay or straw mulch free of weed seeds; bark or shavings free of objectionable coarse materials; and wood fiber cellulose made from natural wood usually with green dye and dispersing agent added with a moisture content not to exceed 15%.
  - (e) Construction Specifications:
    - Hay or Straw Mulch: 70-90 lbs. (2 bales) per 1,000 SF or 90-100 bales per acre. Lightly cover 75-90% of the surface.
    - Bark or Shavings: 460-920 lbs. per 1,000 SF or 10-20 tons per acre applied at a depth of 2-6 inches.
    - Wood Fiber Cellulose: 50 lbs. Per 1,000 SF or 2,000 lbs. per acre.
  - (f) All mulches shall be inspected weekly or after every storm event to check for rill erosion. Remulching shall be required if less than 90% of soil surface is covered. Temporary mulch shall be removed once vegetative cover has been established, regrading is to be done, or a permanent erosion control measure is installed.
- 5. Permanent Mulching. Not applicable.

G. Winter Stabilization Plan.

- 1. Dormant Seeding. Winter Construction, November 1st – April 15th.
  - (a). Fertilizer & Seed – October 15<sup>th</sup> to April 1<sup>st</sup> - Prepare seedbed, add required amounts of lime and fertilizer then mulch and anchor. After November 1<sup>st</sup> or the first killing frost, broadcast or hydroseed the selected seed mixture at triple the rate required for permanent seeding. Seeding requires inspection and reseeded where necessary in the spring.
  - (b). Mulch - Hay or straw mulch at a rate of 150 pounds/1000 square feet. Mulch shall be anchored with lightweight paper, jute, wood fiber, or plastic netting to soil's surface. With the use of peg and twine, the mulch shall be divided into 1 foot square grids: drive 4-6 pegs per grid to within 2-3 inches of the soil surface; and secure mulch to soil's surface by stretching twine between pegs in a crisscross pattern on each grid.

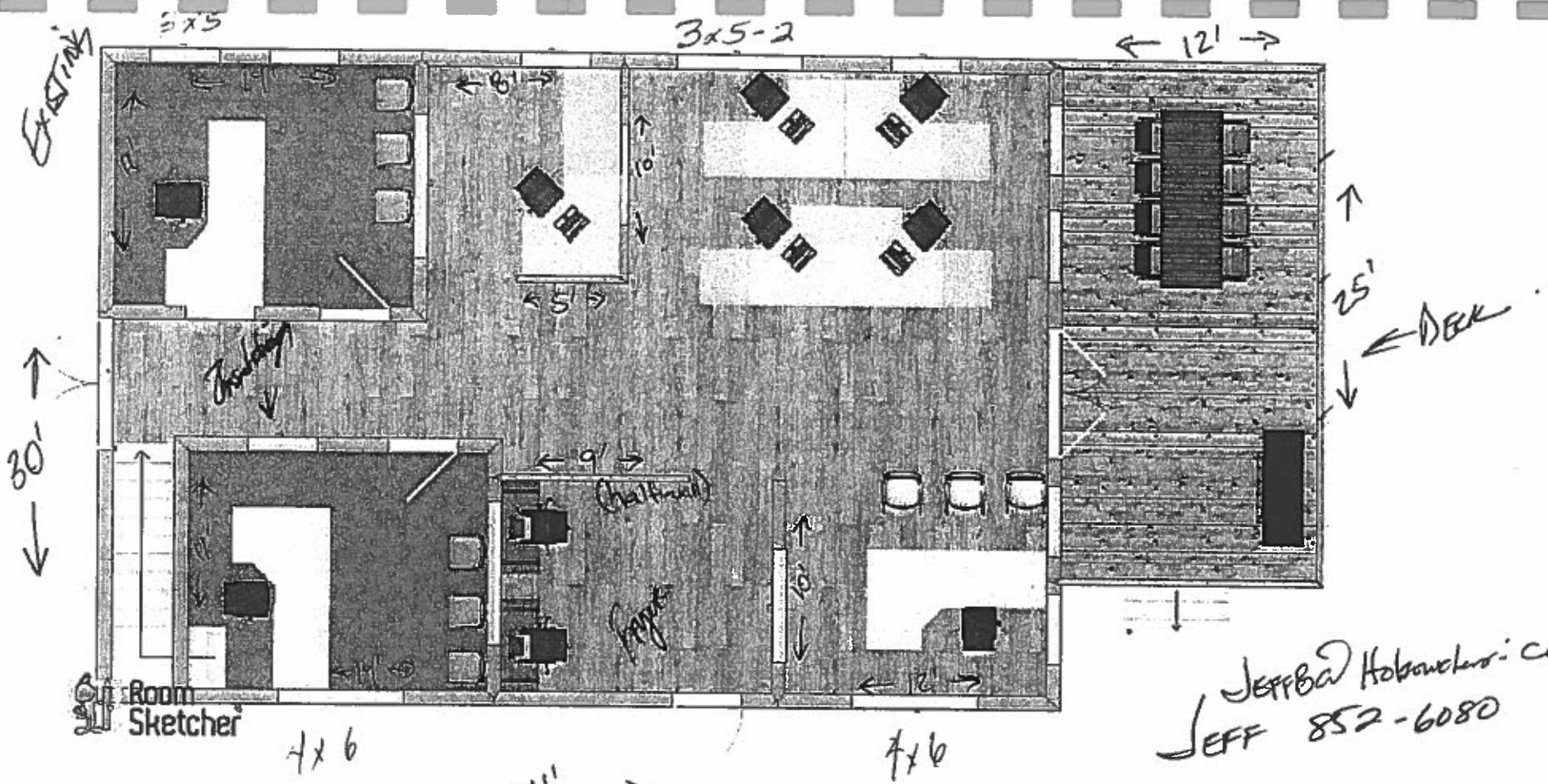
(c). Mats – September 15<sup>th</sup> to April 15<sup>th</sup> - Use heavy grade mats on the base of grassed waterways, steep slopes (>15%). Use light grade mats (or mulch and netting) on side slopes of grassed waterways and on moderate slopes (> 8%).

2. Winter mulching. Hay or straw mulch at a rate of 150 pounds/1000 square feet at a depth of four inches. Limit the exposed areas to those areas in which work is to occur during the following 15 days and that can be mulched in one day prior to any snow event.

H. Third-party inspections. The Maine DEP has authority to require a third party inspector. As has been found successful with other projects, the applicant requests that if the department desires inspection of the proposed site work, that the department considers one of the two following proposals:

1. Allow for the Applicant's design engineer to serve as third party inspector.
2. Require inspection by the design engineer as opposed to a third party inspector.

APPENDIX F  
PROJECT PLANS



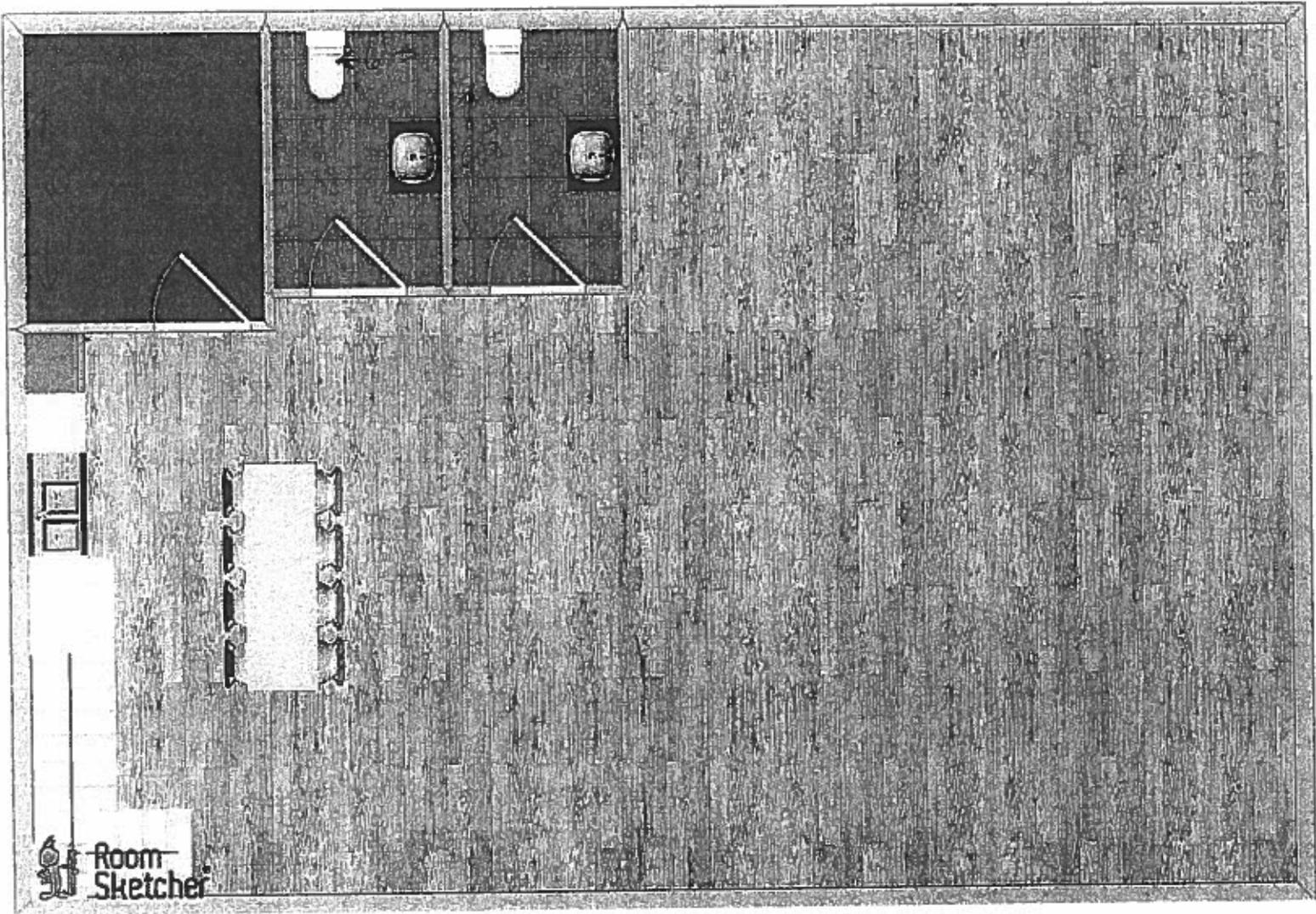
Jeffrey Hobancker: com  
JEFF 852-6080

\* Hampden Electric Chris Carson  
949-4953

\* Odonalds Concrete

- fire wall between the buildings side
- vaulted or 12' ceilings
- baseboard propane
- heat pumps
- tie into existing generator

External Doves to March



 Room Sketcher

## Scott Braley

---

**From:** Scott Braley  
**Sent:** Monday, October 16, 2017 10:58 AM  
**To:** 'Ben Smith'  
**Subject:** RE: H.O. Bouchard Site Plan Amendment  
**Attachments:** doc06862620171016092025.pdf; BOUCHARD RESPONSE.pdf

Ben,  
See Below and attached.

Town of Hampden  
RECEIVED  
OCT 16 2017  
Code Enforcement  
Office

Scott

Scott E. Braley, PE, CPESC  
President / Project Manager  
Plymouth Engineering, Inc.  
PO Box 46  
30 Lower Detroit Road  
Plymouth, ME 04969

Tel: (207) 257-2071  
Fax: (207) 257-2130  
Cell: (207) 332-7343  
Email: [scott@plymouthengineering.com](mailto:scott@plymouthengineering.com)

**From:** Ben Smith [mailto:[bsmith@northstar-planning.com](mailto:bsmith@northstar-planning.com)]  
**Sent:** Sunday, October 15, 2017 9:35 PM  
**To:** Scott Braley <[scott@plymouthengineering.com](mailto:scott@plymouthengineering.com)>  
**Subject:** H.O. Bouchard Site Plan Amendment

Hello, Scott -

I am the contract planner assisting the town of Hampden with Planning Board support for the next few months. I received the H.O. Bouchard Site Plan materials, which include the bound submission materials dated October 11, Sheets C1 and C2, which are undated and Sheet C3, dated February 23, 2016.

After conferring with other Hampden staff, I offer the following regarding the application:

1. The application materials indicate the amendment is for Tax Map Parcel 14-0-001-01, but a review of the tax maps and the List of Abutters in Appendix C of the bound submission compared with Sheet C1 seems to show changes to at least 3 parcels. Please clarify and show all property lines on Sheet C-1.

*Sheet C1 has been updated with the latest Tax Assessor information that we have from the Town of Hampden.*

2. The scope of the changes described in the application are limited to an addition to the existing office building and a new deck. Sheet C1 shows these changes, but also shows New CB#1 and New CB#2 in the area labeled Proposed Parking Area I, which is an existing parking area. Sheet C1 also shows a new Landscaped Berm between Parking Area I and Coldbrook Road. This also appears to be an existing site feature. Based on a Google Earth comparison, proposed Parking Area II and Ponds #2 and #3 appear to be part of the site plan amendment. Please clarify existing and proposed site features.

*The scope of changes are indeed limited to the office addition and deck with relocated parking and revegetated area. All references to proposed storm water structures are from the previous permitting plans that did not get updated when used for this project. We have updated to reflect actual field conditions as we understand them.*

3. Please show Pond #1 on an updated version of Sheet C1 and clarify if this is an existing or proposed stormwater element.

*The drawing window has been amended so that existing pond 1 is shown.*

4. Provide invert elevations and details for all stormwater features, including typical sections or construction details for each pond on Sheet C2, in order to demonstrate that stormwater ponds have been sized properly.

*As previously noted, there are no additions to the storm water system. All features either exist or were never construction from previous approvals.*

5. Please clarify if this site is subject to any DEP permitting and if any new or amended DEP permitting will be required based on the size of the parking areas shown on Sheet C1.

*The site has a DEP SLODA permit. This revision is less than the threshold requiring a revision per DEP's industrial exemption. Notice has been sent to the DEP and they have concurred. An updated site plan will be forwarded to the DEP following approval by the Town of Hampden.*

6. Coldbrook Road should be properly labeled on Sheet C1.

*The word "Cold" is there. It is just under the location map. It has been moved and now shows.*

7. Note that hay bales should not be used for inlet protection. Refer to the Maine Soil and Erosion Control BMP manual (October 2016) for proper Storm Drain Inlet Protection installation.

*Attached is an updated version of the standard Erosion Control narrative section that was in the Appendix of the application. The only erosion control proposed for this project is the sedimentation barrier around the proposed disturbed area. It now matches are plan detail sheet.*

8. If the disturbed area is over 1 acre, please provide a full Erosion and Stormwater Control Plan, with on-the-ground designation of proposed erosion and stormwater control measures as opposed to the general details provided on Sheet C3 and in Appendix E of the bound submission.

*The proposed project will not disturb and acre of land.*

I will recommend 3rd party engineering review for the stormwater elements of the plan depending on the clarifications and additional materials received. Please feel free to call me with any questions or comments about this review of the submission.

*Considering the about clarifications, we don't believe that a 3<sup>rd</sup> party review is necessary.*

Regards,  
Ben

--  
Ben Smith, AICP  
[bsmith@northstar-planning.com](mailto:bsmith@northstar-planning.com)  
207-400-6097



## EROSION AND SEDIMENT CONTROL PLAN

### Pre-Construction Phase

A person who conducts, or causes to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource as defined in 38 MRSA § 480-B. Erosion control measures must be in place before the activity begins. Measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken. The site must be maintained to prevent unreasonable erosion and sedimentation. Minimize disturbed areas and protect natural downgradient buffer areas to the extent practicable.

### BMP Construction Phase

- A. Sediment barriers. Prior to the beginning of any construction, properly install sediment barriers at the edge of any downgradient disturbed area and adjacent to any drainage channels within the proposed disturbed area. Maintain the sediment barriers until the disturbed area is permanently stabilized.
- B. Construction entrance: Prior to any clearing or grubbing, a construction entrance shall be constructed at the intersection with the proposed access drive and the existing roadway to avoid tracking of mud, dust and debris from the site.
- C. Riprap: Since riprap is used where erosion potential is high, construction must be sequenced so that the riprap is put in place with the minimum delay. Disturbance of areas where riprap is to be placed should be undertaken only when final preparation and placement of the riprap can follow immediately behind the initial disturbance. Where riprap is used for outlet protection, the riprap should be placed before or in conjunction with the construction of the pipe or channel so that it is in place when the pipe or channel begins to operate. Maintain temporary riprap, such as temporary check dams until the disturbed area is permanently stabilized.
- D. Temporary stabilization. Stabilize with temporary seeding, mulch, or other non-erodable cover any exposed soils that will remain unworked for more than 14 days except, stabilize areas within 100 feet of a wetland or waterbody within 7 days or prior to a predicted storm event, whichever comes first. If hay or straw mulch is used, the application rate must be 2 bales (70-90 pounds) per 1000 sf or 1.5 to 2 tons (90-100 bales) per acre to cover 75 to 90% of the ground surface. Hay mulch must be kept moist or anchored to prevent wind blowing. An erosion control blanket or mat shall be used at the base of grassed waterways, steep slopes (15% or greater) and on any disturbed soil within 100 feet of lakes, streams and wetlands. Grading shall be planned so as to minimize the length of time between initial soil exposure and final grading. On large projects this should be accomplished by phasing the operation and completing the first phase up to final grading and seeding before starting the second phase, and so on.
- E. Vegetated waterway. Upon final grading, the disturbed areas shall be immediately seeded to permanent vegetation and mulched and will not be used as outlets until a dense, vigorous vegetative cover has been obtained. Once soil is exposed for waterway construction, it should be immediately shaped, graded and stabilized. Vegetated waterways need to be stabilized early during the growing season (prior to September 15). If final seeding of waterways is delayed past September 15, emergency provisions such as sod or riprap may be required to stabilize the channel. Waterways should be fully stabilized prior to directing runoff to them.

### Permanent Stabilization Defined

- A. Seeded areas. For seeded areas, permanent stabilization means an 90% cover of the disturbed area with mature, healthy plants with no evidence of washing or rilling of the topsoil.

- B. Sodded areas. For sodded areas, permanent stabilization means the complete binding of the sod roots into the underlying soil with no slumping of the sod or die-off.
- C. Permanent mulch. For mulched areas, permanent mulching means total coverage of the exposed area with an approved mulch material. Erosion control mix may be used as mulch for permanent stabilization according to the approved application rates and limitations.
- D. Riprap. For areas stabilized with riprap, permanent stabilization means that slopes stabilized with riprap have an appropriate backing of a well-graded gravel or approved geotextile to prevent soil movement from behind the riprap. Stone must be sized appropriately. It is recommended that angular stone be used.
- E. Agricultural use. For construction projects on land used for agricultural purposes (E.G., pipelines across crop land), permanent stabilization may be accomplished by returning the disturbed land to agricultural use.
- F. Paved areas. For paved areas, permanent stabilization means the placement of the compacted gravel subbase is completed.
- G. Ditches, channels, and swales. For open channels, permanent stabilization means the channel is stabilized with mature vegetation at least three inches in height, with well-graded riprap, or with another non-erosive lining capable of withstanding the anticipated flow velocities and flow depths without reliance on check dams to slow flow. There must be no evidence of slumping of the lining, undercutting of the banks, or down-cutting of the channel.

#### General Construction Phase

The following erosion control measures shall be followed by the contractor throughout construction of this project:

- A. All topsoil shall be collected, stockpiled, seeded with rye at 3 pounds/1,000 sf and mulched, and reused as required. Silt fencing shall be placed down gradient from the stockpiled loam. Stockpile to be located by designation of the owner and inspecting engineer.
- B. The inspecting engineer at his/her discretion, may require additional erosion control measures and/or supplemental vegetative provisions to maintain stability of earthworks and finish graded areas. The contractor shall be responsible for providing and installing any supplemental measures as directed by the inspecting engineer. Failure to comply with the engineer's directions will result in discontinuation of construction activities.
- C. Erosion control mesh shall be applied in accordance with the plans over all finish seeded areas as specified on the design plans.
- D. All graded or disturbed areas including slopes shall be protected during clearing and construction in accordance with the approved erosion and sediment control plan until they are adequately stabilized.
- E. All erosion, and sediment control practices and measures shall be constructed, applied and maintained in accordance with the approved erosion and sediment control plan.
- F. Areas to be filled shall be cleared, grubbed and stripped of topsoil to remove trees, vegetation, roots or other objectionable materials.
- G. Areas shall be scarified to a minimum depth of 3 inches prior to placement of topsoil.
- H. All fills shall be compacted as required to reduce erosion, slippage, settlement, subsidence or other related problems. Fill intended to support buildings, structures and conduits, etc., shall be compacted in accordance with local requirements or codes.
- I. All fills shall be placed and compacted in layers not to exceed 8 inches in thickness.

- J. Except for approved landfills or non-structural fills, fill material shall be free of brush, rubbish, rocks, logs, stumps, building debris and other objectionable materials that would interfere with or prevent construction of satisfactory lifts.
- K. Frozen material or soft, mucky or highly compressible materials shall not be incorporated into fill slopes or structural fills.
- L. Fill shall not be placed on a frozen foundation.
- M. Seeps or springs encountered during construction shall be handled appropriately.
- N. All graded areas shall be permanently stabilized immediately following finished grading.
- O. Remove any temporary control measures, such as silt fence, within 30 days after permanent stabilization is attained. Remove any accumulated sediments and stabilize.

#### Permanent Vegetation

Permanent vegetative cover should be established on disturbed areas where permanent, long lived vegetative cover is needed to stabilize the soil, to reduce damages from sediment and runoff, and to enhance the environment.

#### Seedbed Preparation

- A. Grade as feasible to permit the use of conventional equipment for seedbed preparation, seeding, mulch application and anchoring, and maintenance.
- B. Apply limestone and fertilizer according to soil tests such as those offered by the University of Maine soil testing laboratory. Soil sample mailers are available from the local cooperative extension service office. If soil testing is not feasible on small or variable sites, or where timing is critical, fertilizer may be applied at the rate of 800 pounds per acre or 18.4 pounds per 1,000 square feet using 10-20-20 (n-p<sub>2</sub>o<sub>5</sub>-k<sub>2</sub>o) or equivalent. Apply ground limestone (equivalent to 50% calcium plus magnesium oxide) at a rate of 3 tons per acre (138 lb. Per 1,000 sq. Ft).
- C. Work lime and fertilizer into the soil as nearly as practical to a depth of 4 inches with a disc, spring tooth harrow or other suitable equipment. The final harrowing operation should be on the general contour. Continue tillage until a reasonably uniform, fine seedbed is prepared. All but clay or silty soils and coarse sands should be rolled to firm the seedbed wherever feasible.
- D. Remove from the surface all stones 2 inches or larger in any dimension. Remove all other debris, such as wire, cable, tree roots, concrete, clods, lumps or other unsuitable material.
- E. Inspect seedbed just before seeding. If traffic has left the soil compacted; the area must be tilled and firmed as above.
- F. Permanent seeding should be made 45 days prior to the first killing frost or as a dormant seeding with mulch after the first killing frost and before snowfall. When crown vetch is seeded in later summer, at least 35% of the seed should be hard seed (unscarified). If seeding cannot be done within the seeding dates, mulch according to the temporary mulching BMP and overwinter stabilization and construction to protect the site and delay seeding until the next recommended seeding period.
- G. Following seed bed preparation, swale areas, fill areas and back slopes shall be seeded at a rate of 3 lbs./1,000 s.F. With a mixture of 35% creeping red Fescue, 6% red top, 24% Kentucky bluegrass, 10% perennial ryegrass, 20% annual ryegrass and 5% white Dutch clover.
- H. Areas which have been temporarily or permanently seeded shall be mulched immediately following seeding.
- I. Areas which cannot be seeded within the growing season shall be mulched for over-winter protection and the area should be seeded at the beginning of the growing season.

#### Winter Construction Phase

If an area is not stabilized with temporary or permanent measures by November 15, then the site must be protected with additional stabilization measures.

- A. Permanent stabilization consists of at least 90% vegetation, pavement/gravel base or riprap.
- B. Do not expose slopes or leave slopes exposed over the winter or for any other extended time of work suspension unless fully protected with mulch.
- C. Apply hay mulch at twice the standard rate (150 lbs. Per 1,000 sf). The mulch must be thick enough such that the ground surface will not be visible and must be anchored.
- D. Use mulch and mulch netting or an erosion control mulch blanket on all slopes greater than 8 % or other areas exposed to direct wind.
- E. Install an erosion control blanket in all drainageways (bottom and sides) with a slope greater than 3 %.
- F. See the vegetation measures for more information on seeding dates and types.
- G. Winter excavation and earthwork shall be completed so that no more than 1 acre of the site is without stabilization at any one time.
- H. An area within 100 feet of a protected natural resource must be protected with a double row of sediment barrier.
- I. Temporary mulch must be applied within 7 days of soil exposure or prior to any storm event, but after every workday in areas within 100 feet from a protected natural resource.
- J. Areas that have been brought to final grade must be permanently mulched that same day.
- K. If snowfall is greater than 1 inch (fresh or cumulative), the snow shall be removed from the areas due to be seeded and mulched.
- L. Loam shall be free of frozen clumps before it is applied.
- M. All vegetated ditch lines that have not been stabilized by November 1, or will be worked during the winter construction period, must be stabilized with an appropriate stone lining backed by an appropriate gravel bed or geotextile unless specifically released from this standard by the department.

#### Maintenance and Inspection Phase

- A. Contractor shall inspect disturbed and impervious areas, and erosion and stormwater control measures, areas used for storage that are exposed to precipitation, and locations where vehicles enter or exit the parcel at least once a week and before and after a storm event, prior to completion of permanent stabilization. A person with knowledge of erosion and stormwater must conduct the inspection. This person must be identified in the inspection log. If best management practices (BMPs) need to be modified or if additional BMPs are necessary, implementation must be completed within 7 calendar days and prior to any storm event (rainfall). All measures must be maintained in effective operating condition until areas are permanently stabilized.
- B. A log (report) must be kept summarizing the scope of the inspection, name(s) and qualifications of the personnel making the inspection, the date(s) of the inspection, and major observations relating to operation of erosion and sedimentation controls and pollution prevention measures. Major observations must include: BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. Follow-up to correct deficiencies or enhance controls must also be indicated in the log and dated, including what action was taken and when.

Town of Hampden  
Land & Building Services



Planning Board Order  
H.O. Bouchard, Inc.  
Amended Site Plan

Approval Date: November 8, 2017

Project Name: H.O. Bouchard Amended Site Plan

Location of Project: 349 Coldbrook Road

Assessor's Reference: Tax Map Parcel 14-0-001-01

Zoning District: Interchange Zoning District

Total Acreage: 39.72 acres

Type of Use: Truck terminal

Applicant: H.O. Bouchard, Inc.  
P.O. Box 249  
Hampden, ME 04444

Owner: Same as Applicant

Plans Prepared by: Plymouth Engineering, Inc., P.O. Box 46, Plymouth, ME 04696

Plans Dated: October 17, 2017

Application Date: October 11, 2017

Public Hearing: November 8, 2017

PB Members: Peter Weatherbee, Michael Avery, Kelley Wiltbank, James Davitt, Morton Syversen, Eugene Weldon and Tom Dorrity

PB Action: \_\_\_\_\_. This Site Plan Amendment is [approved/approved with conditions/denied] under Section 4.1.5 of the Hampden Zoning Ordinance, Site Plan Review.

*Summary Description of Application:*

The land is currently developed as a truck terminal with associated offices, storage, fueling and parking areas. This application is to add 1,380 square feet of office space to the existing office building, along with a 300 square foot deck.

*Findings:*

After the public hearing was duly noticed and held, the Hampden Planning Board found that the applicable requirements in Section 4.1.5 of the Hampden Zoning Ordinance, Site Plan Review, have been met. Based on this, the Hampden Planning Board voted \_\_\_\_\_ to [approve/deny] the Site Plan Amendment to the H.O. Bouchard Site Plan.

For the Hampden Planning Board:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Eugene Weldon, Chairman

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

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

\_\_\_\_\_  
Peter Weatherbee

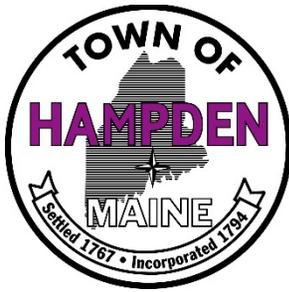
\_\_\_\_\_  
Morton Syversen

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

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

\_\_\_\_\_

Town of Hampden  
Land & Building Services



Report on Application  
Modification to  
Hannaford Supermarket Site Plan

To: Planning Board  
From: Ben Smith, AICP, Contract Planner  
Date: October 8, 2017  
RE: Report on Application to Hannaford Supermarket Site Plan

Project Information

Applicant: Hannaford Bros. Co., LLC  
Site Location: 77 Western Avenue; Parcel 301-0-002  
Zoning District: Business B Zoning District  
Proposal: Modify an approved Site Plan to add a 384 square foot accessory building and remove 5 parking spaces

The Graves Supermarket Site Plan was approved by the Planning Board on November 8, 2000. The current application is an amendment to that approval to add a 12 foot by 32 foot CLYNK unit to the northern corner of the existing parking area as shown on the Overall Site Plan, Sheet 1 of 3, dated September 21, 2017. The CLYNK unit is an accessory structure for the storage of returnable bottles and cans. It has no foundation but will have an underground electrical service as shown on Sheet 2 of 3 in the plan set dated September 21, 2017.

This application is before the Planning Board because the amendment results fewer onsite parking spaces than required by the Ordinance. There are 152 existing spaces on the site, which is the minimum required for the existing 30,259 square foot building at 1 space per 200 square feet in Section 4.7.1.1 ( $30,259/200 = 151.3 = 152$  spaces). As noted in the letter from the applicant's representative Darrin Stairs, P.E. at Stantec Consulting Services, dated September 19, 2017, the placement of the CLYNK unit results in the loss of 5 parking spaces.

The applicant is requesting a waiver from the parking requirements to provide 147 spaces rather than the 152 required by ordinance. Per Section 4.7.5, the Board may grant a waiver from this performance standard if the Board finds that granting a waiver will not:

- Produce an unreasonably detrimental change in the character of the neighborhood, and
- Unreasonably detrimentally affect the use of surrounding properties

This project was reviewed with Town staff. There are no outstanding staff concerns or questions based on the submission.

This application was not sent for engineering peer review because the proposed amendment will not have an impact on stormwater issues as no new impervious area is proposed and there will be no impacts on traffic or internal traffic circulation.



Stantec Consulting Services Inc.  
482 Payne Road Scarborough Court, Scarborough ME 04074-8929

September 19, 2017

**Mr. Myles Block**  
Town of Hampden  
106 Western Avenue  
Hampden, ME 04444

**Town of Hampden  
RECEIVED  
SEP 25 2017  
Code Enforcement  
Office**

**Subject: Hannaford Supermarket & Pharmacy – 77 Western Avenue  
Revision to Site Plan  
Proposed CLYNK Bottle Redemption Unit**

**PB File Copy**

Dear Mr.

On behalf of Hannaford Bros. Co. LLC, our office is submitting supporting information for a proposed standalone CLYNK bottle redemption unit in the existing parking area at the Hannaford site. As was discussed with your office, it was determined that this modification would be submitted as full Site Plan Review for the proposed project.

The project includes removal of existing pavement markings and installation of a prefabricated 12' x 32' CLYNK unit. The CLYNK unit does not have a foundation; it sits directly on pavement. The power for the unit will be provided underground from a nearby power pole (see Sheet C-2.0 for more detail). The area adjacent to the Clynk unit will be restriped to include two reserved spaces for CLYNK customers.

With the addition of the Clynk unit to the site, five parking spaces will be removed, leaving a total of 147 spaces remaining. The existing Hannaford Supermarket is 30,259 (SF), which would yield a parking ratio of 1 space per 206 SF once the Clynk is installed. Per Section 4.7.1.1 of the Zoning Ordinance, a retail or service use requires 1 space per 200 SF of gross floor area, which would equate to 152 spaces for this site. In effect, this site would be 5 spaces short of meeting the parking requirement once the Clynk unit is added.

Per Section 4.75 of the Zoning Ordinance, any of the requirements set forth in sections 4.7.1, 4.7.2, or 4.7.4 may be reduced upon the granting of a waiver by the permit granting authority. We respectfully request a waiver from the parking requirement of 1 space per 200 SF. We do not believe the reduction from 152 to 147 spaces will produce an unreasonably detrimental change in the character of the neighborhood, will not unreasonably detrimentally affect the use of surrounding properties, and will have no impact on public safety or public health, nor create any nuisance.

We are providing 16 hard copies of the plans and submission materials listed below:

- Site Plan Application
- Supporting Site Plans
- CLYNK Photograph



Mr. Myles Block  
September 19, 2017  
Page 2

Also included is a check in the amount of \$75.00 for the Application fee made payable to the Town of Hampden. After review, if additional fees are required, please contact our office with the additional fee amount.

We trust the information provided is adequate for the purposes of review and we look forward to working with you through the approval process.

If you should have any questions or need any additional information, please feel free to contact our office.

Sincerely,

**STANTEC CONSULTING, INC.**

Darrin B. Stairs, PE  
Project Manager  
Phone: 207.887.3406  
Fax: 207.883.3376  
darrin.stairs@stantec.com

Attachments

c: Karen Cullen, Planner

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## SITE PLAN - PERMITTED/CONDITIONAL USE 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.

Date: September 13, 2017

### APPLICANT:

Name: Hannaford Bros. Co., LLC - Attn: J Lord

Address: PO Box 1000, MS 6000 - Portland, ME 04104

Phone: 603-502-3650

Cell: \_\_\_\_\_

Email: jmlord560@gmail.com

### AGENT:

Name of agent or representative: Darrin Stairs, PE - Stantec

Address: 482 Payne Road - Scarborough, ME 04074

Phone: 207-887-3406

Cell: 207-310-8574

Email: darrin.stairs@stantec.com

### THE SITE:

Location of site: 77 Western Avenue

Hampden tax map and lot number: 310-0-002

Zoning district: Business B

Existing use of property: Shopping Center

Legal interest in the parcel: Owner

Owner of parcel if other than applicant: N/A

Owner's address: \_\_\_\_\_

### PROPOSED PROJECT:

Proposed use of property: 320 SF CLYNK Redemption Unit (please see cover letter for additional information)  
(Please include floor area per use, seating if applicable, and land area).

Proposed starting date: ASAP

Final completion date: TBD

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

Will your project result in more than one acre of disturbed land area?  Yes  No.

If yes, you are required to obtain either a Construction General Permit or Stormwater Permit by Rule from the Maine Department of Environmental Protection. If you are in the Urbanized Area of Town and discharge stormwater to the Municipal Separate Storm Sewer System (MS4) a Post-construction Stormwater Management Application shall be submitted to the Town pursuant to the Town of Hampden Post-construction Stormwater Management Ordinance.

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

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

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

Signature:  Date: September 13, 2017  
Darin Stairs, PE

\*\*\*\*\*

**OFFICE USE ONLY**

Date received: \_\_\_\_\_ Date complete: \_\_\_\_\_

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

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

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

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



PB File Copy

Town of Hampden  
Land & Building Services



Planning Board Order  
Hannaford Supermarket  
Amended Site Plan

Approval Date: November 8, 2017

Project Name: Hannaford Supermarket Amended Site Plan

Location of Project: 77 Western Avenue

Assessor's Reference: Tax Map Parcel 302-0-002

Zoning District: Business B Zoning District

Total Acreage: 3.89 acres

Type of Use: Retail and Service Business (supermarket grocery store)

Applicant: Hannaford Bros. Co., LLC  
c/o JM Lord, Maple Rock, LLC  
P.O. Box 28, 560 South Road  
Rye Beach NH 03871

Owner: Hannaford Brothers Co.  
P.O. Box 1000  
Portland ME 04104

Plans Prepared by: Stantec

Plans Dated: September 14, 2017

Application Date: September 19, 2017

Public Hearing: November 8, 2017

PB Members: Peter Weatherbee, Michael Avery, Kelley Wiltbank, James Davitt, Morton Syversen, Eugene Weldon and Tom Dorrity

PB Action: \_\_\_\_\_. This Site Plan Amendment is [approved/approved with conditions/denied] under Section 4.1.5 of the Hampden Zoning Ordinance, Site Plan Review.

*Summary Description of Application:*

The original store was approved as a Graves Supermarket in 2000. This application is to add a CLYNK 384 square foot accessory unit for storage of recyclable bottles and cans. Placement of this unit in the existing parking lot will result in the loss of five (5) parking spaces, bringing the total available spaces to 147.

*Findings:*

After the public hearing was duly noticed and held, the Hampden Planning Board found that the applicable requirements in Section 4.1.5 of the Hampden Zoning Ordinance, Site Plan Review, have been met. Based on this, the Hampden Planning Board voted \_\_\_\_\_ to [approve/deny] the Site Plan Amendment to the Hannaford Site Plan.

For the Hampden Planning Board:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Eugene Weldon, Chairman

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

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

\_\_\_\_\_  
Peter Weatherbee

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

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

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

\_\_\_\_\_



Town of Hampden  
Land & Building Services

Memorandum

To: Planning Board  
 From: Angus Jennings, AICP, Town Manager  
 Date: October 26, 2017  
 RE: Proposed Retail (Recreational) Marijuana Amendments

A meeting of the Planning Board's Ordinance Committee was held on Tuesday, October 17 at 6 PM. Planning Board members Michael Avery, Kelly Wiltbank, James Davitt and Gene Weldon were in attendance. In the absence of the Town Planner, the Town Manager Angus Jennings provided staff support to the meeting. One resident, Valerie Webster, attended as well.

Mr. Davitt reported that he is hearing that it may be another year before the State finalizes its regulations regarding recreational marijuana. It was acknowledged that the resulting uncertainty will continue to delay the Town's consideration of policy regarding certain potential uses – specifically, cultivation, testing, manufacture, and the new potential use category “nursery.”

Manager Jennings reported that the State policy appears to be going in the direction of creating a presumptive prohibition of commercial uses related to recreational marijuana. This would require municipalities to specifically zone for the uses, rather than a presumptive allowance which would require municipalities that don't want some or all of the uses to specifically zone them out. (Until recently, Hampden and many other communities have been under the impression that there would be a presumptive allowance). This would have bearing on the proposed amendments to prohibit retail sales and social clubs. He recommended proceeding with the amendments. While they may end up being unnecessary, depending on final State policy, they would do no harm.

There was discussion about the approach taken by the proposed amendments, which is to define certain uses related to retail marijuana sales and social clubs, then to not list those as allowed uses in any of the zoning districts. The Town Attorney has reviewed the proposed language and verified that this would have the effect of prohibiting these uses. Additional amendments to existing definitions are proposed in order to specify that certain uses – i.e. agriculture, retail – do not include allowance for recreational marijuana uses. Mr. Wiltbank asked whether the definitions are consistent with the recreational marijuana statute and Manager Jennings said they were.

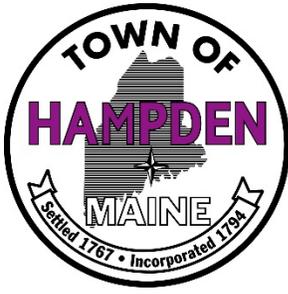
Manager Jennings said that, when the work now underway to create a Table of Use Regulations is complete, it will provide more clarity – for applicants, staff, and the Board – regarding what uses are allowed where, but until that work is complete the proposed approach is effective.

Resident Valerie Webster expressed her interest in closely tracking the Town's work on recreational marijuana policy.

There was a motion by Mr. Wiltbank seconded by Mr. Weldon to refer the proposed zoning amendments to the Planning Board with an "ought to pass" recommendation. The motion passed 4-0. The public hearing on the proposed amendments will take place at the Board's next meeting on November 8.

As an informational item, Manager Jennings reported that the proposed rezoning of the parcel at the northeast corner of Coldbrook Road and Route 202, which had been withdrawn by the petitioner this summer, had recently been reactivated. He said that his reading of the Zoning Ordinance is that staff would schedule a public hearing regarding the proposed map amendment because it was initiated by a private party, rather than a referral from Town Council. He said he intended to proceed in this manner for the proposed map amendment, and that the public hearing would be scheduled for the Board's next meeting on November 8.

The meeting was adjourned at 6:30 PM.



Town of Hampden  
Land & Building Services

## Memorandum

To: Planning Board  
From: Angus Jennings, AICP, Town Manager  
Date: September 7, 2017  
RE: Retail (Recreational) Marijuana Amendments

As directed by the Town Manager in accordance with the Resolution adopted on April 18, 2017 by Town Council regarding the legalization of recreational marijuana, the Town Planner proposed the following amendments to Section 7.2, Definitions, of the Zoning Ordinance.

The purpose of these amendments is to effectively prohibit retail sales of marijuana and social clubs for marijuana. Modifications to a number of existing definitions are proposed to be clear about how retail marijuana businesses should be interpreted – e.g. neither retail marijuana sales nor social clubs are to be considered as home businesses or customary home occupations.

The proposed amendments have been reviewed by the Town Attorney, who found them in proper form and consistent with the policy intent.

The Town Council's Planning & Development Committee reviewed the proposed amendments at their August 16 meeting and favorably recommended them to the Town Council. At their August 21 meeting, the Town Council referred the proposed amendments to the Planning Board for consideration and public hearing.

These amendments are the first phase of the expected zoning amendments dealing with retail marijuana; the second phase will deal with regulating the other three use categories – cultivation, testing, and product manufacture. Those will not be drafted until late 2017 or early 2018, since we are waiting for more information from the state on how their rules will handle the industry and what municipalities will be able to do for local regulation.

## TOWN OF HAMPDEN

The Town of Hampden Hereby Ordains  
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions are Underlined

**Amend §7.2 Definitions**

**Agriculture:** The production, keeping or maintenance of plants and/or animals including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products; poultry products; livestock; fruits and vegetables; and other plants. Agricultural uses shall include wholesaling, retailing and processing of agricultural products which are customary and accessory to an agricultural use. Agriculture does not include forest management, commercial nurseries, ~~and timber harvesting activities, or commercial cultivation of marijuana.~~ (Amended: 12-18-95)

**Customary Rural Businesses:** Shall be limited to the following uses: Retail Sales & Service; products produced on-site such as art work, pottery, quilts, needle work, baked goods and wooden furniture, antiques, farm & logging supply, feed and grain store, tack shop, grocery and convenience store, hunting & fishing supplies, taxidermy, sporting and camping equipment, Places of Assembly; diners and roadside cafes where no drive thru service is provided (not to exceed 30 seats), bed & breakfast inns (not to exceed 10 guest rooms). Retail marijuana stores, social clubs, cultivation, processing, or testing establishments shall not be categorized as Customary Rural Businesses. (Amended: 12-2-96)

**Drug store or Pharmacy:** An establishment engaged in the retail sales of prescription drugs, non-prescription medicines, medical equipment or supplies, with or without other consumer products for sale, but not including the sale of marijuana or products containing marijuana.

**Home occupation:** ~~The subordinate use of a dwelling unit or structure accessory to a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services. See Use of Residence for Business Purposes.~~

**Medical marijuana:** ~~Marijuana shall have the definition set forth in Title 17-A M.R.S.A. Section 1101(1) and the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122, Section 1.15), as the same may be amended from time to time. (Amended 03-07-11) The leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not; but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin including hashish and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant which is incapable of germination. [17-A MRSA Section 1101.1 – medical marijuana laws]~~

**Retail marijuana:** All parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin including cannabis concentrate. "Retail marijuana" does not include industrial hemp, fiber produced from the stalks, oil, cake made from the seeds of the plant,

sterilized seed of the plant that is incapable of germination or any ingredient combined with cannabis to prepare topical or oral administrations, food, drink or any other product. [17 MRSA Section 4224.5 – marijuana legalization act]

Retail marijuana social club: An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises. [17 MRSA Section 4224.39 – marijuana legalization act]

Retail marijuana store: An entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers. [17 MRSA Section 4224.40 – marijuana legalization act]

Retail sales: The sale or rental of merchandise to the general public. Retail sales shall be limited to merchandise typically kept in stock on the premises. Retail sales shall allow accessory service unless prohibited elsewhere in this Ordinance. Retail sales shall not include the sale of marijuana or any product for human consumption that includes marijuana or any derivative of marijuana.

Service business: Any business or establishment which provides a service for hire by others, conducted through the application of some specialized knowledge, training, skill or talent, or through the employ of physical exertion or other effort in the performance of some special action or work. A service business shall include any establishment engaged in the fields of finance, insurance or real estate and any establishment providing professional, personal, or business services; a service business shall not include automobile service, outdoor recreation, manufacturing use, ~~or~~ a hotel or motel, or cultivation, harvesting, processing, testing or sales of marijuana, but may include rooming houses, boarding homes, tourist homes, and bed and breakfast establishments with six (6) or fewer rooms.

Use of Residence for Business Purposes: The subordinate use of a dwelling unit or structure accessory to a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services, with the exception that neither retail marijuana sales nor marijuana social clubs shall be operated under these provisions. There are three categories of such use, which are defined in §4.10 of this ordinance: home business, customary home occupation, and home based contractor. (Added 4-18-17)

## MINUTES

g. **Council referral to the Planning Board to set public hearing on the proposed amendments to Section 7.2 of the Zoning Ordinance regarding the sale of marijuana and social clubs – referral from Planning & Development Committee – Councilor McPike that these amendments were directed in accordance with the Resolution signed in April. Councilor McPike made a motion, seconded by Councilor Sirois, to refer the proposed amendments to the Planning Board to set public hearing. Unanimous vote in favor.**

h. **Council Order 2017-06 re-authorizing weir installation and eel research at Papermill Park - Councilor Marble made a motion, seconded by Councilor Wilde to authorize the weir installation and research as defined in Council Order 2017-06. Unanimous vote in favor.**

i. **Setting the 2017/2018 mil rate – referral from Finance & Administration Committee – Councilor Sirois reported that during Finance and Administration meeting, the Assessor gave a presentation and held discussion about the commitment. Her recommendation is for a mil rate of 18.4 which equates to an increase of about \$10.00 for every \$50,000 of value in one's home. Manager Jennings added that the proposed 18.4 mil rate will generate about \$138,000 in overlay which will give us some breathing room. Impacts from the Homestead Exemption are that homes below \$450,000 in value will see a reduction in their tax bill. For those tax payers that don't take advantage of the exemption will see that increase of about \$10.00 for every \$50,000 in value. Councilor Sirois made a motion, seconded by Councilor Marble, to accept and approve setting the mil rate for 2017-2018 at 18.4. Unanimous vote in favor. Councilor Wilde offered thanks to fellow Councilors, town staff and especially Angus for all of the work put into turning the ship around.**

## E. COMMITTEE REPORTS

Services – Councilor Marble reported that this committee met on the 14<sup>th</sup>. They were updated on Children's Day, reviewed information to be shared on the 22<sup>nd</sup> regarding the pool site, and discussed potential costs to the Town if we assume the expenses of the Kiwanis Civic Center.

Planning & Development – Councilor McPike reported that the committee was updated on the status of Fibrigh, discussed the Conservation Easement acted on tonight, and were briefed on the landfill post closure report. The committee interviewed Penny Markowitz-Moses, and again discussed recreational marijuana, including the Zoning Ordinance amendments that were referred to the Planning Board tonight.

Finance & Administration – Councilor Sirois reported that the Council Order 2017-05 Bid Guidelines was tabled because of confusion over sections 3 & 4. Discussed and recommended the land swap with Maine Ground Developers, reviewed the TAN recommendation, and made recommendation on the contract awards for the

David I. Ryder (Mayor, Dist. 4)  
Stephen L. Wilde (1)  
Dennis R. Marble (2)  
Terry McAvoy (3)

**TOWN OF HAMPDEN**  
IN THE TOWN COUNCIL

Mark S. Cormier (A/L)  
Ivan P. McPike (A/L)  
Gregory J. Sirois (A/L)

**Resolution 2017-01**

**Adoption: April 18, 2017**

**RESOLUTION REGARDING TOWN OF HAMPDEN POLICY INTENT  
REGARDING LEGALIZATION OF RECREATIONAL MARIJUANA**

**WHEREAS**, by statewide referendum approved on November 8, 2016, Maine voters approved the legalization of recreational marijuana;

**WHEREAS**, the approved law establishes five categories of allowable commercial uses: cultivation; testing; manufacturing; retail sales; and social clubs;

**WHEREAS**, municipalities retain authority to exercise five classes of local powers relative to recreational marijuana establishments including prohibition, limiting the number of local licenses that may be issued, zoning, local licensure, and local non-zoning regulation (e.g. public safety, building code);

**WHEREAS**, the State of Maine has not yet issued regulations governing State licensure of recreational marijuana establishments, and has enacted a moratorium whereby no commercial activity related to recreational marijuana may occur until February 1, 2018;

**WHEREAS**, it will take time to prepare, adopt and implement local zoning, regulation, and/or licensing requirements and procedures related to potential recreational marijuana establishments in the Town of Hampden; and

**WHEREAS**, the Town Council wishes to make public its policy intent to proceed with certain restrictions and regulations regarding the potential future location and operation of recreational marijuana establishments in the Town of Hampden;

**THEREFORE BE IT RESOLVED THAT**, the Town Council hereby expresses its policy intent to proceed with certain restrictions and regulations regarding the potential future location and operation of recreational marijuana establishments in the Town of Hampden:

- The Town Council hereby directs that the Town Manager cause the Town Planner to prepare proposed zoning amendments in order to **prohibit** two categories of recreational marijuana establishments in the Town of Hampden: retail sales; and social clubs, and to bring forward such amendments for

- consideration by the Planning Board and, upon their referral, by the Town Council, each within duly noticed public hearings;
- The Town Council hereby directs that the Town Manager cause the Town Planner to prepare proposed zoning amendments in order to **regulate**, through the Zoning Ordinance, the location, performance standards, permitting process, and abutter notification requirements for three categories of recreational marijuana establishments in the Town of Hampden: cultivation; testing; and product manufacture, and to bring forward such amendments for consideration by the Town Council's Planning & Development Committee for consideration, revision as necessary, and referral to the Planning Board for consideration and, upon their referral, to the Town Council for consideration, each within duly noticed public hearings; and
  - The Town Council hereby directs that the Town Manager cause the Public Safety Director to prepare advice regarding the potential to **license**, through local regulation, three categories of recreational marijuana establishments in the Town of Hampden: cultivation; testing; and product manufacture, and if so whether and how to take into account a prospective establishment's tax and legal compliance, capital reserves, personnel, criminal background check, security plans, management experience, technical capacity, plans for odor mitigation and other issues, and local support; and to further advise the Town Council regarding whether to place limits on the number of allowable number of establishments (in each category), place limits on the hours of operation of any such establishments, establish licensing fees, and establish inspection requirements;
  - The Town Council hereby directs that the Town Manager periodically, and no less than every three months, provide updates to the Town Council's Planning & Development Committee, on progress toward satisfying this Resolution.

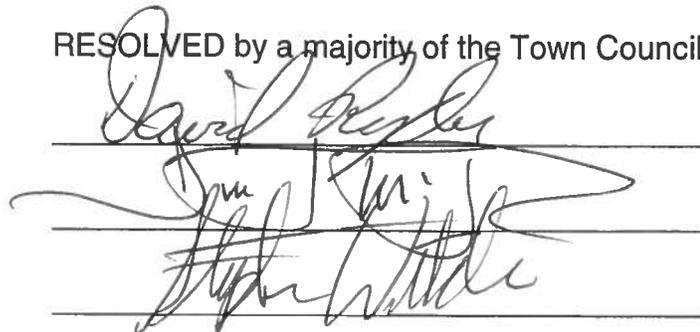
It is the intent of the Town Council that work toward these items proceed as quickly as reasonably practical, taking into account new information as it becomes available regarding the State of Maine licensing procedures, the necessity to spend enough time to ensure thorough review and informed recommendations, and the need to simultaneously maintain progress toward other responsibilities and priorities.

Town Clerk:



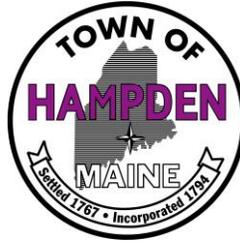
Paula Scott

RESOLVED by a majority of the Town Council:



Just Mark  
Mark B. Conroy  
Conroy B. S.

**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:** November 1, 2017  
**RE:** Ordinance amendment process (Zoning, Subdivision, Shoreland Zoning)

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Last fall, the Town Planner prepared a series of flow charts to illustrate the zoning amendment process in Hampden. The current process is more lengthy and process-intensive than required by statute due to several local requirements that result from local Ordinance and the Town Charter, specifically:

1. The Town Charter requires a Town Council public hearing, in addition to the statutorily required Planning Board public hearing, for adoption of amendments to the Zoning, Subdivision and Shoreland Zoning Ordinances. This hearing adds about a month to the process, and a cost of about \$200 for the hearing notice, even for non-controversial ordinance amendments.
2. The Town Charter provides that ordinance amendments do not take effect until 30 days after their adoption.

Until the Town Charter may be amended in the future, these delays cannot be avoided.

As you know, this past spring the Town Council amended the Zoning Ordinance in order to clarify and simplify the procedural requirements related to zoning amendments. The revised Section 1, approved on May 1, is enclosed for your reference.

The Council anticipates proposing a number of additional zoning amendments in the coming months, and beyond; the most recent list of prioritized zoning amendments within the Town Planner's work plan is attached.

In order to achieve the policy objectives of these amendments, including providing all project applicants prompt and predictable permitting, it will be necessary to finalize certain amendments well enough in advance of the 2018 construction season in order to improve the permitting process applicable to those projects.

The Zoning Ordinance provides the Planning Board up to 90 days, from the date of Town Council referral, to make a recommendation regarding proposed amendments. (The timeline is different for amendments proposed by landowner or petition). However, it is the Town Council's expectation that the Planning Board will expedite its consideration of proposed ordinance amendments to the maximum degree feasible without compromising the Board's ability to do so with all due care. In many instances,

the Council, through its Planning & Development Committee, does not think that 90 days would be needed.

The Council's Planning & Development Committee has become increasingly focused on how the ordinance amendment process may become more efficient. Specifically, the P&D Committee has discussed the Planning Board's amendment review process, including the role of the Ordinance Committee (OC).

In current practice, the Planning Board will not consider zoning amendments referred by the Town Council without convening a meeting of, and receiving a recommendation from, the OC. If amendments are reviewed in a single OC meeting, this adds about a month to the amendment process. If more than one meeting of the OC is needed, this would result in a further delay. The OC meetings also require staff support to prepare the meeting packet, attend the meeting, and document the OC's recommendation.

However, neither State law, local ordinance, the Town Charter nor the Planning Board Bylaws refer to the OC nor define its membership and responsibilities.

The Councilors' have expressed concerns about the role of the OC arising from the delays it adds to the Board's review process, impact on limited staff time, as well as a process that is harder to follow and less transparent for members of the public.

Consider, for example, a resident attending the publicly noticed November 8 hearing of the Planning Board regarding the proposed zoning map amendment. If the Board declines to make a recommendation that night, and instead refers to the matter to the OC (with the expectation that the OC would then offer a recommendation back to the Planning Board), that resident would need to attend three meetings in order to view the Board's deliberation regarding the proposal. The Council feels that the public should reasonably expect a Board recommendation at the publicly noticed hearing. If more deliberation is needed, or if the Board requests research from staff that is not part of the original public hearing materials, the Board always has the option to continue a hearing to a future date/time certain without incurring further advertising costs.

Further, because Advisory Committees are exempt from certain aspects of the Maine Freedom of Access law (1 M.R.S.A. 403(6)), there is no *legal* requirement to keep minutes of the OC meeting proceedings. (In practice, OC meetings have been posted, but minutes have not been kept – although the OC's recommendations are typically documented in correspondence to the Planning Board and/or in the Board's meeting minutes.)

The P&D Committee recently voted unanimously (among the 5 Councilors present) to recommend the following changes to the Planning Board's process in order to expedite its consideration of proposed ordinance amendments:

1. End the practice of referring proposed amendments to the OC, at least until such time as the Planning Board Bylaws may be amended in order to define the Committee, its membership, and its responsibilities;

2. Consider – as a Board – proposed ordinance amendments within its regularly scheduled public meetings, prior to referral to public hearing or simply consider the proposed amendments within the public hearing itself; and
3. If Board deliberation within its regularly scheduled meetings would impair the Board members' ability to consider amendments with all due care, hold posted meetings immediately preceding its regularly scheduled meetings (say, at 5:30 or 6 PM prior to a 7 PM Planning Board meeting) for the purpose of deliberating ordinance amendments on that evening's posted agenda. (It is worth noting that, based on review of some Planning Board meeting minutes from the early 2000s, it was typical at that time for the OC to meet immediately prior to the Planning Board meeting).

The Council's objectives with these changes would be to improve the timeliness and the public transparency of ordinance amendments. Given the nature of some of the anticipated zoning amendments, and their time sensitivity, we hope that the Planning Board will see fit to change its practices.

Two members of the Council will join me in attending the November 8 Planning Board meeting in order to discuss these proposals. We appreciate your consideration.

# ARTICLE 1 - GENERAL ADMINISTRATION

## **1.1 Title and Purpose**

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Hampden, Maine" and will be referred to herein as this "Ordinance". It is enacted by the inhabitants by dividing the Town into zones and regulating the use and construction of buildings and premises with a view to encourage the most appropriate use of land in the Town of Hampden, Maine.

## **1.2. Basic Requirement**

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and all uses of premises in the Town of Hampden shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the district in which such building, structure, land, or water area is located.

## **1.3. Severability**

Should any section of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

## **1.4. Conflict with other Ordinances**

This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings, or structures, the provisions of this ordinance shall prevail. *(Amended 5-1-2017)*

## **1.5. Amendment** *(Amended 5-1-2017)*

**1.5.1. Initiation of Amendment** - An amendment to this Ordinance may be initiated by:

1. The planning board, provided a majority of the board has so voted;
2. Request of the town council to the planning board;
3. Written petition of one hundred (100) registered voters of the town; or
4. Written application from the property owner seeking a change of the zoning classification for the owner's property, or any portion thereof (i.e. a map amendment). Any person or entity with a legally binding interest in or to said property may make such an application, provided such person or entity submits satisfactory evidence of such interest and written documentation from the property owner authorizing such person or entity to make application for the change of zoning classification.

**1.5.2. Text Amendments** - Any proposed amendment to the text of this Ordinance that has not been initiated by the planning board shall be referred to the planning board for its review and recommendation. *(Amended 5-1-2017)*

### **1.5.3 Zoning District Amendments (Map Amendments)**

1. Owner Initiated: The owner of a property seeking a change in the zoning classification of his/her property (see *Article 1.5.1.4*) shall file a zoning map amendment application, together with payment in accordance with the Town of Hampden Fees Ordinance, with the planning office. (*Amended: 11-17-03, 5-1-2017*)
2. Petition Initiated: The person or entity who initiated a petition to amend the zoning classification of any property or group of properties shall be responsible for filing a zoning map amendment application, together with payment in accordance with the Town of Hampden Fees Ordinance, with the planning office. (*Added 5-1-2017*)
3. Town Initiated: When a map amendment is initiated by the planning board, the board shall forward a memorandum fully describing the proposed amendment to the town council for information purposes only, prior to holding the public hearing. When a map amendment is initiated by the town council, the council shall refer the proposed amendment to the planning board for a public hearing as required by statute. (*Added 5-1-2017*)

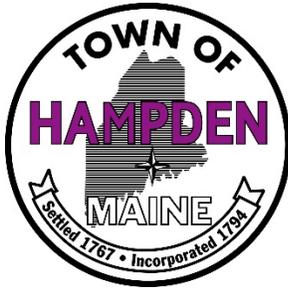
### **1.5.4 Process:**

1. Public Hearing: Upon receipt of an application, memorandum, or referral, the planning office shall schedule a public hearing to be conducted by the Planning Board on the proposed amendment within sixty (60) days of receipt. (*Amended 5-1-2017*)
2. Notice Requirements: Prior to said public hearing, and in accordance with the requirements of this Ordinance and the laws of the State of Maine, notice of said hearing shall be given. The notice shall include, but not be limited to, the date, time and place of the hearing, a short description and, for proposed map amendments, a map showing the boundaries of the current and proposed zoning districts, and the location where the proposed amendment can be viewed. (*Amended 5-1-2017*)
  - a. Publishing Requirements: Said notice shall be published twice in a daily newspaper of general circulation in the Town of Hampden, the first at least twelve (12) days and the second at least seven (7) days in advance of said hearing.
  - b. Posting Requirements: Said notice shall be posted in the Town Offices at least thirteen (13) days prior to the hearing.
  - c. Abutter Notification Requirements: For proposed map amendments, said notice shall be sent by U.S. Mail to all persons initiating the proposed map amendment, to all persons owning property within the boundaries of the proposed map amendment, and to all persons owning property within three hundred (300') feet of the exterior boundaries of the area affected by the proposed change. For purposes of the notices required under this section, the owners of property shall be considered to be those against whom taxes were assessed on the prior April 1. Failure of any person owning property within said three hundred (300') feet to receive notices provided herein shall not necessitate another hearing or invalidate any action by the planning board or the town council.
3. Planning Board Recommendation: The planning board shall make a recommendation of approval or denial for any proposed amendment, and may make a recommendation of approval with modifications for any proposed amendment. To constitute planning board approval the amendment and any proposed modifications thereto must receive at least four (4) affirmative votes from the board. In all cases, the planning board shall forward their recommendation to the town council; this shall be done within 14 days of the completion of the

public hearing and, when the proposed amendment was referred to the planning board from town council, within ninety (90) days of the date of said referral. Failure of the board to make a recommendation within the allotted time shall constitute a recommendation of denial for the purposes of this Ordinance. *(Amended 5-1-2017)*

### ***1.5.5. Adoption of Amendment***

1. Text amendments not involving the zoning classification of property may be adopted by a majority vote of the town council members present and voting, if the amendment is recommended by the planning board, or by a two-thirds majority vote of the town council members present and voting, if the amendment is not recommended by the planning board. *(Amended 5-1-2017)*
2. Map amendments may be adopted by a vote of five (5) town council members present and voting, if the amendment is recommended by the Planning Board, or by a vote of six (6) town council members present and voting, if the amendment is not recommended by the planning board. *(Amended 5-1-2017)*
3. Amendments adopted by the town council shall become effective thirty (30) days after the date of adoption. *(Amended: 5-5-86, 3-2-87, 4-6-87, 2-4-91, 5-1-2017)*
4. The Department of Environmental Protection shall be notified by the municipal clerk of zone changes (map amendments) in areas impacted by the Shoreland Zoning Ordinance within thirty (30) days of the effective date of such amendments. *(Amended 5-1-2017)*



Town of Hampden  
Land & Building Services

Memorandum

To: Angus Jennings, Town Manager  
 From: Karen M. Cullen, AICP, Town Planner *KME*  
 Date: August 15, 2017  
 RE: Update on Amendments to Zoning and Shoreland Zoning Ordinances

This table provides a status update on zoning amendments since January 2017. Colored rows are amendments that were added since January 2017.

Topic	Ord, Section(s)	Status/Comments
Accessory apartments	ZO, New §4.25	Adopted; effective June 14, 2017
Home occupations	ZO, 4.10	Adopted; effective May 18, 2017
Flexibility in parking, buffer, and signage standards	ZO, 4.7, 4.8	Adopted; effective May 31, 2017
Shoreland Zoning	SZO	CEO working on wholesale revision by starting with State "model" and revising to fit Hampden; first draft under review by staff
Use table	ZO, New section	Undergoing edits
Dimensional table	ZO, New section	Drafted, undergoing edits
Article 3, Districts	ZO	To be drafted (reformat with use and dimensional table; rework "special district regulations")
Retail marijuana phase 1 (prohibit sales & clubs)	ZO, Unknown	Drafted; on P&D agenda for Aug 16.
Retail marijuana phase 2 (regulate cultivation, testing, and product manufacture)	ZO, Unknown	To be drafted; working with Chief Rogers. Regulations anticipated late 2017 or early 2018 to ensure consistency with to-be-drafted State Regulations. Note, next status update to be provided to Manager in Oct.
Medical marijuana	ZO, 4.24	Edits to be drafted to make consistent with state law (distance to schools, etc.)
Town center	ZO, Various	To be drafted after policy direction set; some amendments being done above will advance town center redevelopment. Public meetings/workshops to begin this summer/fall.
Filling, Grading, & Stockpiling and Gravel extraction	ZO 4.9, 4.23	Policy intent: repeal 2007 amendments (retain amendments needed for consistency with statute)
Housekeeping edits	ZO, Various	Numerous relatively minor amendments throughout the Zoning Ordinance to address inconsistencies and things that make no sense; e.g. Conditional Lot Dimensions (flag lots).

Article 1; process to amend the ZO	ZO, article 1	Adopted; effective May 31, 2017
Permits; specifically certificates of compliance and occupancy	ZO, 5.3, 7.2	Adopted; effective Sept. 6, 2017
Definitions; processing, transfer stations	ZO, 7.2	Adopted; effective Sept. 6, 2017
Official Zoning Map	ZO, 2.2	Referred to PB; to be scheduled (expect Sept.)
Recodification	All	Decision to not pursue at this time.