



Town of Hampden

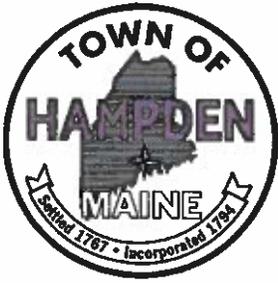
Planning Board

Wednesday, March 11, 2020, 7:00 pm

Municipal Building Council Chambers

## Agenda

1. Administrative
  - a. Minutes – Feb. 12, 2020 regular meeting
2. New Business
  - a. Michael Levesque – Sketch plan for a Minor Subdivision Plan for a four lot subdivision of parcels 07-0-015-A and 07-0-014-B, located on Western Ave. This property is in the Rural district.
  - b. BNA Properties Inc. – Sketch plan for a 26 unit multi-family development on Monroe Road, parcels 02-0-024 and 02-0-024-1. This property is in the Rural district.
  - c. Erickson's Hardware – Public Hearing for a Major Site Plan to add seasonal sales of pavement sealer to commercial clients behind the store. This will involve installation of two steel tanks within a containment building and an adjacent pump. This site is located in the shopping center owned by the Allan Wood Family Trust at 13 Main Road North, parcels 36-0-075 and 36-0-073-A, and is within the Town Center district.
  - d. ReVision Energy and Wishcamper Companies Inc. – Informal discussion regarding a proposed large ground mounted solar array on a property off Kennebec Road and Meadow Road, parcel 02-0-040. This property is in the Rural district.
3. Old Business – Board sign the plans for Lupine Meadow (Approved Feb. 12)
4. Planning Board Comment
5. Adjournment



Town of Hampden  
Planning Board Meeting  
Wednesday February 12, 2020

## Minutes

In Attendance:

Planning Board

Kelley Wiltbank, Chairman  
Jake Armstrong  
Brent Wells  
Ladoiya Wells  
Richard Tinsman  
Jennifer Austin

Staff

Paula Scott, Town Manager  
Ryan Carey, CEO  
Jessica Rickman, Recording Clerk

Public

Jim Kiser  
Lori Lefferts  
Glenn Hebert  
Susan Sigouin  
Leo Sigouin  
Miles Greenacre

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

1. Administrative

- a. Minutes – Jan. 8, 2020 regular meeting,
- b. Workshop Minutes – Dec. 17, 2019, Jan. 8, 2020, and Jan. 21, 2020

**Motion:** by Member Ladoiya Wells to approve the minutes of the January 8, 2020 regular meeting and December 17, 2019, January 8, 2020, and January 21, 2020 workshop meetings; second by Member Tinsman; motion carried 6/0/0.

2. New Business

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. Chair Kelley Wiltbank opened the public hearing at 7:08pm

Jim Kiser, representing the applicant, presented the proposed plan:

- 8 units in 2 buildings, separated by 80 ft between them, east of the Canaan Road.

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- The site is to be served by on-site wastewater disposal with each building having a separate disposal field.
- 1 central well for all 8 units. This won't be public water because it doesn't exceed 10 units.
- A fence is included to screen the proposed dumpster and have added two linden trees that have a full crown and limited height.
- Widened dumpster area to allow Public Safety enough room to turn around.
- Availability of water for firefighting too far off a run (i.e. too far from the public water system). The applicant is providing 5,000 gallons of water in underground tanks and his understanding is mutual aid would be brought in.
- Outstanding question that remains is the issue of ownership & maintenance of those tanks. Developers will be responsible for maintaining the system. Will work with Town staff to work out the details.

**Questions:**

Chair Kelley Wiltbank – Staff and Woodard and Curran agreed there needs to be additional silt fencing near the southern boundary especially near the southeastern corner of the site. Jim Kiser said it was further along site, silt fence will now capture that area, erosion control plan covers that.

Board member Richard Tinsman suggested adding adequate water to the site for fire suppression, to the condition on the Board Order.

**Opposition/Questions/Concerns?**

Lori Lefferts of 749 Western Avenue addressed the Board.

- Are these apartment buildings?  
Jim Kiser said that they are classified as Multi-Family because they have entrances in each building proposed as rentals.
- Lori Lefferts asked if the water tanks were above or underground.  
Jim Kiser said that the water tanks are underground.
- She mentioned as a homeowner next door, she is disappointed this project is being considered. She purchased her home because of the rural area and now there is a potential of 32 people living in that stretch of road. She is on the northside between the project and Canaan Road. She isn't opposed to something being built there; this just seems very aggressive for that area.

Paula Scott, Town Manager approached the Board and said that she agreed with Richard Tinsman's suggestion that the terminology to the effect that it be an adequate water supply be added to any type of conditional approval. The concern that the town has in part is the water supply source.

Chairman Wiltbank closed the public hearing at 7:24pm.

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3. Planning Board comments:

Chairman Wiltbank said with the findings and the two conditions that Karen Cullen, Town Planner noted and with the added verbiage of an adequate water supply to the first condition; Chairman Wiltbank asked if Paula Scott, Town Manager and Ryan Carey, CEO would be okay with the Board approving the Major Site plan and Final Subdivision Plan? Also, have Jim Kiser work with the Town staff to resolve the issues with the understanding that no building permits will be issued unless these are taken care of. Paula Scott, Town Manager and Ryan Carey, CEO were okay with this.

Member Austin mentioned to Lori Lefferts that we note your disappointment, but they are proposing something that is allowed in this Zoning district. So, this is how we are approaching this application; the only way we can.

Member Tinsman said there are two parts to this board Motion. One is the findings in fact and the other is the approval process that we go through. We have a draft of the findings in fact but there are two of those findings in fact that we need additional language on 8 and 9. Suggests adding the verbiage "if approval conditions are met" to both findings.

**Motion:** By Member Tinsman that the Hamden Planning Board approve the Major Site plan and Final Subdivision plan for T&M Contractors to construct two 4 unit multifamily buildings on Parcel 08-009 as previously described subject to the conditions listed in the Board Order with the modification that condition 1 read "that life safety issues be resolved prior to the issuance of a building permit, including that adequate water to the site for fire suppression be designed by the applicant and approved by the Deputy Fire Chief.", with the rest of the paragraph written as drafted. The two conditions 1 and 2 still apply. Seconded by Member Austin; motion carried 6/0/0.

4. Adjournment: Chairman Kelley Wiltbank adjourned the meeting at 7:31 pm.

Respectfully submitted by Jessica Rickman,  
CED Administrative Asst.

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Town Planner  
planner@hampdenmaine.gov



Report  
Sketch Plan

Michael Levesque, Western Ave.

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: March 2, 2020  
RE: Report on Application for a minor subdivision on Western Ave.

This sketch plan is for a minor subdivision under the provisions of Section 320 of the Subdivision Ordinance. The proposed subdivision creates 3 new house lots and does not create any new roads or other public infrastructure, thus it is a minor subdivision. Each lot has frontage on Western Ave. The site is within the Rural district.

The attached aerial shows the parcel lines from our tax maps, showing where this subdivision is proposed. Note that the line at the southwesterly boundary (between 15 and 15-A) has been modified through a boundary line adjustment when a previous sale found the building to have been constructed on the wrong parcel – this has no impact on the proposed subdivision. Also note that the proposal includes a transfer to an abutter, which doesn't constitute another lot under the definition of subdivision.

The only board action needed at this time is the classification of the subdivision as minor.



# Michael Levesque Proposed Subdivision

Western Ave, Hampden, ME

1 inch = 250 Feet

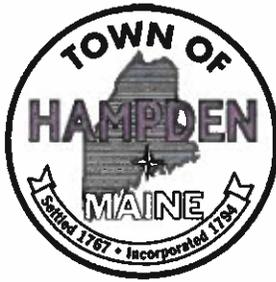


February 26, 2020



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.

Town Planner  
planner@hampdenmaine.gov



Report  
Sketch Plan  
BNA Properties, Monroe Rd.

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: March 3, 2020  
RE: Report on Sketch Plan for Multi-Family Development on Monroe Road

This sketch plan is for an additional 24 multi-family housing units on property owned by BNA Properties (Nate Wicklow), under the provisions of Section 320 of the Subdivision Ordinance. The site is on parcels 02-0-024 (minus the 2 acre parcel split off in 2019 for a 4-unit building) and 02-0-024-01. The site is within the Rural district. Parcel 02-0-024-01 currently has a 2-unit building on it, so the total number of units is 26. The narrative indicates there will be a 3 lot minor subdivision, but the sketch plan gives no indication of that; this should be clarified.

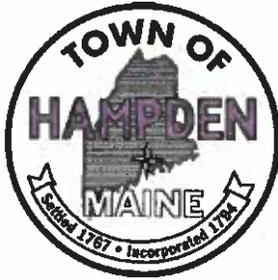
The only action needed by the board at this time is to classify the subdivision as a major subdivision, since it involves 24 additional multi-family dwelling units. The project will be reviewed under the site plan provisions of the zoning ordinance but must also meet the approval criteria under the subdivision ordinance. All infrastructure will be privately owned and maintained.

Issues which should be addressed during the sketch plan discussion include:

1. needs for Public Safety, specifically fire suppression – truck turn-around, water supply (note that if the wetland is proposed to be used as a fire pond, that will need approval from both Public Safety and DEP);
2. proposed wastewater disposal – how many septic systems, and where will they be located to prevent contamination of groundwater or the wetland;
3. proposed potable water wells – will it/they have an adverse impact on groundwater supply in the area; and
4. reclamation of the entire area where earth moving activity has taken place – this should include slope stabilization and revegetation of the wetland buffer. Earth moving had been done under the exception at §4.9.2.2; a building permit had been issued for the construction of a garage in the far northeastern corner of the parcel. That garage is not shown on the sketch plan.

It is highly recommended that the Planning Board conduct a site visit on this site – this should be a scheduled site visit with the whole board, as a “drive-by” in this case will be inadequate given the location of the area proposed to be developed.

Town Planner  
planner@hampdenmaine.gov



Report  
Major Site Plan  
Erickson's Hardware

From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: March 3, 2020  
RE: Report on Application for addition of pavement sealer sales

This application was initially made to the Staff Review Committee as a minor site plan, but the Committee unanimously agreed that the scope of the project warranted a public hearing before the Planning Board due to the potential impacts on the abutting residences on Cottage Street as well as the other commercial uses on the property and on abutting properties. The proposal is to add seasonal sales of pavement sealer to commercial clients. Technically this is an amendment to the site plan, the latest for this site (from 1996) is attached.

The proposal involves the installation of two used tanks (see attached photo taken by CEO Carey) within a containment building and a pump adjacent to it. Delivery of the sealer to the site is made by semi tanker trucks, estimated at two deliveries per month from May through September (five months). These trucks would travel through the parking lot from Main Road N to the south side of the building and around to the north end where the hardware store is located. Since the SRC meeting, the applicant has made significant improvements to the application and has resolved many of the concerns raised by the Committee.

This use could be considered an accessory use to retail sales, or it could be classified as wholesale, because the product being sold is not to the general public but to other commercial businesses (see definitions of retail sales and wholesale in the zoning ordinance). The Board should make this determination first. Note that the zoning ordinance use table (principal uses) specifies retail sales as an allowed use in the Town Center district, and wholesale as prohibited. If the Board determines that this particular proposed use is accessory to the retail store, then you can continue with the review of the application, but if the determination is made that this is a wholesale use and is not acceptable as an accessory use, then the application will need to be denied.

Per §4.1.6.2 of the zoning ordinance, the Planning Board must determine that the proposal meets certain criteria:

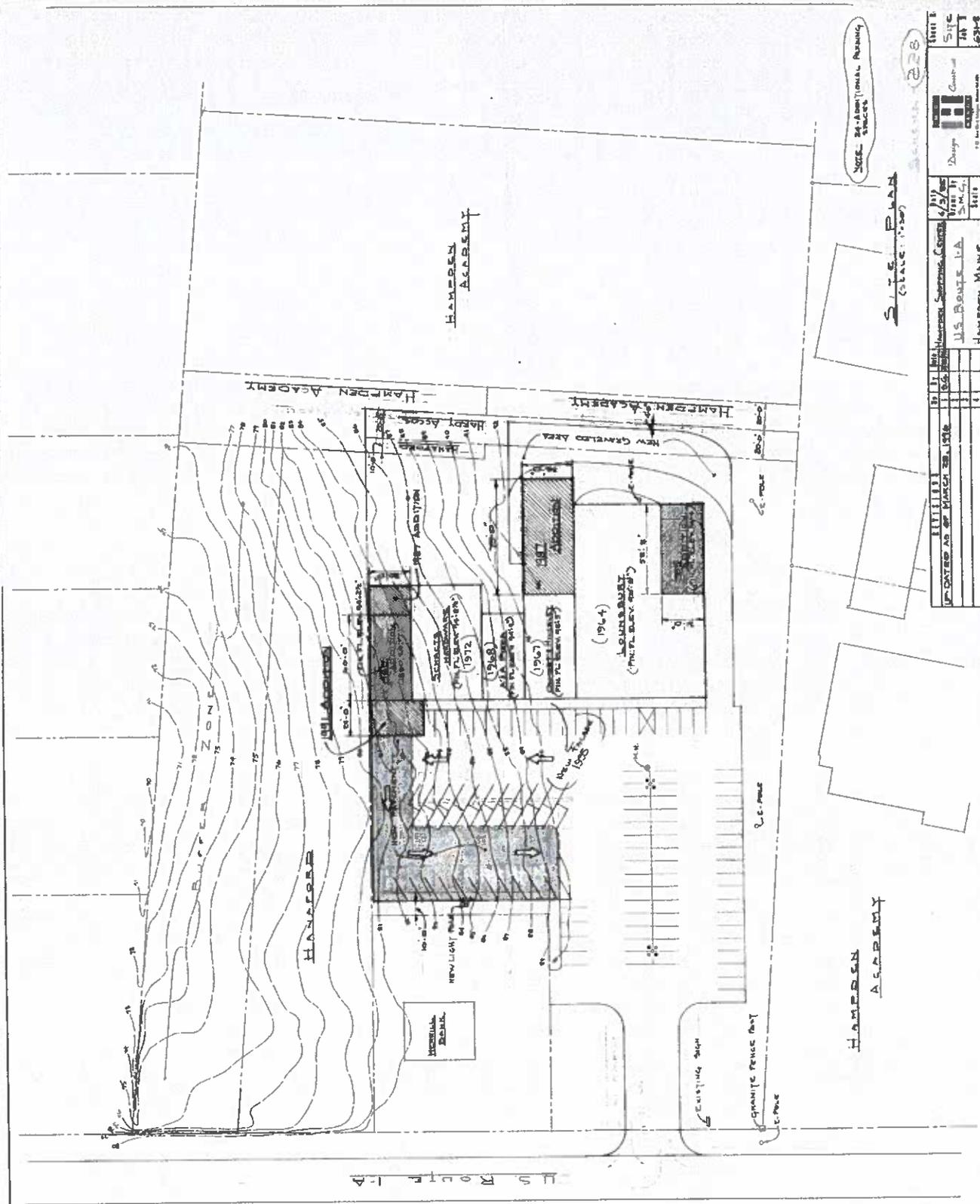
1. Minimize volume of cut & fill, number of 6" caliper trees removed, wetland vegetation displacement, increase of stormwater leaving the site, soil erosion, and threat of air and water pollution. A question remains whether the proposal will threaten air quality – the application states that on average there will be between 1 and 2 sales a day, resulting

in odor from the product. The safety data sheet states that people should be kept away from the site or as well as kept out of the area upwind of a spill, and along with other info in the SDS, the implication is that the fumes are hazardous to health. Whether this would ever be a concern to the nearby residents (roughly 100 feet from the property line with residences on Cottage Street) is unknown. The potential for complaints due to odor during the summer is a concern, from both residents and customers, clients, and patients visiting the businesses in the vicinity.

2. Maximize pedestrian and vehicular safety – by my rough measurements, the area designated for delivery trucks (“full semi” tankers) is 90x40 feet, which may or may not be adequate to allow a truck to turn around. The site plan illustrates the turning radius of the delivery truck – see the southwest corner where dashed lines from the truck through EMMC Family Medicine are drawn. The main concern is that the truck can be turned around within that space without hitting the existing propane tanks (there are two locations, one with two tanks and the other with one tank). Note that the dumpsters in that area presumably could be moved.

A draft Board Order is attached, note that the highlighted areas will need attention and editing.





NOTE:  
 ALL CONTOURS SHOWN ARE OF ORIGINAL  
 TERRAIN. ALL CONTOURS SHOWN  
 WERE OBTAINED BY THE CONSULTING ENGINEER,  
 INC. FOR JOSEPH LUNDAHL.

DATE	11/11/61	BY	J. H. HARRIS	SCALE	1" = 20'
PROJECT	NEW GARAGED AREA	NO.	104	DATE	4/5/61
OWNER	U.S. BOULEVARD	DESIGNER	J. H. HARRIS	CONTRACT NO.	104
LOCATION	HAMPDEN, MASS.	CLIENT	J. H. HARRIS	PROJECT NO.	104
DATE	11/11/61	BY	J. H. HARRIS	SCALE	1" = 20'

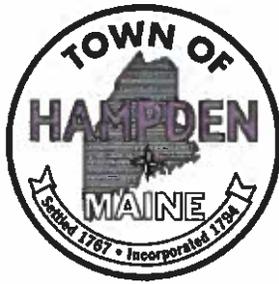
SITE PLAN  
 (SCALE: 1" = 20')

NOTE: ADDITIONAL PLANNING  
 WORK REQUIRED

HAMPDEN  
 ACADEMY

HAMPDEN  
 ACADEMY

U.S. BOULEVARD



Town of Hampden

Planning Board Order  
Erickson's Hardware – Pavement Sealer

Approval Date: March 11, 2020

Project Name: Addition of Pavement Sealer Sales at Erickson's Hardware

Location of Project: 13 Main Road North

Assessor's Reference: 36-0-073-A and 36-0-075

Deed Reference: B12604/P342

Zoning District: Town Center

Total Acreage: 3.37 acre

Type of Use: Retail Sales / Wholesale

Building Area: 784 sq ft

Applicant: Peter Erickson  
13 Main Road North  
Hampden, ME 04444

Owner: Allan Wood Family Trust  
3186 Cullowee Lane  
Naples, FL 34114

Plans Prepared by: Bangor Engineering

Plans Dated: February 24, 2020

Application Date: January 6, 2020

Public Hearing: March 11, 2020

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

PB Action: \_\_\_\_\_. This Site Plan is \_\_\_\_\_ under Section 4.1 of the Hampden Zoning Ordinance.

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

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**Summary Description of Application:** The addition of pavement sealer sales to commercial clients. The proposal is to build a new containment building at the rear of the hardware store. Delivery of the product to the site would be by tractor trailer truck and can be timed to avoid periods when the parking lot is used by other tenants. The product would be pumped from the tanks into a customer's 300 – 500 gallon mobile tank, typically on a trailer towed by a pickup truck. Sales are estimated to be seasonal (spring, summer, and fall), with 1 or 2 sales per day on average.

**Findings:** After the public hearing duly noticed and held, the Hampden Planning Board made the following findings as required by Section 4.1.6 of the Hampden, ME Zoning Ordinance:

1. The proposed project has been designed to minimize the volume of cut and fill, any tree removal will be minimal, there are no wetland impacts, stormwater management should have minimal impact on the area, provided the buffer shown on the 1996 plan is maintained, the threat of water pollution is minimal provided the containment structure is constructed as designed, and the threat of air pollution is (see discussion in report).
2. The proposed project provides for safe ingress and egress and on-site circulation for vehicles and pedestrians, provided the condition regarding time of delivery is met and the tractor trailer trucks have space to safely turn around at the tank site, without danger of hitting the existing propane tanks (in two locations) or the existing dumpsters.
3. The proposed project will not impact scenic views from public ways, and the visual impact to abutters on Cottage Street will be minimal provided the proposed building is constructed as designed.
4. The outdoor service areas are appropriately screened from public ways given that the proposed building includes partial walls that will hide the tanks, and that the area is only visible when the trees and shrubs are bare.
5. The proposal does not add any new lighting to the site.
6. The proposed building is not an unreasonable departure from other buildings on the site.
7. The proposed project will minimize threats of groundwater contamination provided the containment structure is constructed as designed and that the condition regarding discharge and disposal of cleaning water is met.
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.

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Based on these findings, the Hampden Planning Board voted \_\_\_\_\_ to \_\_\_\_\_ the Site Plan for Erickson's Hardware to add sales of pavement sealer to commercial customers at 13 Main Street North as previously described.

**Conditions:**

1. That delivery of the product to the site must occur during hours when the other tenants (current or future) are not occupying the site, most particularly the parking spaces at the rear of the building.
2. That no water used for cleaning the tanks, pumps, or hoses is discharged onto the surface of the ground.

*For the Hampden Planning Board:*

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Brent Wells

\_\_\_\_\_  
Ladoiya Wells

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

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

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

**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 6 of the Hampden Zoning Ordinance within 30 days after the date this decision is made by the Planning Board.*

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