



Town of Hampden
Planning Board Meeting
Wednesday April 10, 2019

Minutes

In Attendance:

Planning Board

Jim Davitt, Vice-Chairman
Peter Weatherbee
Jennifer Austin
Jake Armstrong
Tom Dorrity
Kelley Wiltbank (7:27 pm)

Staff

Karen Cullen, AICP, Town Planner

Public

Scott Braley, for Dysart's
Jim Kiser, for Hampden Village and R&B Dev.
Andrew Connolly, applicant
Barbara Farren, for Connolly application

The meeting was called to order at 7:01 pm. Vice-Chair Davitt announced that Chairman Weldon is out of town tonight and therefore he is serving as Chairman for this meeting.

1. Administrative:

- a. Minutes of February 27, 2019. **Motion** by Member Weatherbee to approve the minutes as submitted; second by Member Dorrity; carried 5/0/0.

2. New Business:

- a. Andrew Connolly – Public hearing for a conditional use under the provisions of section 4.25 of the zoning ordinance to convert a portion of the building located at 256 Main Road North to an accessory apartment. The property is in the Residential A district. Vice-Chair Davitt opened the public hearing at 7:04 pm.

Mr. Connolly submitted the existing and proposed floorplans for the building, and described the proposal stating there will be no changes to the exterior of the building, the space to be converted was the area used as the vet clinic, and there will be no changes to the parking (there is plenty since it was previously a business use).

Barbara Farren, the current owner (she has a P&S Agreement with Mr. Connolly), stated she is the veterinary who had the clinic there for many years. Since moving the business out to a larger space, she has been renting out the house portion of the building. She said this would be a good use for the property and it would be good to see it fully utilized again.

There being no one else wishing to speak on this application, Vice-Chair Davitt closed the hearing at 7:09 pm.

Planner Cullen pointed out that the proposed floorplan showed three bedrooms; Section 4.25.2.4 limits accessory apartments to two bedrooms. Mr. Connolly stated he will eliminate that bedroom and will combine that space with the dining room or possibly the kitchen. There will be only two bedrooms, both on the upper floor.

Motion by Member Weatherbee to approve the conditional use for Andrew Connolly to convert a portion of the building at 256 Main Road North to an accessory apartment as proposed, with the modification to the first floor plan as described; second by Member Austin; motion carried 5/0/0.

- b. Dysart's Inc. – Public hearing for a major site plan review for an expansion of the convenience store located at 370 Coldbrook Road, along with the relocation of the fuel pumps and replacement of the underground storage tanks. In addition, the applicant seeks a Shoreland Permit for commercial development under the Shoreland Zoning Ordinance. Vice-Chair Davitt opened the public hearing at 7:11 pm. Member Dorrity noted that he was abstaining on this application since he felt he may have a conflict of interest since he is employed by the financing institution.

Scott Braley, PE, of Plymouth Engineering presented for the applicant. He noted that Tim Dysart was also present. The main points of the presentation were:

- The store will roughly triple in size
- The pumps will be reconfigured to make it easier for cars to access
- The underground storage tanks are not due to be replaced for another five years, but they are replacing them now since the site will be under construction anyway
- The developed portion of the parcel is fairly long and narrow
- There is a stream behind the building, hence the shoreland permit is needed; the site is in the General Development district
- There is no public water or sewer available at this site
- The septic leach field will remain the same, but there will be a new tank and grease trap installed
- There is a well on site which will continue to be used; however the applicant is seeking approvals from the state for a public water supply since the expanded store will have additional beverage service that will utilize the well water and that results in the designation as a public water supply.
- The site currently has no stormwater management, the proposal is to add some which will improve the site and reduce potential impacts to the wetlands and stream.
- The electric and phone cables are currently above ground, they will be underground.
- They are requesting a waiver to a portion of the buffering requirements, since the existing vegetation between the development and the road is within the DOT right-of-way and there is no room to put it on the Dysart's property. They have received permission from DOT to leave the vegetation in the right-of-way and to add more plantings, which will help to improve the visual quality of the development.
- They have received two state permits so far, the DOT entrance permit and the DEP permit by rule. They are awaiting the third permit for the public water supply.
- They expect to break ground around May 1, and will construct the new addition to the building first, then demolish the walls and roof of the existing building and build the remainder of the new building in its place.

There being no public comments, the public hearing was closed at 7:19 pm.

Planner Cullen summarized her report, stating the application is complete and in compliance with the requirements of both the zoning ordinance and the shoreland zoning ordinance.

Motion by Member Weatherbee to grant the requested waiver to section 4.7.2 of the zoning ordinance to provide a Class 1 buffer along the frontage of the site, to approve the major site plan, and to grant the shoreland permit for the expansion of the Dysart's convenience store as submitted; second by Member Armstrong; motion carried 4/0/1 (Member Dorrity abstained).

- c. R&B Development, LLC – Sketch plan for a cluster single family subdivision on a 29 acre parcel located at 238 Main Road South, in the Residential A and Rural districts.

Jim Kiser, PE, of Kiser & Kiser presented the proposal, noting that the owners of R&B Development were also present. Mr. Kiser handed out a new sketch plan, noting that the one submitted had been modified in response to staff comments. The main points of the presentation were:

- There are 22 lots
- Added the buffer around the perimeter
- There will be a new road
- The development will be served by public water and public sewer
- The existing sewer line ends about 200 feet short of this parcel so there will be an extension up Main Road South to reach it
- The speed limit on Main Road South in this area is 35 mph and the proposed road will exceed the required sight distance in both directions
- The applicant has not applied to DOT for the permit yet
- The cul-de-sac has been modified in response to comments by the DPW Director, and may be further changed as the design is refined
- The density of the development is well below what is permitted
- The open space meets the requirements of the ordinance.

The main points of discussion were:

- Regarding the proximity of the new road to the abutter's driveway, they are talking with the abutter, and they moved the road a bit to the south. Mr. Kiser noted there is also an existing utility pole they need to work around.
- The project is across Main Road South from Dorothea Dix Park, which is an asset to the development.

Motion by Member Weatherbee that, based on the submission, to classify the subdivision as a major subdivision and to classify the road as a minor street; second by Member Dorrity; motion carried 5/0/1 (Member Wiltbank abstained since he arrived mid-way through this application).

The Board decided by consensus that no site walk is needed for this proposal.

3. Old Business:

- a. Bangor Realty Group LLC for Hampden Village Townhomes – Continuation of Public Hearing for Major Site Plan and Major Subdivision Final Plan.

Motion by Member Dorrity to remove this item from the table and continue the public hearing; second by Member Weatherbee; motion carried 6/0/0. (Time was 7:36 pm.)

Jim Kiser, PE, of Kiser & Kiser presented modifications to the plans as requested by the Board at the previous meeting. At the Board's request, he first noted the major changes to the proposal and then addressed each item in the Planner's report.

Major changes to the plan:

- The project will be served by public sewer, with the understanding that the Town is creating an escrow account to pay the costs for wet weather pumping as needed at the Mayo Road pump station.
- Relocated the pump station on the site (this is a private pump station).
- The project will be served by public water.
- Added a fire hydrant within the site, relocated to the spot where the Public Safety Department recommended it be placed.

- Removed the septic leach fields
- Stormwater will be treated mainly with the pond located along the eastern boundary, plus one filter (level spreader) area along the northern boundary; noted the proposal complies with both DEP and Town requirements.
- Stormwater is being treated for quality but not quantity, since it will disturb over one acre but less than three acres.
- Noted the subdivision and zoning ordinances differ in regards to stormwater management; since the zoning ordinance is more up to date the proposed plan complies with that.

Responses to Planner's report:

1. The project will be served by public water and sewer.
2. Modified parking by reducing to 78 spaces; allows four spaces for winter vacation parking and allows for a ratio of roughly 2.5 spaces per unit which is in line with the requirements of other towns (Hampden is 2 spaces per unit). The applicant is seeking a waiver on the maximum number of spaces, to allow 130% of the amount required instead of the 100% allowed by the ordinance (§4.7.1.2).
3. The applicant is seeking a waiver for the size of parking spaces (§4.7.1.6.2), they propose 9x18 feet rather than the required 9x20.
4. Reduction in size of perimeter buffer – the Board has previously agreed to this request.
5. Increase in the amount of the perimeter buffer counted toward the open space requirement – the Board has previously agreed to this request.
6. A note has been added to the subdivision plan regarding any future change in ownership.
7. The owner does not want to install a fence around the stormwater pond; the depth within the first 4-5' from the bank will be shallow. The mean depth of the pond is about 3' and the maximum depth about 6'. The pond measures about 30' x 100'. A fence would make maintenance more difficult. The owner will include language in the lease agreements notifying tenants of the existence of the pond.
8. The terminology in the two stormwater management documents was changed to reflect the change in stormwater facilities since the original plan was submitted; the revised documents were submitted tonight.
9. Outdoor lighting is mainly the door lights at each unit. There is one light to be installed by Emera on the utility pole near the mailboxes. A note has been added to the plan stating this light will be 36 watt LED, 3000 degree (yellow light) and will shine right and left ("type 2 light") as opposed to all around, this should eliminate nuisance issues for the abutter. It was also noted that if needed in the future to address complaints, a shield can be added. Member Wiltbank stated this is important as the town has received numerous complaints about the new LED fixtures around town.
10. The fire hydrant has been relocated as requested by staff.
11. The building perimeter drains are now shown on the plans.
12. The applicant does not want to raise the height of the sidewalk to create physical separation between the pedestrian space and the parking lot, due to plowing issues.
13. Regarding comments on the stormwater details:
 - a. The plan shows this slope as 2:1.
 - b. The term "loam" has multiple meanings, the note has been clarified as to the meaning in this situation.
 - c. The plan has been changed from using hay bales around catch basins to sediment sacks in the catch basins.
 - d. The typo has been corrected.
14. The area around the pump station has been regraded to direct stormwater away from the pump station; this lifted the top of the station by about a foot.
15. Regarding comments on the buffer restrictions:

- a. The note on the plan has been revised so it only applies to the “natural buffer” area required by DEP at the level spreader along the northern boundary.
- b. The note was changed to not allow pruning of live branches within 12’ of the ground, only dead branches can be cut.
- c. This note regarding planting of replacement trees in cleared areas was not changed, you can’t touch the natural buffer area the way DEP has it set up.
- d. This note was not changed, DEP is okay with it – although if DEP objects during their review then it will be changed then.

Mr. Kiser then addressed the comments from Woodard & Curran (March 29, 2019 report):

1. Deals with stormwater; they are handling it under the site plan section of the zoning ordinance to be more consistent with state regulations.
2. Wetlands were addressed in original submittal.
3. State historic preservation letter was previously submitted.
4. Waiver for setback/buffer; already discussed.
5. ADA requirements don’t apply since this is not a public accommodation.
6. Parking lot layout was already discussed.
7. Foundation drains already discussed.
8. Design of the detention pond outlet structure was designed in compliance with DEP requirements and will keep the level of the pond steady throughout the year. They modified the cross section of the berm. Chapter 500 and zoning ordinance don’t require handling stormwater flow rates.
9. Will not be phasing the project (since will be on public sewer).
10. Letter from CEO stating the site must have a private pump station due to the topography of the site.
11. Maintenance of pump station, they can’t really get a contract now, prefer a condition on the Board Order to be complied with prior to the Certificate of Compliance for the site and Certificate of Occupancy for the first unit.
12. The pump station has been designed with a dual pump since the original submission. Notes refer to backup power.
13. General comments: they designed the pump station in a 6 foot structure. Galvanized materials work fine in private pump stations and cost less than stainless steel. The top of the pump station is 1 foot above the top of the barrel; the grading is 8 inches below the top of the structure, to allow for proper drainage and to help with waterproofing the station. Exterior damp-proofing has been on the plans since the original submission.

Abutter comments:

Planner Cullen spoke for Joan Tenney of 146 Mayo Road, who was unable to attend the meeting tonight but called in yesterday. She submitted a couple of photos showing the side of her house where her bedroom is in relation to the entrance driveway, and requested that a privacy fence be installed along her boundary with the new driveway. Mr. Kiser stated he thought a vegetated buffer would be enough and would look better, he suggested spruce trees. Member Wiltbank stated the abutter has a good point, headlights will shine into her windows and her privacy will be compromised. Mr. Kiser stated a condition regarding this is acceptable, with compliance prior to the issuance of the Certificate of Compliance.

Mr. Kiser noted he has been unable to contact the abutter on the north side of the project driveway regarding his concerns with the water in his basement.

The Board discussed whether it was appropriate to take any action on this application tonight or if town staff should be given an opportunity to review the plan. The consensus was that the Board did not want to rush into a decision without a final review by staff. The applicant was opposed to a month long delay. Planner Cullen suggested it could be taken up before the workshop next Tuesday.

Motion by Member Wiltbank to continue the public hearing to the Planning Board workshop meeting scheduled for Tuesday April 16, 2019 at 6:30 pm; second by Member Dorrity; motion carried 6/0/0.

Motion by Member Wiltbank to adjourn at 8:41 pm, second by Member Dorrity; motion carried 6/0/0.

Respectfully submitted by Karen Cullen, Town Planner