



Town of Hampden

Planning Board Meeting

Wednesday February 27, 2019
(Postponed from Feb 13, 2019 due to snow)

Minutes

In Attendance:

Planning Board

Gene Weldon, Chairman
Kelley Wiltbank
Peter Weatherbee
Jim Davitt
Jennifer Austin
Tom Dorrity

Staff

Karen Cullen, AICP, Town Planner
Jim Chandler, Town Manager

Public

Jim Kiser, for Hampden Village
Curtis Marsh, for Hampden Village
Joan Tenney and Barbara Moody, abutter

The meeting was called to order at 7:00 pm.

1. Administrative:

- a. Minutes of January 9, 2019. **Motion** by Member Weatherbee to approve the minutes as submitted; second by Member Davitt; carried 5/0/1 (Member Dorrity abstained).

2. Old Business: None

3. New Business:

- a. **Public Hearing for Major Site Plan and Major Subdivision Final Plan – Bangor Realty Group LLC for Hampden Village Townhomes.** Request for a major site plan under the provisions of Section 4.1, Site Plan Review, of the Zoning Ordinance, and for a major final subdivision plan under the provisions of Section 332 of the Subdivision Ordinance. The proposal is to construct a multi-family cluster development with 30 townhome units on a 3.5 acre parcel located at 148 Mayo Road (parcel 35-0-01-A). The property is in the Residential B District.

Chairman Weldon opened the public hearing at 7:02 pm.

Jim Kiser presented the application:

- The trees were cut last year, leaving the trees along the perimeter.
- Proposing 30 cluster units on the 3.55 acre parcel.
- There will be three 4-unit buildings and three 6-unit buildings.
- Due to issues with the sewer pump station on Mayo Road, they have revised the design to have septic systems for the three 4-unit buildings, which will be built in phase 1; the three 6-unit buildings will be built in phase 2 and will be connected to the public sewer system.
- The applicant is hoping the sewer pump station issue is resolved by the time they are ready to build phase 2.
- The applicant may be amenable to making a contribution if necessary at that time to allow them to connect to the sewer system.

- The Hampden Water District has said it is acceptable to them for the project to be on private wells, so they are proposing four drilled wells, since each well can only serve a maximum of ten units without becoming a public water supply.
- The parking has been located to reduce the impact on abutters.
- They are providing 82 parking spaces; 60 are required, and 66 are allowed at the 110% limit of the zoning.
- They need the additional spaces for guests and for winter vacation parking – an area where people leaving for vacation during the winter can park to avoid problems with plowing the parking lots (owners need to move cars for plowing).
- They have provided traffic estimates in the application.
- They have provided building plans for the 4-unit buildings, the 6-unit will be the same but with two more units.
- They have provided a stormwater management plan in compliance with the town's post-construction stormwater ordinance.
- Noted he inadvertently switched the percentages of impervious and developed areas in the table on the Stormwater Management report in the application package; the data on the Stormwater Treatment Worksheet is correct.

Abutter comments:

- Barbara Moody spoke for her mother, Joan Tenney, who was in the audience and lives at 146 Mayo Road just south of the entrance and in front of the proposed development.
 - How much traffic will there be? Jim Kiser answered: total daily traffic = 176 vehicles; peak morning = 13, and peak afternoon = 16.
 - They would like an explanation of the buffer issues raised at the Nov. 2018 meeting (on the sketch plan). Jim Kiser answered the applicant is requesting a waiver to the buffer distance along the northern boundary; in the area where Ms. Tenney lives they are providing a setback of about 45 feet from the property line. Planner Cullen explained the buffer issue in regards to the amount of perimeter buffer allowed to be counted toward the open space requirement (30%); the proposed plan is for all of the buffer to be counted towards the open space requirement.
 - What type of housing is it? Jim Kiser answered it will be high end rental, not low income. He stated the applicants screen potential tenants to ensure they are appropriate for their developments.
- Planner Cullen spoke for an abutter, Frank Campbell, who abuts the entrance driveway on the north side (152 Mayo Rd) and was unable to attend the hearing tonight.
 - He said that ever since the access way was put in, every time it rains he gets water in his basement. Prior to the access way being there his basement was always dry. He would like to know if the drainage system for the project will correct this problem. He said he is not opposed to the development, he just wants his basement to remain dry.
 - Jim Kiser said he is not sure how water would be getting into his basement. He said they were planning to install the sewer and water lines in that area but otherwise were not planning on a ditch or anything since they did not think it was a need in that area. Planner Cullen suggested the applicant contact Mr. Campbell directly to go see what the situation is and maybe they can figure out whether there is something on their site that is causing the water problem on his property. Jim Kiser said they can do that.

Discussion on the application:

- The applicant considers the buffer requirement in the cluster provisions to be an increased distance from the property line to the buildings and is not required to include screening.
- The applicant believes that for small lots like this one (3.5 acres) the buffer requirement in the cluster provisions is excessive; for this proposed design 38% of the site is within the perimeter buffer.

- The applicant noted that 1.35 acres of the site is within the buffer and 0.46 acres are in open space outside of the buffer, for a total of 51% of the site as open space.
- During the logging operations trees were removed from the 40 foot buffer area; they tried to prevent that but some areas within the 40 feet were logged.
- The applicant is seeking a waiver to the 40 foot distance of the required buffer on the northern boundary line, to 31 feet, to allow decks and patios for the two 4-unit buildings in that location to extend into the 40 foot area. It was noted the buildings are at the 40 foot line.
- The Board noted the purpose of a vegetated buffer is to minimize the impact on abutters.
- Waiver requests regarding the buffers are for the distance from 40 feet to 31 feet along the northern boundary and to 12 feet by the dumpster, which was located to be as far away as possible for both the tenants and the abutters.
- Town Manager Jim Chandler addressed the sewer system issue:
 - Staff doesn't feel it is appropriate for a developer to pay for maintenance of the public system in regards to this pump station and the wet weather events that cause inadequate capacity and potential overflow conditions.
 - The problem seems to stem from sump pumps in basements within this area which pump clean (ground) water into the sewer system during certain wet weather conditions, usually when the ground is frozen and we get a lot of rain.
 - We recognize that any storm event could exceed the capacity of the pump station.
 - One thought for this project was for the developer to put up an escrow account to help cover the cost for pumping during these wet weather events, while we work on identifying and correcting the inflow/infiltration (I/I) problems.
 - We are working with consultants to determine costs for doing the necessary study.
 - Staff is asking the town council on Monday to agree to address this through the establishment of an escrow account by the town to help cover the cost of these wet weather pumping events. *[Ed. note: Town Council has agreed to this.]*
 - Staff feels this development should be on public sewer and that the developer should not have to put up the escrow account to deal with what is an existing condition that they have not caused.
 - We will be working with the homeowners on Mayo Road to address these problems, and the Sewer Ordinance allows us to do that.
- Jim Kiser stated that the Code Enforcement Officer told them that they could use septic systems and they can have 12 units on septic on this parcel.
- Planner Cullen pointed out that in regard to sewer and water, just because another authority (the CEO or the HWD) says an alternative to connection is acceptable, that doesn't negate the zoning requirement under section 3.2.1.1 that multi-family development is to be connected to the public system if it is within 500 feet of the property boundary.
- Construction timetable is about 18 months per phase, for a 3 year buildout; depending on market conditions.

Consensus of the Board is that the project should be connected to both the public water and public sewer systems.

Consensus of the Board is that the requested reduction in the distance of the buffer from 40' to 31' along the northern boundary and 12' at the dumpster is acceptable provided the majority of the remaining buffer remains wooded, noting the importance of minimizing impacts on the abutters.

Consensus of the Board is that it is acceptable to allow all of the perimeter buffer to be counted toward the open space requirement of the cluster provisions.

Consensus of the Board is that exceeding 110% of the required parking is acceptable provided there are creative alternatives (e.g. pervious surfaces, basketball hoops). Member Austin stated this

will need to be very creative, as she doesn't think they really need that many (82 vs 66) spaces. Chairman Weldon noted the Board needs some way to justify granting this request for so many extra parking spaces.

Consensus of the Board is that allowing smaller spaces than required (9x18 vs the required 9x20) is acceptable; a waiver under section 4.7.7 needs to be requested.

Discussion on the conservation easement requirement for the open space:

- Applicant feels they will not be able to find anyone to take a CE on this open space.
- Possibly do a deed restriction instead; concern about whether that would have any teeth.
- Any changes to the site will require Planning Board approval through the subdivision ordinance and the site plan regulations of the zoning ordinance.
- Can put a note on the plan (both site plan and subdivision plan) stating no additional development permitted and no structures can be placed in the open space without Planning Board approval (not eligible for minor revision or minor site plan processes).
- Idea raised to use "in lieu of" language to allow an alternative way to protect the open space area, given the realities of the difficulty of finding an entity to accept conservation easements on this type of open space.
- Concern regarding legality of this given the language of section 4.6.4.3.

Consensus of the Board is to allow the open space to be protected through the addition of a note on the plans (subdivision and site plan) and a deed restriction, which ties any changes to the site to a requirement for Planning Board approval, in lieu of the requirement for a conservation easement.

It was noted that the cluster provisions in the zoning ordinance should be revised to handle multi-family cluster developments differently. Two particular issues raised were adding visitor parking spaces for multi-family developments in the parking section and providing an alternative to conservation easements for the protection of open space (§4.6.4.3).

Motion by Member Wiltbank to table this to the next meeting, second by Member Davitt. After discussion the motion was amended to continue the public hearing to the April 10, 2019 Planning Board meeting. Members Wiltbank and Davitt agreed to this amendment and the Board voted in the affirmative 6/0/0.

Motion by Member Wiltbank to adjourn the regular Planning Board meeting at 9:09 pm, second by Member Dorrity; so voted 6/0/0.

Given the time, the Board decided to hold the zoning workshop meeting on March 13, 2019.

Respectfully submitted by Karen Cullen, Town Planner