



Town of Hampden

Planning Board

Tuesday, April 14, 2020, 7:00 pm

Municipal Building Council Chambers

## Agenda

1. Administrative
  - a. Minutes – March 11, 2020 regular meeting
2. New Business
  - a. ReVision Energy – Public Hearing for a Major Site plan for a proposed 303.75 KW Solar Photovoltaic system on the Good Shepherd Food Bank property located at 11 Penobscot Meadow Road, parcel 10-0-041. This property is in the Industrial Park district.
  - b. Ralph Robbins – Minor Subdivision to modify the property line between two lots in common ownership in the approved Hampden Woods subdivision. The lots are located at 62 Hampden Woods Road and are parcels 01-0-034-E2 and 01-0-034-E3. This subdivision is in the Rural district.
3. Old Business –
4. Planning Board Comment
5. Adjournment

Town of Hampden  
Land & Building Services



Report on Application

Site Plan

ReVision Energy – Good Shepherd

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: April 1, 2020

Project Information

Applicant: ReVision Energy; Property Owner is Good Shepherd Food Bank  
Site Location: 11 Penobscot Meadow Drive; Parcel 10-0-041  
Zoning District: Industrial Park  
Proposal: Install a 1.29 acre 303.75 kW DC ground mounted solar array in the open area adjacent to the existing warehouse facility, next to Route 202.

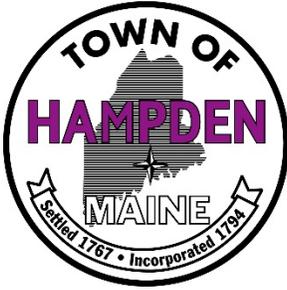
This application for a new solar array is a major site plan requiring a public hearing before the Planning Board. The proposed array consists of 810 panels in 12 rows mounted on pole foundations which will be driven into the ground with minimal soil disturbance. The site is currently an open field. The existing topography will remain the same, as the site is flat. This will result in no change to the existing drainage patterns and no stormwater management plans are needed. MDEP erosion control best practices will be observed during construction. All existing groundcover will remain intact except areas excavated for conduit; those areas will be restored to original condition.

The proposed fence surrounding the array is located approximately 55 feet from the right-of-way line and approximately 90 feet from the edge of the pavement of Route 202.

A chain link fence will be installed around the array, with a locked gate which will include a Knox padlock which will allow access to public safety personnel. A gravel access drive is proposed from the parking lot to the gate if needed due to existing ground conditions, at the south end of the array. The Board Order includes a condition related to this.

Under Section 4.1.5.1, submission requirements, all applicable items have been provided. Under Section 4.1.6.2, site plan objectives, all items have been met or are not applicable. I have not received any comments from the Public Safety or Public Works Directors.

Based on the above, I recommend approval of the site plan as submitted. A draft Board Order is attached.



Town of Hampden  
Land & Building Services

Planning Board Order  
ReVision Energy – Good Shepherd

*Approval Date:* April 14, 2020

*Project Name:* ReVision Energy Solar Array – Good Shepherd Food Bank

*Location of Project:* 11 Penobscot Meadow Road

*Assessor's Reference:* 10-0-041

*Deed Reference:* B13998/P137

*Zoning District:* Industrial Park

*Total Acreage:* Total site is 24.3 acres and the solar array will occupy 1.29 acres

*Type of Use:* Solar Array; 303.75 kW DC power generation

*Building Area:* none

*Applicant:* ReVision Energy, Brian Byrne  
91 West Main Street  
Liberty, ME 04949

*Owner:* Good Shepherd Food Bank  
PO Box 1807  
Auburn, ME 04211

*Plans Prepared by:* ReVision Energy

*Plans Dated:* February 19, 2020

*Application Date:* March 5, 2020

*Public Hearing:* April 14, 2020

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

*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.

DRAFT

*Summary Description of Application:* This application is to install a solar array for the purpose of generating 303.75 kW DC of electrical power. The application is for 12 rows of photovoltaic panels mounted on poles with no grade changes in an open area between Route 202 and the existing warehouse. The array will be enclosed in a chain link fence with access via a gravel driveway if needed from the existing parking lot at the warehouse facility, with a Knox box for access by public safety personnel.

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

1. The proposed project meets the provisions of all applicable regulations and ordinances of the Town of Hampden and meets the intent of the comprehensive plan.
2. The proposed project will not impact the environment due to grading, tree removal, wetland impacts, soil erosion, stormwater flow, or pollution.
3. The proposed project provides for vehicular safety; the public will not access the site.
4. The proposed project will minimize obstruction of scenic views since it is in a developed industrial area.
5. The proposed project does not include parking, storage, or other service areas, nor lighting, nor buildings, nor will there be any hazardous substances, thus items 4 through 7 under §4.1.6.2 are not applicable.
6. The proposed project includes a Knox box to allow access to the site for public safety personnel and service equipment, and there are minimal impacts to stormwater drainage.
7. The proposed project will have no impact on public utilities and will not overburden public services including Public Safety.

Based on these findings, the Hampden Planning Board voted \_\_\_\_ to approve the Site Plan for ReVision Energy to install a solar array on the property at 11 Penobscot Meadow Drive to generate up to 303.75 kW DC as previously described.

*Conditions:*

1. That, in the event solar glint or glare impacts drivers on Route 202, the applicant or property owner shall install a buffer (vegetation, solid fencing, or other appropriate material) to shield drivers from such glint or glare.
2. That, in the event the existing ground is insufficient to support the weight of emergency vehicles, the access drive must be designed and constructed to the satisfaction of the Public Safety Department.

*For the Hampden Planning Board:*

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

\_\_\_\_\_  
Date

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

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

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

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

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

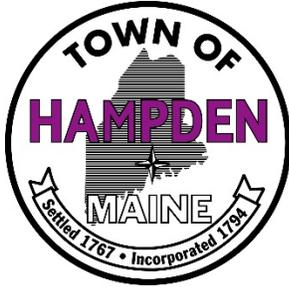
\_\_\_\_\_  
Ladoiya Wells

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

**DRAFT**

Town Planner  
planner@hampdenmaine.gov



## Report

### Minor Subdivision Plan

### Robbins – Hampden Woods

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: April 1, 2020  
RE: Report on Application for Boundary Line Adjustment in Hampden Woods

This application is for a minor subdivision plan and amendment to an approved subdivision under the provisions of Section 340 of the Subdivision Ordinance. This application is an amendment to the existing approved subdivision plan recorded at the Penobscot County Registry of Deeds at Map D35-90 (recorded March 9, 1990) to modify the boundary line between lots 2 and 3 of the subdivision. The modification will not change the road frontage for either lot and will decrease lot 2 from 2.39 acres to 2.176 acres while increasing lot 3 from 2.73 acres to 2.949 acres.

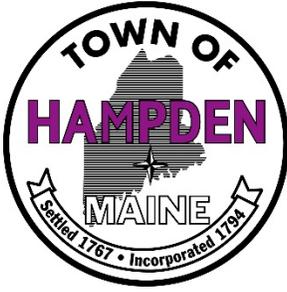
This subdivision has quite a history, some of which is relevant to the application in front of the Planning Board now:

Date	Recording Citation	Description
12/13/1989		PB approved 5 lot subdivision plan
2/26/1990		Deed from developer to Town for roadway and lots 1, 3, and 5, as escrow for the road construction
6/18/1995		Developer died intestate
4/18/2000		Agreements between town, surviving spouse, and engineering firm settling the ownership and rights for the subdivision; bottom line is the agreements allowed the unbuilt road to be considered a road for frontage purposes without anyone actually building the road, BUT required lots 3, 4, and 5 to be considered as a single lot (i.e. they were merged) "unless and until the required improvements to the Hampden Woods Road are completed in accordance with the approved subdivision plan to the satisfaction of the Town of Hampden."
10/13/2000	7500/266	Deed of road to Town was recorded
10/13/2000	7500/278	Release deed from Town to Rioux for lots 1, 3, and 5 and the roadway
2/20/2004	9206/85	Deed from Rioux to Robbins for lot 2
2/20/2004	9206/87	Deed from Rioux to Robbins for lots 3, 4, and 5 (merged)

8/13/2009	11879/2	Amendment to covenants; bottom line is changed merged lots 3, 4, and 5 and (separate) lot 2 to become merged lots 2-3 and 4-5. (Still only two buildable lots.)
8/18/2009	11903/305	Deed from Robbins to Demmons (daughter & son-in-law) for merged lot 4-5.
10/30/2013	13381/136	Road maintenance agreement between Robbins and Demmons
4/2/2014	13497/39	Restrictive covenants amended to eliminate some of the restrictions regarding size of house, driveways, setbacks, animals, and mobile homes for merged lot 4-5; the merge provision remained. (Agreed to by Robbins, Demmons, and the Town.)
The bottom line is that lots 2-3 and lots 4-5 remain merged until such time that the road is built to the standards of the original subdivision approval.		

If the intent of the proposed lot line adjustment between lots 2 and 3 of the original subdivision is to allow future sale of the two lots as separate lots, then either the road needs to be constructed to the standards required in the original (1989) approval, or the subdivision needs to be further amended to redesign the road pursuant to the private road standards in the current Subdivision Ordinance, and the private road built to those standards. If the road is built in either of these ways, then the restrictive covenants can be amended to eliminate the provisions regarding the merging of the lots, so each of the original four lots (2, 3, 4, and 5) could be sold independent of each other (i.e. unmerged)

Staff has reviewed the proposal and has determined that the application is complete and is in compliance with all provisions of the subdivision ordinance. A draft Board Order is attached.



Town of Hampden  
Land & Building Services

## Planning Board Order

### Hampden Woods

#### Amended Subdivision (Minor) Plan

*Approval Date:* April 14, 2020

*Project Name:* Hampden Woods

*Location of Project:* Hampden Woods Road

*Assessor's Reference:* 01-0-034-E2 and 01-0-034-E3

*Zoning District:* Rural

*Total Acreage:* Total subdivision was 18.28 acres, the two modified lots is 5.125 acres

*Type of Use:* Single family residential subdivision

*Number of Lots:* No new lots; original subdivision is 5 lots; 4 of which are merged into 2 saleable lots per agreement with Town

*Applicant:* Ralph Robbins  
62 Hampden Woods Road  
Hampden, Maine 04444

*Owner:* Same as Applicant

*Plans Prepared by:* Jon Stewart, PLS, Plisga & Day

*Plans Dated:* March 24, 2020

*Application Date:* March 24, 2020

*Public Meeting:* April 14, 2020

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

*PB Action:* \_\_\_\_\_. This Amended Minor Subdivision Plan is [approved with conditions/denied] under Section 342 of the Hampden Subdivision Ordinance.

<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 to modify the boundary line between lots 2 and 3 of the original subdivision, approved in December of 1989. The roadway has never been constructed to the standards in the original approval, however the Town entered into an agreement with the owner to allow the road to not be built provided the lots were merged such that Lot 1 would remain separate and there would be no more than two buildable lots from the original lots 2 through 4. No new roads or infrastructure are proposed. Currently, lots 2 & 3 are merged and lots 4 & 5 are merged.

*Findings:* After the public meeting duly noticed and held, the Hampden Planning Board found that the applicable requirements in Article 342 of the Hampden Subdivision Ordinance have been met. Based on this, the Hampden Planning Board voted \_\_\_\_\_ to **[approve/deny]** the Amendment to the Hampden Woods Subdivision Plan.

*Conditions:*

1. That Lots 2 and 3 (parcels 01-0-034-E2 and 01-0-034-E3) remain merged under the provisions of the amended restrictive covenants on file at the Penobscot County Registry of Deeds at Book 13497 Page 39 until such time that the roadway (Hampden Woods Road) is constructed. Such road construction must be in compliance with the 1989 approval of the subdivision, or, if the subdivision plan is further amended to comply with the private road standards of the Subdivision Ordinance, with said amended plan.

*For the Hampden Planning Board:*

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

\_\_\_\_\_  
Date

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

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

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

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

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

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Brent 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.*

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