

Town of Hampden

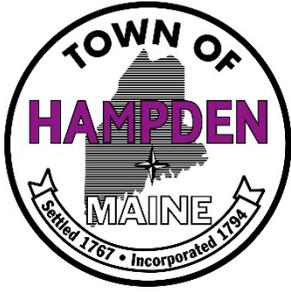
Planning Board

Wednesday, February 12, 2020, 7:00 pm

Municipal Building Council Chambers

## Agenda

1. Administrative
  - a. Minutes – Jan. 8, 2020 regular meeting,
  - b. Workshop Minutes – Dec. 17, 2019, Jan. 8, 2020, and Jan. 21, 2020
2. Old Business
  - a. Stanley & Sean MacMillan – Continuation of Deliberations for Preliminary Subdivision plan for Stearns Farm. Proposal for a major subdivision for a single family 39 lot cluster housing development with three new roads, on a 27.7 acre parcel located on Main Road North (parcels 33-0-011-A & 33-0-015-A). This property is in the Residential A district.
3. New Business
  - a. T&M Contractors Inc. – Public Hearing for a Major Site Plan and Final Subdivision Plan for Lupine Meadows, a multi-family development on Western Ave. consisting of 8 dwelling units in two buildings on parcel 08-0-009 and a portion of 08-0-007-G. This property is in the Rural district.
  - b. Philip Libby – Minor Subdivision to create one new buildable lot with a new private right-of-way off Western Ave. The 5.42 acre property is located at 177 Western Ave, parcel 30-0-003-A, in the Residential B district.
4. Staff Report
5. Planning Board Comment
6. Adjournment



Town of Hampden  
Planning Board Meeting  
Wednesday January 8, 2020

## Minutes

In Attendance:

Planning Board

Gene Weldon, Chairman  
Jake Armstrong  
Brent Wells  
Ladoiya Wells  
Richard Tinsman  
Jennifer Austin  
Kelley Wiltbank (late)

Staff

Karen Cullen, AICP, Town Planner  
Jessica Albee, Recording Clerk

Public

Oscar Emerson

The meeting was called to order at 7:01 pm.

1. Administrative

a. Election of Officers:

- i. **Motion:** by Member Tinsman to nominate Member Wiltbank to serve as Chair; second by Member Weldon, noting we can consult with Member Wiltbank when he arrives to confirm he is willing to serve as chair; motion carried 6/0/0.
- ii. **Motion:** by Member Austin to nominate Member Tinsman to serve as Vice-Chair; second by Member Armstrong; motion carried 5/0/1 (Tinsman abstained).

- b. **Motion:** by Member Austin to approve the minutes of the December 11, 2019 regular meeting; second by Member Tinsman; motion carried 6/0/0. Chair Gene Weldon mentioned that there was no quorum at the last Planning Board Workshop meeting, so it was agreed to have the Planning Board members read the minutes and vote to approve them at the next scheduled meeting.

2. Old Business - None

1. New Business

- a. Sky Villa – Informal Discussion regarding potential expansion of approved site plan for property at 741 Main Road N, in the Commercial Service district; parcel 21-0-040.

Planner Karen Cullen went over her notes (see Sky Villa file) on the conceptual plan for the Board and the applicant's representative Oscar Emerson. There are a few key items that the applicant will need to adjust and cover in a future meeting with the Planning Board, including among other issues shore frontage compliance (Shoreland Zoning), parking, drive-through

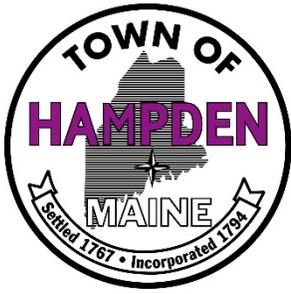
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facility, and buffer compliance (Zoning Ordinance). The Planning Board had some comments/questions on stormwater management that will also need to be addressed.

4. Staff report: None
5. Planning Board comment: Chair Weldon informed Member Kelley Wiltbank that he had been voted in as Chair for the coming year and asked him if he was willing to serve as the new Chair, and Member Wiltbank said yes, he would. Member Tinsman mentioned that Chair Gene Weldon is one of the best Chairs he has seen in his Planning Board experience. Gene Weldon thanked Member Tinsman and the Board.
6. Adjournment: Chairman Gene Weldon adjourned the meeting at 7:51 pm.

*Respectfully submitted by Jessica Albee,  
CED Administrative Asst.*

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Town of Hampden  
Planning Board Workshop  
Tuesday December 17, 2019

## Minutes

In Attendance:

Planning Board

Gene Weldon  
Richard Tinsman  
Kelley Wiltbank

Staff

Karen Cullen, AICP, Town Planner

Public

None

The meeting was called to order at 6:30 pm.

The Board continued review of the subdivision ordinance, which is being rewritten in its entirety. Points discussed included:

- §2.3.6.3.3, Street standards – Planner Cullen reviewed items a through g, noting the provisions that are existing and which are new; no changes made.
- §2.3.6.3.4, Private Streets:
  - general discussion about the merits of allowing private streets; decided to set a threshold of 4 single family homes for requiring covenants for road maintenance responsibility and pavement.
  - item a, minimum right-of-way width reduced to 50' for lanes and streets, which is an option for the developer and will preclude town acceptance at any time in the future unless the additional 16' of right-of-way is acquired to achieve 66'.
  - item b, pavement is optional; add “for subdivisions with 4 or fewer lots for single family residences. All other subdivisions must have paved streets.” at the end of the sentence.
  - items e and f, sidewalks; discussion about sidewalks in any subdivision (public road or private road) resulted in a decision to eliminate the requirement for sidewalks in any subdivision, but to add a provision allowing the Planning Board to require a sidewalk along through streets. So delete these two items.
  - item g, maximum grade for paved lanes or streets, reduced from proposed 10% to 8%; delete this items since the table in section 2.3.6.3.2 already requires 8%.
  - item h, maximum grade for unpaved lanes or streets; increased from 7% to 8%; delete this item since the table already required 8%.
  - item i, grade at intersections, distance for unpaved road increased from 75' to 100' to minimize road material from washing into the intersection; no changes to proposed.
  - item j, dead end designs; delete this item since it is already addressed in the table.
- §2.3.6.3.5, Preparation of the right-of-way: Planner Cullen noted that items a and c are new provisions while b is existing; no changes made.
- 2.3.6.4, Street names and signage: Planner Cullen noted these provisions replace current section 556, which was written prior to the E911 Addressing Ordinance; no changes made.
- 2.3.6.5, Street lighting and trees; decided to split these two provisions so each has it's own section number; no substantive changes made, only clarification of the wording in the street trees paragraph (which will be 2.3.6.6).

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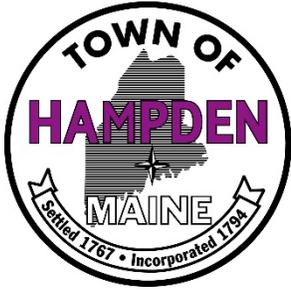
- No changes made to the postal delivery section except renumber to 2.3.6.7.
- Sidewalks: delete from the table in 2.3.6.3.2 the rows for sidewalks required, minimum sidewalk width, minimum esplanade width, minimum thickness of gravel base, and minimum thickness of pavement depth. Add a new provision (2.3.6.4 (and renumber subsequent sections)) to include language similar to: “The Planning Board may require a sidewalk on one side of the street for throughway streets.” and include the construction standards for any sidewalks that are required, including compliance with the ADA.

The meeting was adjourned at 8:00 pm.

Review will resume at §2.3.4, stormwater management, at the next workshop meeting when the DPW Director and possibly a stormwater engineer from DEP. Following that, review will continue with Article 3, Procedures.

*Respectfully submitted by Karen Cullen, Town Planner*

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Town of Hampden  
Planning Board Workshop  
Wednesday January 8, 2020

## Minutes

In Attendance:

Planning Board

Gene Weldon  
Richard Tinsman  
Kelley Wiltbank  
Jennifer Austin  
Jake Armstrong  
Brent Wells  
Ladoiya Wells

Staff

Karen Cullen, AICP, Town Planner

Public

None

The meeting was called to order at 7:52 pm.

The Board continued review of the subdivision ordinance, which is being rewritten in its entirety. Planner Cullen noted that the DPW Director and the town's stormwater consultant will be attending the workshop meeting on Tuesday January 21 to discuss the stormwater design standards in Article 2. Member Weldon reviewed the discussion from the previous workshop meeting at which only three members were present (refer to minutes for December 17 meeting which will be approved as part of these minutes). Discussion at that meeting regarding sidewalks; it was noted that only one subdivision in town was required to install a sidewalk; concerns about maintenance and snow removal; decision was made to eliminate the requirement for sidewalks but allow the Board to require a sidewalk on new through-streets.

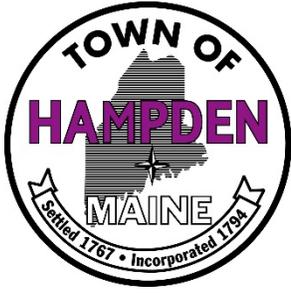
The Board then continued reviewing the proposed ordinance, starting with Article 3 on procedures. Points discussed included:

- The state's drinking water supply source water protection area data layer should be added to the online mapping program (for §3.2.1.3 item 3).
- delete §3.2.1.4 & 5 as these don't need to be included in the ordinance (internal processes).
- §3.2, application for minor subdivisions – the Board decided
  - the Planner can take responsibility for determining whether an application is complete (edit §3.2.2).
  - all waiver requests must be made by the applicant in writing
  - to not require mylars of the recording plan, since the registry of deeds is no longer requiring them and while digital records are not yet accepted as permanent by the state for archival purposes, we do keep them that way. It was believed that paper copies should suffice for archival purposes.

The meeting was adjourned at 8:33 pm.

Review will resume at §2.3.4, stormwater management, at the January 21 workshop meeting with the DPW Director and our stormwater consultant. At the February 18 meeting, review will continue with Article 3, Procedures, §3.3.

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Town of Hampden  
Planning Board Workshop  
Tuesday January 21, 2020

## Minutes

In Attendance:

Planning Board

Kelley Wiltbank  
Jennifer Austin  
Jake Armstrong  
Brent Wells  
Ladoiya Wells

Staff

Karen Cullen, AICP, Town Planner  
Sean Currier, DPW Director

Public

Phil Ruck, SEE

The meeting was called to order at 6:34 pm.

The Board continued review of the subdivision ordinance, which is being rewritten in its entirety. Discussion tonight focused on stormwater management, and to assist with this DPW Director Sean Currier and our stormwater consultant Phil Ruck of Stillwater Environmental Engineering were present. Points discussed included:

Under §2.3.4, Stormwater Management design standards:

- 1 and 2 – Phil commented that it's a good idea to defer to DEP for projects requiring SLODA or Stormwater Law permits; no changes made.
- 3 – Phil commented that it is a good idea to include both quantity and quality, especially for any project that enters a MS4 system since quality is key to those (MS4) requirements. He noted that the "peak discharge rate" is based on a particular storm event; DEP uses the 2 year, 10 year, and 25 year storm events in their regulations. Section 1 and 2 cover that, but we should add "for prescribed storm event frequency and duration" to the end of the paragraph [*Editor's note: as an alternative I have revised the definition of "design storm" to cover that phrase*]. In addition, include the 20,000 square foot threshold and that we are talking about full buildout – i.e. including the driveways and houses in addition to the roadway and other infrastructure. Phil also said that being proactive will be beneficial to the town, especially regarding the MS4 program and urban impaired streams. The Board also decided to add definitions for "fully developed" (or full buildout) and for "pre-development" and "post-development."
- 4 – Phil suggested rewording "upstream flow" to "off-site run-on flow" and define that term, and add "prescribed" before "design storm" or as an alternative, redefine "design storm" to state it is the storm event prescribed by DEP requirements under SLODA or the Stormwater Law.
- 5 – agreed to add the threshold of 1 acre used in that statute.
- 6 – add "licensed in the state of Maine" after "professional engineer" (here and in other sections) and add "approved before" plans at the end of the sentence.
- 7 – discussion regarding the homeowners association and whether the Town ends up with maintenance responsibility if the HOA becomes defunct. It was decided that we should have a stormwater maintenance agreement between the Town and the developer/property owners that is referenced both on the recording plan and on the deeds to each lot, for any subdivision outside the MS4 area. We'll need to include specifics on what the agreement needs to cover (I'll review

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the Post Construction Stormwater Management Ordinance for that). This section will be reworked, and the agreement language may be moved to the submission requirements section.

- 8 – add definitions for “stormwater system” and “stormwater facility (or component)”; make sure the latter includes the stormwater buffers that are part of the overall system. Sean noted that any stormwater component maintained by the Town will have to have the outfall inspected each year by the Town; adds to DPW responsibilities and subsequently costs and personnel needs. Revise the last sentence to say “plus 30 feet from the perimeter of the stormwater facility (or component)” instead of “...from the outer boundary of the element...”
- 9 – fine as written
- 10 – change “upstream” to “upgradient”
- 11 – Phil suggested that referencing the DOT manual “as may be amended from time to time” might be the best way to go, similar to how we refer to DEP stormwater requirements. He also said the design engineer for any project should be able to figure out the correct driveway culvert size based on the overall stormwater management design, so there is no need for individual analysis for each driveway culvert. W&C recommended keeping specifics in the ordinance, similar to what we currently have. Sean will review DOT standards and will provide Karen with recommendations.

Under §3.8.4.6, submission requirements for major subdivision preliminary plan, stormwater management plan:

- Phil suggested adding “and Erosion/Sedimentation Control Plan to this section; see Orono and other sample ordinances for example language.
- W&C suggested to include proposed grading and invert and rim elevations of existing and proposed drainage structures. Phil also suggested adding flow direction arrows to increase readability of the stormwater plan.
- Suggestion to add reference to the Post-Construction Stormwater Management Ordinance here.
- Suggestion to put the maintenance agreement language here instead of in the design standards section.
- This section will be reworked.

Under §4.17, approval criteria:

- reword as suggested by W&C with additional edits: Stormwater Management. The application demonstrates that the proposed site improvements are designed to minimize the amount of stormwater leaving the site and the stormwater management system is designed to accommodate the design storm without impairing the upgradient or downgradient conditions.

Other discussion:

- consider adding something to get developers to think about low impact development (LID) techniques in dealing with stormwater. Phil mentioned that Brewer has language saying that if a developer doesn't use LID they need to say why. Also review Scarborough and Freeport ordinances for ideas.

The meeting was adjourned at 8:10 pm.

Review will resume at §3.3, procedures for major subdivisions, at the next workshop meeting.

Respectfully submitted by Karen Cullen, Town Planner

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Town of Hampden  
Land & Building Services

Report – Update 4

Preliminary Plan

Stearns Farm Cluster Subdivision

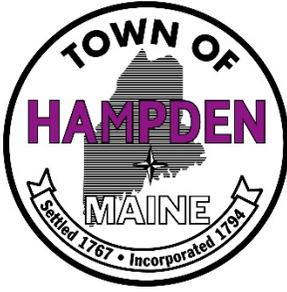
To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *kme*  
Date: February 5, 2020

Project Information

Applicant: Stan & Sean MacMillan  
Site Location: Main Road North (between Coldbrook Rd and Sunset Ave)  
Zoning District: Residential A  
Proposal: Using the cluster provisions of the zoning ordinance, subdivide this 27.7 acre property into 38 lots for single family homes. The proposal includes 10.9 acres of open space for a total of 39.4% open space. Three roads are proposed, designed for public acceptance. The development will be served by public sewer and water.

The public hearing for this application was opened on May 8, 2019, and continued on June 12, July 10, September 11, October 9, and December 11, 2019, at which meeting the hearing was closed. At the December meeting the Board voted to allow the application to continue under that public hearing, but utilizing the amended cluster provisions in the Zoning Ordinance which took effect on December 4, 2019.

Please refer to the attached draft board order for this preliminary subdivision plan, which details the remaining issues in the waivers and conditions. To prepare this order, I reviewed all the previous minutes and planner reports to ensure nothing fell through the cracks. Note that most of the conditions will be complied with at the final plan application stage, so the final plan board order should be much more straightforward.



Town of Hampden  
Planning Board Order  
Stearns Farm  
Preliminary Subdivision Plan

*Approval Date:* February 12, 2020

*Project Name:* Stearns Farm Subdivision

*Location of Project:* Off Main Road North

*Assessor's Reference:* 33-0-011-A and 33-0-015-A

*Deed Reference:* 14715/65 and 14715/69

*Zoning District:* Residential A

*Total Acreage:* 27.73 acres

*Type of Use:* Single family residential cluster subdivision

*Number of Lots:* 38

*Applicant:* Stanley and Sean MacMillan  
471 Main Road North  
Hampden, Maine 04444

*Owner:* Same as Applicant

*Plans Prepared by:* Kiser & Kiser Co.

*Plans Dated:* March 1, 2019, revised multiple times with last revision Nov 19, 2019

*Application Date:* March 4, 2019 for Hearing

*Public Hearing:* May 8, 2019; continued multiple times and closed December 11, 2019

*PB Members:*<sup>1</sup> Eugene Weldon, Kelley Wiltbank, Jennifer Austin, and Jake Armstrong

*PB Action:* This Preliminary Subdivision Plan is approved under Section 331 of the Hampden Subdivision Ordinance.

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

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*Summary Description of Application:* This application is for a new 38 lot cluster subdivision for single family homes on individual lots, on three new roads (designed for public acceptance) with access from Main Road North. The subdivision will have public water and sewer service. There is a total of \_\_\_\_% open space in the project, primarily along Stony Brook which is the western boundary of the tract.

*Findings:* After the public hearing duly noticed and held, the Hampden Planning Board found that the applicable requirements in Article 500 of the Subdivision Ordinance, in 30-A MRSA §4404 (subdivision review criteria), and in Section 4.6 of the Zoning Ordinance can be met provided the conditions below are complied with. Based on this, the Hampden Planning Board voted \_\_\_\_\_ to grant the requested waivers listed below and to approve the Preliminary Subdivision Plan for Stanley and Sean MacMillan for the Stearns Farm cluster subdivision as previously described and as shown on the subdivision plans, subject to the conditions below. The Planning Board voted on December 11, 2019 to allow the project to move forward through the review process without need for a new application under the revised cluster provisions of the zoning ordinance which became effective on December 4, 2019.

*Waivers:*

1. To §331.3.3, item 7 of the Subdivision Ordinance to show the location of trees that are at least 12” diameter at breast height. The proposed project will not protect any trees on the lots from removal, with the exception of those within the tract buffer area as provided in Condition 4 below.
2. To §553 item 14 of the Subdivision Ordinance for the provision of sidewalks due to the road being a dead-end road; the proposed project does not include any sidewalks.
3. To §553 item 15 of the Subdivision Ordinance for the provision of a cul-de-sac turn around at the end of Stearns Farm Road; the proposed stub is approximately 108 feet long from the centerline of the intersection with Briggs Drive.
4. To §553 item 16 of the Subdivision Ordinance for the minimum pavement curb radii at intersections and entering cul-de-sacs to be 20 feet; the applicant proposes to make these 15 feet.
5. To §4.6.2 of the Zoning Ordinance for the minimum depth of the tract buffer to be 40 feet; pursuant to §4.6.5.6 the proposal is to provide reduced buffers at select locations in exchange for enlarged buffers in other locations.

*Conditions:*

1. That the final subdivision plan be signed by the surveyor in accordance with §331.1.2 of the Subdivision Ordinance.
2. The Planning Board agreed on December 11, 2019 to allow the frontage on Main Road North to be counted toward the minimum requirement for Lot 7; however all access to that lot must be from Stearns Farm Road.

3. That a note be added to the final subdivision plan stating that the Open Space areas may not be developed, divided, or transferred out of the Homeowner's Association without first obtaining approval from the Hampden Planning Board for an amendment to the approved subdivision for the activity requested.
4. That a note be added to the final subdivision plan stating that all Buffer areas, both those within Open Space and those on individual house lots, are to be maintained in a natural state such that any trees or plantings shall not be removed, and any unwooded areas are to be left to revert to woody vegetation. In addition, draft language to be included in each affected deed regarding protection of the Buffer area must be submitted along with the final subdivision plan.
5. That the final subdivision plan clearly show the locations of reduced buffers required under §4.6.2 of the zoning ordinance and the locations of enlarged buffers required to obtain a waiver to allow said reductions.
6. That plans showing proposed landscaping to be done within buffer areas currently lacking adequate buffering vegetation be submitted for approval along with the final subdivision plan. Note that a fence is acceptable along the boundary with Parcel 33-0-015 in lieu of landscaping, as requested by the owner of said parcel.
7. That a neighborhood amenity be provided in the open space pursuant to §4.6.4.5; this amenity must be shown on the final subdivision plan and must be constructed/installed prior to any Town acceptance of the infrastructure.
8. That all utility easements (water, sewer, and stormwater) be shown on the final subdivision plan and appropriate legal documents be submitted prior to Town acceptance of the infrastructure.
9. That the location and design of the cluster mailbox pull-out be shown on the final subdivision plan, and that it meet the approval of the DPW Director.
10. That the road construction details, including provisions for installation of driveway culverts at the time of road construction, be approved by the DPW Director prior to Planning Board approval of the final subdivision plan.
11. That snow storage areas for each dead-end be approved by the DPW Director prior to Planning Board approval of the final subdivision plan.
12. That exterior construction activities are limited to the hours of 7:00 am to 7:00 pm Monday through Saturday, and 9:00 am to 5:00 pm on Sundays. No construction activity is permitted on State or Federal holidays.
13. That a separate building permit be obtained for each lot.
14. That if more than 5 houses are to be constructed at a time, a third party inspector be hired at the developer's expense for code inspections for building construction. For the purposes of this condition, the construction period is considered to be from the time the building permit is issued to the time the certificate of occupancy is issued.

15. That any signage meet the standards of the zoning ordinance.
16. That all applicable state permits (including but not limited to those issued by DOT and DEP) be obtained, and a copy of those permits be submitted to the Town Planner, prior to Planning Board approval of the final subdivision plan. Any modifications to the approved preliminary subdivision plan required by any other agency must be made on the final subdivision plan.

*[continued on the next page]*

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*For the Hampden Planning Board:*

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Kelley Wiltbank

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Date

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Eugene Weldon

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Jennifer Austin

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Jake Armstrong

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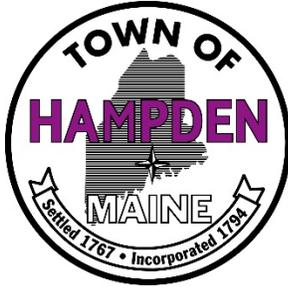
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**Notes:**

1. *A copy of this decision is on file with the Land & Building Services Office at the Town Offices, 106 Western Avenue, Hampden, ME 04444.*

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Town Planner  
planner@hampdenmaine.gov



Report  
Major Site Plan  
Lupine Meadow

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: February 5, 2020  
RE: Report on Application for 8-unit Multi-family Development on Western Ave

This application is for a major site plan under the provisions of Section 4.1, Site Plan, of the Zoning Ordinance, to allow the construction of two 4-unit residential buildings on Parcel 08-0-009 and a portion of 08-0-007-G, located at 761 Western Ave.

Staff has reviewed the proposal and the applicant has made the revisions needed with two exceptions regarding life safety. In addition, the report from Woodard & Curran has been received and staff agrees that for this project, based on its size and the conditions of the land, it is not necessary for stormwater management calculations to be provided. However, staff also agrees there needs to be additional silt fencing along the southern boundary, especially near the wetland in the southeastern corner of the site. If these issues can be satisfactorily addressed, the application will be complete and in compliance with the provisions of the zoning ordinance. A draft Board Order is attached; the two highlighted findings need to be dealt with prior to the Board voting on the application.

The two life safety issues are detailed in the attached email from Jason Lundstrom, Deputy Fire Chief. In short the issues are lack of adequate turn around space for emergency vehicles (fire trucks) and lack of water supply to fight fires. Jim Kiser is working with Jason to resolve these issues. The report from Woodard & Curran is also attached.

Attachments:

1. email from Jason Lundstrom, Deputy Fire Chief
2. report from Woodard & Curran regarding stormwater management
3. draft Board Order



Karen Cullen <planner@hampdenmaine.gov>

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## Reference Lupine Meadow

1 message

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Jason Lundstrom <jlundstrom@hampdenmaine.gov>

Tue, Feb 4, 2020 at 1:45 PM

To: jim@kiser-kiser.com, Karen Cullen <planner@hampdenmaine.gov>, Hampden Code Enforcement <code@hampdenmaine.gov>, Town Manager <townmanager@hampdenmaine.gov>

Jim,

I am back from the National Fire Academy and have had an opportunity to review the plans for Lupine Meadow from a fire and life safety standpoint. In our phone conversation on January 24th at 0806 am, I voiced my concerns about space for emergency apparatus to operate and turn around. You mentioned that the driveways would be available as would the area the dumpster was to be located. The current proposed plan is not adequate for fire apparatus to maneuver/turn around. There are several configurations that will work including 96' cul-de-sac and the 120' hammerhead. You referenced that you felt the driveways would provide adequate turning space. My stance on this is that not everyone parks their vehicle in the garage. If vehicles are parked in the driveway, that space is not available as turning space. In addition, if vehicles are parked in the garage and we are turning apparatus around in driveways, it will delay occupants from leaving.

In addition, I voiced my concern about the inadequate water supply at the proposed location. You mentioned that the site did not have the needed watershed to support a water supply. You referenced the possibility of a donation from the developers to possibly assist with a water supply in the area off-site with the Town being responsible for obtaining the right to install a pond. I can appreciate the logistical concerns you are bringing forward. Unfortunately, this does not guarantee that we will have adequate water for fire suppression. I will need a proposal that assures there is adequate water for fire suppression. There are several options to consider including the installation of residential sprinklers throughout all units.

These requirements are directly related to the life safety of the public, Hampden Fire Department personnel, and all emergency apparatus responding to the proposed location. Please let me know how you wish to proceed. I look forward to hearing from you.

Sincerely,

Jason

--

Jason E. Lundstrom  
Deputy Fire Chief  
Hampden Public Safety

**Police - Fire - EMS**

106 Western Avenue  
Hampden, ME 04444  
207-862-8422

[firedc@hampdenmaine.gov](mailto:firedc@hampdenmaine.gov)



February 3, 2020

Karen M. Cullen  
Town Planner  
Town of Hampden  
106 Western Avenue  
Hampden, ME 04444

Re: Lupine Meadows Multi-family – Major Site Plan & Major Final Subdivision Plan

Dear Karen:

We have completed a review of the Major Site Plan and Major Final Subdivision Applications submitted for the Lupine Meadows Multi-family Development by Kiser Engineering and Development Consulting on behalf of T&M Contractors, Inc. (Applicant) for a proposed 8-unit residential housing project on Western Avenue (Map 8, Lots 7G & 9). As requested, this review is focused on stormwater management under site plan review.

#### **Zoning Ordinance - Site Plan Review (Article 4)**

1. Per **§4.1.5.1.4** of the submission requirements, the Applicant has not provided drainage calculations prepared by a registered professional engineer with the drainage plan. The only drainage feature that would require calculations is the culvert proposed near the dumpster enclosure. The 12" culvert appears to be adequately sized, since the area draining to the culvert is small, and requiring calculations is likely not necessary. As noted in the Stormwater Management Report, the project requires a Stormwater Permit by Rule from the Maine DEP; the Applicant shall forward a copy of the DEP approval to the Town upon receipt.
2. Per **§4.1.6.2.1** of the approval standards, the extent of stormwater flow increase from the site shall be minimized. The Applicant has not demonstrated how stormwater flow increases from the proposed development will be mitigated; however, the density of development is low, and the flow increase to abutting properties is expected to be minimal. As such, by our judgement, further investigation of the post-construction runoff rates by the Applicant is likely not necessary.
3. Per **§4.1.6.2.1** of the approval standards, soil erosion from the proposed project shall be minimized. Silt fence should be added downgradient of the proposed grading to the south of Units 1-4 and Units 5-8. In addition, the following details related to erosion control should be included in the plan set: stabilized construction entrance, erosion control matting, check dams, and culvert inlet/outlet protection.

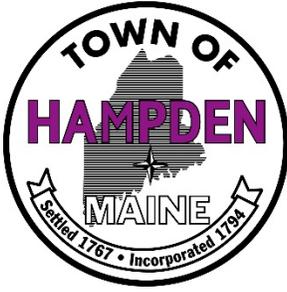
We hope this information is useful to the Board in their review of this Application. If you should have any questions or require any additional information, please do not hesitate to contact us.

Sincerely,

WOODARD & CURRAN

A handwritten signature in blue ink that reads "James D. Wilson".

James D. Wilson, P.E.  
Senior Project Manager



Town of Hampden

Planning Board Order  
Lupine Meadow – Multi-family

Approval Date: February 12, 2020

Project Name: Lupine Meadow Multi-family

Location of Project: 761 Western Ave

Assessor's Reference: 08-0-009 and a portion of 08-0-007-G

Deed Reference: B13392/P8 and a portion of B4713/P273

Zoning District: Rural

Total Acreage: 4.01 acres

Type of Use: Residential

Number of Units: 8

Applicant: T&M Contractors, Inc.  
51 Mountain Mist Lane  
Dixmont, ME 04932

Owner: Miles Greenacre  
PO Box 256  
Hampden, ME 04444

Plans Prepared by: Kiser & Kiser Co.

Plans Dated: January 1, 2020

Application Date: January 2, 2020

Public Hearing: February 12, 2020

PB Members:<sup>1</sup> Kelley Wiltbank, Eugene Weldon, Jake Armstrong, Brent Wells,  
Ladoiya Wells, Richard Tinsman, and Jennifer Austin

PB Action: \_\_\_\_\_. This Project is approved under §4.1 of the Hampden Zoning Ordinance and §340 of the Hampden Subdivision Ordinance.

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

DRAFT

*Summary Description of Application:* This application is to construct two 4-unit multi-family buildings on a parcel in the Rural district. The proposal is to build both buildings on the land area encompassed by parcel 08-0-009, given a deed restriction prohibiting multi-family development on parcel 08-0-007-G. This Board Order includes both the site plan and the subdivision applications for construction of these multi-family buildings. The 8 units will be served by two separate onsite wastewater disposal systems, and by a single well. There will be a single driveway entrance to Western Ave, and each unit will have a single car garage with additional parking in the driveways in front of the building.

*Findings:* After the public hearing duly noticed and held, the Hampden Planning Board made the following findings as required by §4.1.6.2 of the Hampden Zoning Ordinance:

1. The proposed project has been designed to minimize the volume of cut and fill, modest grading is necessary to accommodate the development; only small areas of existing trees will be removed for the development; the development does not impact the wetland which extends onto the abutting parcel, and is not subject to NRPA permitting; and the stormwater management system has been designed in accordance with the applicable requirements. The stormwater system is designed to have minimal impact on the area.
2. The proposed project provides for safe ingress and egress and on-site circulation for vehicles and pedestrians, given the small size of the project and adequate sight distances on Western Ave.
3. The proposed project will impact scenic views from public ways, but without scenic easements to protect the view across the fields, the development can go forward. New landscaping around the proposed dumpster enclosure will help to mitigate the impacts.
4. The parking and outdoor service areas are appropriately screened from public ways and abutting residential properties, given that parking will be inside of garages and the dumpster enclosure will be screened by a fence and two trees.
5. The proposed exterior lighting does not present a hazard due to location, glare, or other conditions that negatively impact abutting property or the travelling public, given that the only outdoor lighting is building mounted fixtures typical of residential structures and the proposed Emera Maine pole mounted light in the middle of the project will be shielded to prevent glare to the abutter across Western Ave.
6. The proposed project minimizes unreasonable departure from the character, materials, and scale of buildings in the vicinity; the buildings are single story residential within a primarily residential area.
7. The proposed project will not involve hazardous substances that could contaminate groundwater, since it is a residential use.

8. The proposed project is designed to provide adequate access for fire and service equipment, as well as for utilities and stormwater management.
9. The proposed project will not exceed the capacity of public utilities or overburden any public service, since it will have its own water supply and sewage disposal and it is a small residential development.
10. The proposal will not result in undue water or air pollution, given that it is a small residential development that will have minimal stormwater runoff all of which will be handled on-site, will have little or no impact on the wetland, has no streams on it, and is not subject to flooding.
11. The proposal will not cause unreasonable soil erosion or reduction in the land's capacity to hold water, given that adequate provisions have been made to handle stormwater runoff and potential soil erosion.
12. The proposal will not cause unreasonable congestion or unsafe conditions on the public roads given the low volume of traffic to be generated at the site.
13. The proposal conforms with the Subdivision Ordinance and is consistent with the 2010 Comprehensive Plan in that it provides multi-family rental housing (variety of housing types).
14. The proposal is not expected to adversely affect the quality or quantity of groundwater since the project includes only 8 dwelling units and a letter from a local well driller indicates there should be an adequate water supply.
15. The proposal provides adequate stormwater management given the small amount of impervious area and the design of the site with stormwater facilities; the majority of the stormwater will be sheet flow and infiltration.
16. The proposed project complies with the criteria for multi-family development in §3.2.1 of the Zoning Ordinance.

Based on these findings, the Hampden Planning Board voted \_\_\_\_ to approve the Site Plan and Final Subdivision Plan for T&M Contractors to construct two 4-unit multi-family buildings on Parcel 08-0-009 as previously described, subject to the conditions listed below.

Conditions:

1. That exterior construction activities are limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.

*For the Hampden Planning Board:*

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Kelley Wiltbank, Chair

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Date

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Richard Tinsman

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Eugene Weldon

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Jake Armstrong

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Brent Wells

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Ladoiya Wells

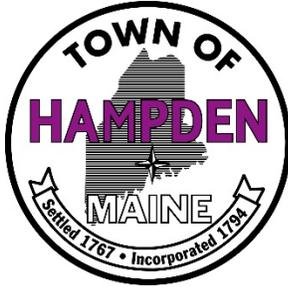
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Jennifer Austin

**Notes:**

1. *A copy of this decision is on file with the Community & Economic Development Office at the Town Offices, 106 Western Avenue, Hampden, ME 04444.*
2. *This decision is subject to appeal in accordance with Article 6 of the Hampden Zoning Ordinance within 30 days after the date this decision is made by the Planning Board.*

Town Planner  
planner@hampdenmaine.gov



Report  
Minor Subdivision Plan  
Phillip Libby

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: February 5, 2020  
RE: Report on Application for two lot subdivision on Western Ave

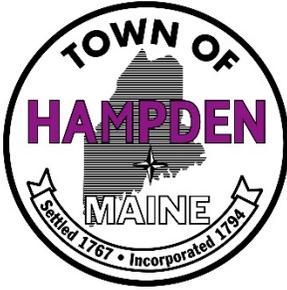
This application is for a minor subdivision plan under the provisions of Section 340 of the Subdivision Ordinance, to allow the creation of one new building lot with a private road right-of-way which will provide the required frontage for both the existing lot and the proposed new lot.

The narrative from Mr. Libby was prepared prior to the last set of modifications to the plan, so some additional explanation is needed. The current parcel (see attached aerial but note my red lines are a little off; the subdivision includes the skinny strip to the west of the larger parcel) wraps around another parcel and 96.8 feet of frontage to the west of the out-parcel and 76.35 feet of frontage to the east. The minimum frontage required for these parcels is 125 feet since they are in the Residential B district but served by on-site wastewater disposal. In order to meet the minimum frontage requirement, a new road right-of-way is proposed from Western Ave to the east of the out-parcel. This will provide 284.49 feet of frontage for the existing house lot and 126 feet of frontage for the proposed new house lot to the south.

A waiver has been requested pursuant to Article 600 of the Subdivision Ordinance to the requirement for the private road right-of-way to be 66 feet wide. Based on the geometry of the parcels, the right-of-way is 66 feet wide in all areas except one stretch of approximately 55 feet near the southeastern corner of the out-parcel (30-0-002). Staff supports this waiver request since there is still sufficient room for a new private road to be built without impacting the abutting parcels.

The applicant states in his narrative that the expense of creating a new private road is cost prohibitive since only one new house is proposed. Therefore, the access to the new house is proposed to be via an access easement across the existing driveway to the existing house and then extending southerly to the new building site. This is along the western boundary of the parcel. In the event any additional development would ever be proposed, a new roadway would be constructed.

Staff has reviewed the proposal and the applicant has made all revisions needed. The application is complete and is in compliance with all provisions of the zoning and subdivision ordinances. A draft Board Order is attached.



Town of Hampden  
Land & Building Services

Planning Board Order  
Phillip Libby Subdivision

*Approval Date:* February 12, 2020

*Project Name:* Phillip Libby Subdivision

*Location of Project:* Western Ave

*Assessor's Reference:* 30-0-003-A and 30-0-003-B

*Deed Reference:* B14213/P133

*Zoning District:* Residential B

*Total Acreage:* 5.42 acres

*Type of Use:* Subdivision for residential use

*Applicant:* Phillip and Rosanna Libby  
2127 Carmel Road North  
Newburgh, ME 04444

*Owner:* Same as Applicant

*Plans Prepared by:* Plisga & Day Land Surveyors

*Plans Dated:* January 24, 2020

*Application Date:* January 27, 2020

*Public Meeting:* February 12, 2020

*PB Members:*<sup>1</sup> Kelley Wiltbank, Eugene Weldon, Richard Tinsman, Jennifer Austin,  
Jake Armstrong, Brent Wells, and Ladoiya Wells

*PB Action:* \_\_\_\_\_. This Subdivision is approved under Section 340 of the  
Hampden Subdivision Ordinance.

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

DRAFT

*Summary Description of Application:* This application is to subdivide a 5.5 acre parcel on Western Ave in Hampden to create two lots for residential development (one new building lot), each with frontage on a proposed new road right-of-way. Access to the new building lot is proposed to be via an access easement on the western boundary of the parcel.

**Waivers:**

1. To Section 544 item 1 of the Subdivision Ordinance requiring a minimum right-of-way width of 66 feet; the proposal provides 66 feet throughout most of the proposed right-of-way but narrows to 60.25 feet for approximately 55 feet near the southeastern corner of the out-parcel (30-0-002). The Board finds that this still provides adequate space for a private road to be constructed without undue impact on abutting properties.

*Findings:* After the public hearing duly noticed and held, the Hampden Planning Board made the following findings as required by Article 500 of the Subdivision Ordinance:

- 511 The proposed subdivision meets the provisions of all applicable regulations and ordinances of the Town of Hampden and meets the intent of the comprehensive plan.
- 512 The proposed subdivision includes sufficient land area that is developable on each of the two building lots.
- 521 The proposed lot layout allows for future construction of homes that will comply with the requirements of the Zoning Ordinance with no foreseeable difficulties as a result of natural conditions.
- 522 The proposed lot layout provides side lines that are within 20 degrees of right angles to the street.
- 524 The required lot frontage can be met for each building lot since it is on a proposed private road right-of-way; while the current proposal is for access to be via an easement across an existing driveway on the parcel, the opportunity for building a new road to the standards required for private roads in the subdivision ordinance in effect at the time exists.

Furthermore, the Board finds that the proposed subdivision will not create any adverse impact on the public's health, safety, and general welfare.

Based on these findings and the granting of the requested waiver, the Hampden Planning Board voted \_\_\_\_\_ to approve the Subdivision for Phillip Libby to subdivide the 5.5 acre parcel as previously described.

*[Continued on the next page.]*

*For the Hampden Planning Board:*

\_\_\_\_\_  
Kelley Wiltbank, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard Tinsman

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

\_\_\_\_\_  
Jennifer Austin

\_\_\_\_\_  
Jake Armstrong

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Brent Wells

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Ladoiya Wells

**Notes:**

1. *A copy of this decision is on file with the Land & Building Services Office at the Town Offices, 106 Western Avenue, Hampden, ME 04444.*
2. *This decision is subject to appeal in accordance with Article 900 of the Hampden Subdivision Ordinance within 30 days after the date this decision is made by the Planning Board.*

**DRAFT**