



Town of Hampden
Planning Board Workshop
Tuesday April 3, 2018, 6:30 pm
Council Chambers

Minutes

In Attendance:

Planning Board

Gene Weldon
Kelley Wiltbank
Jake Armstrong
Jim Davitt
Tom Dorrity

Staff

Karen Cullen, AICP, Town Planner
Myles Block, Code Enforcement Officer

Public

None

The meeting was called to order at 6:30 pm.

Planner Cullen led a discussion on the continuation of review of the proposed amendments to the zoning ordinance; discussion focused on three sections.

§6.2.2, Variances: Planner Cullen distributed a memo discussing the proposed amendments.

- Discussion on confidentiality issue for disability variances; CEO Block said any documents submitted regarding the disability are confidential and are not part of the public record; they are kept separately in locked filing cabinets. He added that any discussion by the Board of Appeals (BOA) regarding the disability would be in executive session.
- Planner Cullen noted the vehicle storage section is new and is proposed to be added since the provisions were added to the state law in 2015. This provision does not require one to prove undue hardship or practical difficulty as is the case with general and dimensional variances. Planner Cullen noted she has concerns with the language of the state law as it requires the disabled person to be the owner of the vehicle, which is not always the case – sometimes the disabled person would be a child, and in other cases the vehicle may not be owned by the disabled person driving it, there are organizations who provide such vehicles to people but retain ownership. The draft is written as in state law, and if the town attorney opines that we can't expand it, the option is still there to further amend in the future if the state law is changed. The board agreed with this approach.
- Discussion on whether there is a requirement to remove a ramp when a disabled person dies or moves out of a dwelling which has received a permit from the CEO under the dwelling accessibility provisions (§6.2.2.3.2). If the CEO believes there is a need for a ramp to be removed due to impacts on abutting properties (e.g. built within a foot or so of the property line), he/she should place a condition on the building permit stating the ramp must be removed under what circumstances and within what timeframe. This would be done on a case by case basis, and most of the time no such condition would be put on it, thus allowing future residents to decide whether to keep it or remove it.

- Planner Cullen noted she and CEO Block had discussed §4.21, Structures Necessary For Access For Persons With Disabilities, and determined that it is not necessary today. Between the disability variance provisions discussed tonight and the Americans with Disabilities Act, everything in this section is covered. The board agreed with deleting this section.
- Planner Cullen noted the change in language in §6.2.2.5 regarding the number of concurring votes needed by the BOA. CEO Block said he is currently working on revisions to the BOA Ordinance and since there is a long standing problem with getting seven members, the recommendation is to reduce the BOA from seven to five members. Planner Cullen said using the phrase “a simple majority of the Board as constituted” will work regardless of the number of members the BOA is supposed to have. The planning board agreed with this change.

§4.6, Cluster Housing:

- Planner Cullen stated this section has been entirely reworked – the current ordinance has various provisions related to cluster development in several different places which results in confusion. This proposed amendment brings everything related to cluster development into one place. She noted that based on the existing language in §4.6, she believes it originally applied to all cluster development, and then was amended to only apply to clusters in the rural district. The proposed section makes it much easier for everyone to understand what is allowed, and where.
- The board agreed with the addition of “agriculture” in the opening paragraph to the section. It clarifies that owners of farmland that need additional income can use the cluster provisions to develop a portion of their property without having to carve out 2-acre lots, thus impacting the area being farmed. It also allows people living in a cluster development to use the open space area for agriculture – be it vegetable gardens or a community chicken coop.
- §4.6.2, dimensional requirements, sets out the requirements for the overall tract and, for single family (detached) projects, there is an option to have individual lots for each house. It was noted that any other housing type (duplex or multi-family), all the land must be owned in common (by the residents of the project, typically via a homeowners association). After discussion and looking at examples of calculations, the board settled on densities of 1.5 units/acre in the rural district, 3 in the residential A district, and 4 in both the residential B and town center districts. Planner Cullen noted that the current density allowed for single family cluster developments in both the residential A and B districts is 3.146 units per acre. It was noted that the purpose statements for the Residential A and B districts differ; Residential A is meant to be lower density than Residential B. In addition, the areas currently zoned Residential A are more developed with only a few larger undeveloped parcels remaining. There is more land available for cluster development in the Residential B district.
- Planner Cullen noted the density bonus section is expanded from what is currently allowed (only in the rural district clusters) which is 10% if a project has “excellence in site design” or for the dedication of more than 30% of the tract to permanent open space.
- Discussion regarding density bonus 4, which allows a 5% bonus if a certain amount of the housing units are reserved for people with incomes meeting certain criteria (low-moderate income). Board members suggested checking the comprehensive plan to see whether it supports the provision of low-moderate income housing in Hampden; if so then proposed

density bonus 4 should remain, if not then it should be deleted. At the end of the meeting, Kelley Wiltbank noted he had found it in the comprehensive plan: Chapter 3 of Book 1, goal number 2 of the general goals: “Preserve open space and reduce development costs, particularly road construction and maintenance, and thus promote housing affordability; establish cluster/conservation development as the standard development pattern.” Goal 5 also speaks to the issue: “Provide incentives for the development of affordable workforce housing, especially subsidized housing, and housing for the elderly.” And goal 9 also addresses the issue: “Seek to achieve at least 10% of all housing built or placed during the next decade be affordable (State Minimum).” The board agreed to keep the proposed new density bonus to encourage provision of some affordable units within a market rate development.

- Also on density bonus 4, the board decided to add language to require that a homeowner’s association be formed and that they have the responsibility to enforce the requirement over time, with an annual report to the CEO to show compliance.
- §4.6.4 regarding common open space includes some new provisions, including a requirement that no more than half of the open space area can be wetlands – this will address concerns aired in the past that past developments put all the wetlands into open space and none of it was useable for recreation, gardening, or other uses. The board agreed with this restriction.
- The board decided to reword the draft provision on maintenance of the common open space, making it the developer’s responsibility to maintain it and to decide how it will continue to be maintained (usually a homeowner’s association). In addition, the developer is responsible for the legal work necessary to establish the organization or, in the event the common open space is the subject of a conservation easement held by a third party, ensuring the easement documents include all maintenance needs.
- Planner Cullen noted the current sections regarding single family lot requirements (4.6.6) and multi-family clusters (4.6.7) are being deleted as these provisions are either built into the proposed amendments in §4.6 or are not necessary. She noted the vast majority of multi-family development proposals will be processed as standard projects through site plan review (and subdivision where required by state law).
- The board suggested comparing the densities of existing multi-family developments to the proposed densities. [Ed. note: Old County Estates, Res B district, has 16 units and a density of 8 du/acre. Riverview, Res B, has 9 units and 7 du/acre. Triangle Properties, Res B, has 18 units and a density of 5.9 du/acre. Lead Mountain on Main Road N, Res B, has 4 units and a density of 4.7 du/acre. Lead Mountain on Western Ave, Rural, has 8 units and a density of 2 du/ac. The average density for the developments in the Res B district is 6.4 dwelling units/acre.]

§4.7, Design Standards:

- Planner Cullen noted most of the changes are simply rearranging things so anything related to site design is under 4.7 – existing section 4.8, signs, is proposed to be moved to its own subsection of 4.7.
- The parking standards (number of spaces required) have been reformatted into table form and several have been revised, e.g. the current requirement for restaurants is by a formula

and the proposed is simply 1 space per 100 square feet gross floor area (including outdoor dining areas). Most of the other standards in this section remained the same although some have been reworded for clarification purposes.

- §4.7.1.7, pre-existing parking lots: no one was sure what date would be used to clarify “prior to the adoption of this ordinance” and Planner Cullen will try to research again to figure it out. Decided to reword the last sentence of this paragraph to read: “This regulation is not retroactive to site developments established prior to the adoption of this ordinance.” [Ed. note: this doesn’t say what is meant, I’ve reworked the entire section with minor tweaks to clarify what is meant.
- §4.7.1.9, item 1, drive through facilities, where located: Planner Cullen asked why gasoline service islands are considered drive-through facilities – they don’t fit the definition in Article 7 since the driver must exit the vehicle (except at full-service gas stations). The board agreed and deleted the second sentence of this item. Also reworded items 9a and 9e to eliminate references to gasoline pump islands and service bays. A suggestion was made to add something to give guidance to the board when reviewing site plan applications for gas stations. [Ed. note: added a new provision in §3.2 to require space for queuing of the same number of vehicles as there are fuel stations (which could be gasoline pumps, electrical outlets, or other alternative fuels that may become available in the future).
- Planner Cullen reviewed §4.7.2, buffers, noting that except for the first paragraph, all of the provisions are the same as in the current ordinance, although a number of them currently are in various sections of Article 3. Discussion regarding maintenance, decided to add “or is otherwise removed” after “dies off” in the second sentence.
- §4.7.3, lighting, is a new section that provides standard on site lighting for non-residential and multi-family residential developments. The current ordinance has no such standards, but it does require that a lighting plan be submitted for site plan review. Without standards, neither the applicant nor the board has any basis for what the lighting design should be. Minor changes to the purpose paragraph were made.
- §4.7.4, architectural design: Planner Cullen said these provisions were moved from article 3 sections where they appeared in the special district regulations sections of the Business B and both Village Commercial districts. The language was clarified but the requirements have not changed from the current ordinance.
- §4.7.5, signs: Planner Cullen said this section is simply being moved into §4.7. The only changes are a few numbering corrections, changing “village commercial” districts to “town center”, and adding a provision for signs for customary home occupations in the rural district, which is the same as in the current §4.20, Customary Rural Business, which is being deleted (the provisions of that section are now covered elsewhere, primarily in §4.10, use of residence for business purposes).
- §4.7.6, stormwater management: Planner Cullen said this is a new section, similar to lighting, it is being added to provide some standards for the planning board to use when reviewing site plan applications. Currently the ordinance requires submission of stormwater information but has no standards regarding stormwater. Discussion on threshold – Chapter 500 (DEP) has a one acre threshold, anything below that amount of disturbance is not required to comply with Chapter 500. There is no timeframe attached to that threshold, so a developer could develop just under an acre every year or so and in 5 years or so have a project spanning well over an

acre, all without stormwater oversight except that which is required by the town. Since the current ordinance has no standards, there isn't really any oversight. The proposed amendment will provide minimal standards that apply to all developments that require site plan or subdivision review, regardless of the amount of area disturbed.

- Discussion as to whether we should – at some point in the future – add an overlay district to deal with stormwater management for sites less than 1 acre that are in the urbanized area or the watershed of any urban impaired streams, where stormwater quality is an important factor in Hampden's compliance with the MS4 requirements.
- §4.7.7, flexibility in design standards: this section was added in 2017 and is modified here to reflect new section numbers.

Planner Cullen noted that the regular board meeting on April 11 has 2 conditional use applications and one request for a waiver to site plan review for the town's salt shed, and when that's done we'll continue the zoning amendment review. The last workshop scheduled is on April 17, when we should be able to wrap up the board's review and set the public hearing date.

The meeting was adjourned at 9:10 pm.

Respectfully submitted by Karen Cullen, Town Planner