

Town of Hampden

PLANNING & DEVELOPMENT COMMITTEE MEETING

Wednesday, March 6, 2019

6:00 P.M.

HAMPDEN TOWN OFFICE

AGENDA

1. Approval of Minutes
 - a. February 6, 2018 Meeting

2. Committee Applications – all are for the Historic Preservation Commission
 - a. Jim Davitt for 2 year term to fill vacancy in an unexpired term
 - b. Ladoiya Wells for 3 year term
 - c. Wayne Reilly for 3 year term

3. Citizen's Initiatives

4. New Business

5. Unfinished Business

6. Zoning Considerations/Discussion

7. Staff Updates
 - a. MRC/Fiberight
 - i. MRC Road Review and Approval Process
 - b. Staff Report

8. Manager Items
 - a. History of Shoreland Zoning Ordinance
 - b. LED streetlight communication with residents
 - c. Public access to the Public Safety Building

9. Public Comments

10. Committee Member Comments

11. Adjourn



Town of Hampden
Planning and Development Committee
Wednesday February 6, 2019, 6:00 pm
Municipal Building Council Chambers
Minutes

Attending:

Committee/Council

Eric Jarvi - Chair
Dennis Marble
Terry McAvoy
Mayor Ivan McPike
David Ryder
Stephen Wilde
Shelby Wright

Staff

Karen Cullen, Town Planner
Jim Chandler, Town Manager

Public

Chip Laite, Sargent Corp.
Ben Smith, Northstar Planning

Chairman Jarvi called the meeting to order at 6:00 pm.

At Chairman Jarvi's request, **Motion** to suspend the agenda made by Councilor Wright; second by Councilor Ryder; carried 7/0/0.

Chairman Jarvi added a new agenda item to be discussed first, to continue the discussion started at the February 4 Finance & Administration Committee meeting regarding streetlights at the Hampden Business & Commerce Park. The key points of the discussion were:

- Town Manager Jim Chandler reported that the Town owns the business park and is trying to be proactive with assisting businesses. Two new developments (Zucco's Dog House and FW Webb) are in the new section which currently does not have streetlights installed.
- The Planning Board approval of the subdivision in 2001 included a total of 34 streetlights throughout the park; 14 have been installed to date in the first phase area. This request is for approval of the installation of 15 streetlights at this time.
- Chip Laite said they submitted the request per the Town's streetlight policy (Town of Hampden Policy on New Street Lights) which requires submission of a petition by January 15th to the Town Manager and Public Safety Director. This was done as part of the due diligence for the FW Webb development.
- The costs given in the Town Manager memo dated February 6 of \$165.30 per month or \$826.50 for the remainder of the fiscal year are only for the operation of the lights, the cost of materials and installation is borne by Emera.
- Sargent Corp. has paid for the utility poles and lines, which were installed today.
- Discussion regarding the need for Council action on this since the lights are on the subdivision plan approved by the Planning Board. *[Editor's note: Although the location of the streetlights was approved by the Planning Board, the Council is required to act on requests for all new streetlights regardless of whether they are in an approved subdivision or not, per the Policy on New Street Lights.]*

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Motion to refer to Town Council a recommendation to pay the cost of the streetlights as submitted in Jim's memo made by Councilor Marble; second by Councilor Wilde. After further discussion **Amended Motion** to refer to Town Council a recommendation to install all streetlights in the Hampden Business & Commerce Park as needed made by Councilor Marble; second by Councilor Wilde; carried 7/0/0.

Additional discussion regarding Town Council action; Manager Chandler stated this will go onto the consent agenda, the committee agreed with that approach.

Chairman Jarvi returned to the agenda.

1. Minutes for the January 23, 2019 meeting – **Motion** to approve as submitted made by Councilor McAvoy; second by Councilor Wright; carried 7/0/0.
2. Committee Applications: None
3. Citizen's Initiatives: None
4. New Business:
 - a. Town Center Plan. Consultant Ben Smith gave a brief summary of the town center project and the draft plan:
 - activity centers – town center has two, a convenience center and a neighborhood center and is clearly an important area of Hampden
 - the recommendations are categorized by land use, transportation, placemaking, and community connections
 - community connections is about adding capacity (for getting things done) by engaging RSU22 and the Old Hampden Academy, two major stakeholders in this area which each have a significant impact on the area
 - implementation is NOT all up to the Town (local government); RSU22 and a new group of people (business and residents) is needed to spearhead activities and programs in the town center (e.g. community events, flower basket program)
 - noted the table of recommendations is not currently in order of priority, and the plan is undergoing editing

Key points of the committee discussion:

- the plan will be presented at the March 18th Town Council meeting, after which staff recommends that the Council accept the plan – it does not require adoption
- the plan should be viewed and used as a strategic plan to guide future actions by the Town and other stakeholders
- use plan as background for the formation of a TIF district
- there are people who are genuinely interested in establishing a greater sense of community in this town; enhancing the town center area to approach the vision set forth in the plan would be beneficial
- this initiative was successful in getting citizen engagement and that shouldn't be ignored
- concerns about who is going to implement, especially the day to day work
- planning initiatives in the past were ignored and that has eroded the confidence in residents that anything will ever get done to improve the town center area
- there is a need to pull together a group of citizen volunteers (residents and businesses) to serve as an organization to explore the recommendations in the plan and begin implementation of those that can easily be done
- any comments should be sent to Planner Cullen or Manager Chandler for compilation and forwarding to Ben Smith within a week

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- b. Discussion of potential for Town purchase of certain properties. Mayor McPike asked for the Councilors thoughts on the idea of asking Manager Chandler to investigate the potential for contacting the owner of the property at the corner of Western and Main Road North adjacent to Fresh Ginger Fusion regarding his willingness to sell the property to the Town. The key points of the discussion were:
- the taxes are current
 - would like to address this before it falls into such disrepair that it becomes an unsafe building
 - the town should only pursue such communication when there is a clear public interest and public use for the property
 - there are other similar properties in town, but this request is only about this one property
 - property owners are concerned about potential town actions and any communication now should be done with extreme caution
 - while there may be some future need for land for intersection improvements, that is not the case at this point
 - this property is of great concern to a lot of people due to its location at a key intersection in the heart of the town center area
 - the issue is blight – the structure should either be renovated and maintained or demolished
 - Manager Chandler stated that as town manager he is trying to improve the town center and given the location and condition of this property has an interest in investigating it, but will take direction from Council.

Chairman Jarvi asked for a straw poll vote on whether the Councilors wanted to direct the Town Manager to investigate this; 4/3/0 in favor of investigation. **Motion** by Councilor McAvoy to refer this item to the Town Council for vote; second by Councilor Ryder; motion failed on a 3/4/0 vote.

5. Unfinished Business: Discussion of road acceptance process – Planner Cullen summarized her memo of January 31, 2019 and concluded that both the Town Ways Ordinance and the Subdivision Ordinance need to be amended to eliminate the inconsistencies that exist. The committee agreed and directed Planner Cullen to draft the amendments. No specific timeframe was set with the expectation the work will progress along with other projects and tasks.

Discussion about Harold Bouchard Way; staff has documented the current condition of the road which shows the problems that will reoccur as it now stands. Councilor McAvoy expressed his opposition to accepting the road is the issue of surety. The councilors agreed the road should not be accepted as it is currently.

6. Zoning Considerations/Discussions: None

7. Updates:

- a. MRC/Fiberight: Manager Chandler reported he attended a meeting this week and was introduced to a couple of new employees.
- b. Staff Report:
- i. Open space requirements in subdivisions: Planner Cullen explained that the open space requirement in the subdivision ordinance was repealed on April 4, 2016. However, some developments will be required by DEP to mitigate for wetlands impacts, and one option available to developers is to set aside open space which

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protects wetlands and other sensitive areas such as streams. The developer of the Colonial Heights project was required to mitigate for wetlands impacts and chose to preserve land along Reeds Brook.

- ii. Manager Chandler informed the committee that he and staff are dealing with an issue related to open space in the Chickadee Lane subdivision, where there were some hazardous trees on town property (open space) which were felled and left. Some of those were removed for safety purposes and now some of the residents are requesting the Town remove the rest of the felled trees for aesthetic reasons. He concluded by saying this is not a priority item but the residents may make a request directly to Town Council.

8. Manager Items:

- a. Recycling options when Fiberight opens. [Councilor Wright stepped down as she is employed by the company. She joined Manager Chandler at the “presenter’s table.”] Manager Chandler and Ms. Wright handed out samples of materials that will be mailed and posted regarding how the recycling operations will be changing in an effort to educate the residents about what and how they should recycle starting this spring. It will be the same thing they’ve been doing except they are no longer to recycle glass or plastics # 3-7, those materials are to go in with the trash. One challenge in the education process is to get people to understand that the amount of contamination in the recycling will have a direct impact on the cost to the Town, starting in July. Fiberight doesn’t believe there will be constant fluctuation in what will be accepted for recycling, so the education effort should not be changing all the time.
- b. History of Shoreland Zoning Ordinance – Manager Chandler reported that the state has guidelines regarding shoreland zoning which were updated by DEP in 2015. The bottom line is that the town can either have no local ordinance in which case the state will impose their regulations on us, which are more restrictive than what we can do in a local ordinance, or we can keep a local ordinance. We need to amend our current ordinance to be in compliance with the 2015 guidelines. Previous staff had started that process but Planner Cullen found some egregious errors in the draft ordinance, bringing the process to a halt. While the land use zoning ordinance became the primary focus for a number of months, we are now close to the finish line – DEP has already given “preapproval” to the text and we expect to be starting the adoption process with the public hearing at the Planning Board within a few months (we are waiting for some map questions to be answered by DEP). After Town Council adopts the revised ordinance, then we send it to DEP for their formal approval and it will take effect after that.

Discussion regarding previous Town Council vote regarding shoreland zoning; there is question whether the Council had previously voted to adopt the state guidelines. Staff will research this and report back to the Committee.

- c. LED streetlight communication – this item will be reported on at the next P&D committee meeting.

9. Public Comments: None

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10. Committee Member Comments: None

11. Adjournment: Chairman Jarvi adjourned the meeting at 8:04 pm.

*Respectfully submitted by
Karen Cullen, Town Planner*

Items for March 6, 2019 P&D meeting:

- Agenda Items:
 - none
- Staff Report:
 - History of Shoreland Zoning Ordinance – Manager Chandler
 - Communication with residents regarding LED streetlights – Manager Chandler
 - Public access to Public Safety Building – Manager Chandler

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Check One: Initial Application
 Reappointment Application

TOWN OF HAMPDEN APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Davitt James E
LAST FIRST MI

ADDRESS: 25 Summer Street Hampden 04444
STREET TOWN ZIP

MAILING ADDRESS (if different): _____

TELEPHONE: 207-862-8113
HOME WORK

EMAIL: jim.davitt@yahoo.com

OCCUPATION: Associate Professor, Univ. of Maine at Augusta

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Historic Preservation Committee

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? My college degree was in American History, Colonial and 19th Century.

For four years I served on the Bangor Historic Review Commission, I restored an 1855 farmhouse in Bangor and am still working on our 1850 cape on Summer Street

Are there any issues you feel this board or committee should address, or should continue to address? Extending the Historic Districts and sites to more historically significant areas.

- | | | |
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| <ul style="list-style-type: none"> CONSERVATION COMMITTEE BOARD OF ASSESSMENT REVIEW PERSONNEL APPEALS BOARD LURA HOIT MEMORIAL POOL ECONOMIC DEVELOPMENT COMMITTEE FRIENDS OF DOROTHEA DIX PARK | <p><u>3 YEAR</u></p> | <ul style="list-style-type: none"> DYER LIBRARY RECREATION COMMITTEE BOARD OF APPEALS HISTORIC PRESERVATION COMMITTEE TREE BOARD |
|--|----------------------|---|

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY		Date Application Received: <u>2/11/19</u>
COUNCIL COMMITTEE ACTION: <u>P&D</u>		DATE: <u>3/16/19</u>
COUNCIL ACTION: _____		DATE: _____
<input type="checkbox"/> NEW APPT	<input type="checkbox"/> REAPPOINTMENT	DATE APPOINTMENT EXPIRES: _____

Planning Board's History of Involvement regarding MRC Access Road

Application for site plan review was submitted March 3, 2016 and was approved by the Planning Board on July 19, 2016.

A determination was made and confirmed by legal counsel that this project was not subject to the Subdivision Ordinance.

Several conditions of the Board Order address the access road:

15. Construction, installation and operation of the proposed new roadway shall be in accordance with all applicable state and federal laws, rules and regulations, including the requirements of the Hampden Town Ways Ordinance. During any period of time prior to acceptance of the roadway by the Town of Hampden, the road and associated infrastructure, including stormwater management, shall be maintained in accordance with the requirements of the Town of Hampden.
17. During construction, the Applicant shall undertake on-site inspection services for the road and utility installation, including full time inspection for utility installation and part time inspection during road work not involving utilities. The Applicant shall provide the Department of Public Works copies of materials testing during the road construction (including density tests, at 1 test per 100 feet per 8-inch lift of material placed), as well as daily construction reports and photo log. The Applicant's design engineer shall provide any necessary certification to the DPW Director that the road and sewer infrastructure were built in accordance with the approved plans.
21. The proposed new road to provide access to the development site is proposed to be constructed pursuant to the Town Ways Ordinance.
- 21b. Prior to acceptance of the new road as a public way, no building permit for the proposed Solid Waste Processing Facility shall be issued until an acceptable form of surety is provided to cover the estimated cost to complete the new road including costs to complete subsurface utilities (sewer, water, and storm drains). The estimated cost to complete the new road and subsurface utilities shall be determined on the basis of usual, customary, and reasonable costs for similar construction, and may take into account construction already completed. The applicant(s) shall provide surety in the form of cash, certified bank checks, bonds, irrevocable letters of credit, or such other forms deemed acceptable by the Town Manager and Town Attorney as to sufficiency, manner of execution, and amount, which may be reduced pursuant to satisfactory completion of phases or parts of the new road construction. The applicant(s) shall record a limited easement to provide the Town and/or a third party the right to enter the subject property and engage in construction activities therein for the purpose of completing the aforescribed construction in the event that the surety must be utilized. *(Amended 4-12-2017)*

We received a letter from CES on Oct 3, 2016 requesting that the road be constructed in two phases, with the first phase being one lane of the road and the second phase being the other lane. The first phase would include installation of the sewer infrastructure and stormwater culverts, and the road through sub-base gravel. Phase 2 would include the water line and the remaining lane of roadway. The Town (DPW Director and Town Manager, upon the advice of our consulting engineers) agreed to this approach and the road was constructed in these two phases. The Planning Board was not involved in this decision as they did not have jurisdiction on it.

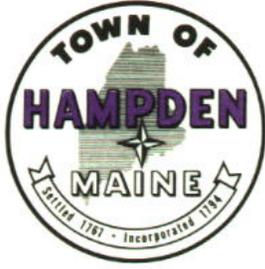
Note: the minutes of the PB meeting held July 19, 2016, state Attorney Bearor said in response to a discussion about sureties to ensure public infrastructure was completed that the option agreement that MRC had with Bouchard required road acceptance before the building permit could be obtained. There was no further discussion on the issue.

Compiled from written documents by Town Planner Karen Cullen, Feb. 26, 2019

Project List - Planning

Project Name	Location	What it is	Size ¹	PB Action/Date	Type
Southstreet Development Co	Route 202/Coldbrook Rd	zoning map amendment; Resid A to Comm. Service	16 acres	Approved	Zoning Map Amendmemt
Aaron Watt	Cottage St	new multi-family building	4 units	Withdrawn	Sketch Plan ²
Good Shepherd	Penobscot Meadow	addition of 7,550 sq ft impervious area	-	Approved	Site Plan Amendment
Pat's Pizza	662 Main Road N	new restaurant to replace current restaurant	3,500	Approved	Site Plan
Southstreet Development Co	98 Coldbrook Rd	new Tradewinds convience store with gasoline sales	6,900	Approved	Site Plan
Town of Hampden	Hampden Business Park	amendment to approved subdivision		Approved	Final minor subdivision
T&A Realty	50 Main Road North	Business adding a rental apartment	760 sq ft	Approved	Conditional Use
Katherine Carter	76 Main Road South	Customary Home Occupation - Artist Gallery		Approved	Conditional Use
Town of Hampden	355 Canaan Road	Request for waiver to site plan review for essential service, salt shed	1,260	Approved	Site Plan Waiver
Southstreet Development Co	Route 202/Coldbrook Rd	request for waiver to allow a larger sign	-	Approved	Minor Revision
Residential Care Facility	569 Back Winterport Rd	conversion of existing duplex into a 2-unit independent living home for adults with disabilities	2 units	Approved	Conditional Use
F.A. Peabody	36/38 Main Road N	construction of new office building	4,500 sq ft	Approved	Site Plan
Day's Care Children's Center	100 Mayo Rd	convert house to child care center	1,335 sq ft	Approved	Conditional Use
F.W. Webb	Hampden Busn Park lots 33-35	construct new warehouse/wholesale facility	72,750 sq ft	Approved	Major Site Plan
Zucco's Dog House	Hampden Busn Park lot 25	construct new kennel (dog daycare)	3,512 sq ft	Approved	Conditional Use & Site Plan
Smith, Andrew	115 Main Road South	Addition for storage	1320 sq ft	Approved	Minor Site Plan
MRC/Fiberight	348 Coldbrook Road	insubstantial modifications to site plan	NA	Approved	Site Plan Modification
Daryl Coulliard	Back Winterport Rd	split second lot off parcel w/in 5 year period	2 lots	Approved	Minor Subdivision
Shaw Subdivision	Pond Rd/Fowler's Landing Rd	minor subdivision	2 lots	Approved	Minor Subdivision
Revision Energy	Littlefield Rd	solar array behind the White House Inn	NA	Approved	Major Site Plan
Bangor Realty Group LLC	Mayo Rd	multi-family cluster project	30 units	2/27/2019	Major Site Plan & Subdiv.
Stearns Farm Subdivision	Main Rd North	single family cluster subdivision	35 lots		awaiting Prelim Subdiv appl
Carmichael Transport	178 Ammo Park Rd	addition of a garage bay	1,800 sq ft	Approved	Minor Site Plan
Historical Society	83 Main Rd South	addition to building	1,020 sq ft	Approved	Minor Site Plan
T&A Realty	50 Main Road North	convert retail space to apartment	1 unit	Approved	Conditional Use
Zucco's Dog House	Hampden Busn Park lot 25	change grass to turf in outdoor dog area	16,000 sq ft	Approved	Minor Site Plan
Andrew Connolly	256 Main Rd N	convert existing space to accessory apartment	1 unit	4/10/2019	Conditional Use
Dysart's	370 Coldbrook Rd	expand store, relocate pumps & replace USTs	4,275 sq ft	4/10/2019	Major Site Plan & Shoreland

1. Size refers to square footage of building (new or addition), number of new building lots, number of new units, or acreage.



Memorandum

TO: Jim Chandler, Town Manager
CC: Karen Cullen, Myles Block
FROM: Paula Scott, Town Clerk
DATE: February 7, 2019
RE: Shoreland Zoning Ordinance

In researching the chronology of proposed amendments to the Shoreland Zoning Ordinance, I have to concur with CEO Block's base timeline in a memo to you dated January 31st, 2019. Further research reveals the following timeline:

- 2015 CEO Block informed Economic Development Director of the changes to Chapter 1000 Guidelines and the need for the town to update our Shoreland Zoning Ordinance
- April 20, 2016, EDD reported to the P & D Committee the need to make changes to the Shoreland Zoning Ordinance to be consistent with Hampden's obligation to stay current with the State's *minimum* guidelines
- May 3, 2016, EDD presented draft amendments of the Shoreland Zoning Ordinance. He presented redline changes to the current ordinance as well as blue line changes recommended by CEO Block. The Committee made a recommendation for Council to refer this to the Planning Board, as well as a provision for a separate Shoreland Zoning application
- May 16, 2016, Council referred to the Planning Board, proposed amendments to the Shoreland Zoning Ordinance as presented
- July 13, 2016, Angus wrote a memo for the Planning Board packet referencing three proposed Zoning Ordinance amendments and proposed amendments to the Shoreland Zoning Ordinance for '*consistency with statute*'.
- July 13, 2016, Angus emailed the marked-up version of the proposed ordinances referenced above to the Planning Board members
- August 10, 2016, the draft of the Shoreland Zoning Ordinance was included in the packet for the Planning Board meeting
- Sept. 7, 2016, Karen Cullen, who was hired in July, reported to the P&D Committee that she had discovered a significant error in the draft that caused enough concern that she was going to recommend that the Planning Board not move forward until she had enough time to review the entire ordinance
- Sept. 14, 2016, at the recommendation of Planner Cullen, the PB tabled the public hearing after speaking with DEP who informed her we had no deadline to make modifications to the ordinance

Almost simultaneously, the Town was bringing to public hearing many amendments to the Zoning Ordinance for such things as off-premise signs, accessory structures and building permit thresholds. Additionally, the marijuana initiative passed at the November 2016 election. During this time frame, upon the recommendations of Planner Cullen and Manager Jennings, a complete re-write of the Zoning Ordinance was proposed to the Planning & Development Committee for the purpose of fixing inconsistencies throughout the document for economic development and business investment purposes. This took precedence over the amendments to the Shoreland Zoning Ordinance; however, it should be noted that the work on the Shoreland Zoning Ordinance was still being done and is almost complete in spite of the major undertaking of the Zoning re-write as well as the major work completed on the Marijuana Moratorium and subsequent Ordinance.

The town had and still has an existing Shoreland Zoning Ordinance. In order for the State to impose a more restrictive Ordinance at any point in time, the town would have to first hold public hearing to repeal the existing ordinance and then not adopt a new one. We would then be mandated to report that to the State which would trigger their action to impose the more restrictive Ordinance. That has not happened.