



Town of Hampden
Planning Board
Wednesday, May 11, 2022, 7:00 pm
Municipal Building Council Chambers
Minutes

In Attendance:

Planning Board

Richard Tinsman, Chair
Jennifer Austin, Vice Chair
Brent Wells
Benjamin Dunham

Staff

Clifton Iler, Town Planner
Wanda Libbey, Admin Asst.
Amy Ryder, Economic Development Director
Ryan Carey, Code Enforcement Officer

Public

Jim Kiser
Theresa Blackadar
Benjamin Buckley
Patricia Hanenburg
Chris Martin

Chair Tinsman called the meeting to order at 7:06 p.m. and verified that all attendees in-person and virtual could hear and see each other.

1. Administrative

a. Minutes – April 13, 2022, Regular Meeting

Motion by Member Austin to approve the minutes of April 13, 2022, regular meeting as amended, second by Member Wells; motion carried 4/0/0 by roll call vote.

2. Old Business - None

3. New Business

a. 531 Meadow Rd – Public hearing for Conditional Use permit for an attached accessory apartment at 531 Meadow Rd; Tax Map/Lot: 04-0-021-07. The property is located in the Rural District.

Chair Tinsman opened the public hearing at 7: 10 p.m.

Property owner Patricia Hanenburg explained that the addition is being created for her elderly parents.

Town Planner Iler presented the proposed application:

- Property owners will reside in the single-family dwelling.
- There will be a dedicated parking space for the accessory apartment.

- Proposed accessory apartment meets the design and size requirements of Section 4.25.
- Applicant meets the approval standards of Section 4.2.

Public Questions/Concerns/Opposition: None

Planning Board Questions:

Vice-Chair Austin asked the property owner, Patricia Hanenburg if there was a bathroom associated with the apartment as the plans did not show one. Ms. Hanenburg explained that the apartment will be using an existing bathroom. The addition will include a kitchen and sitting room only.

Chair Tinsman asked whether the receipt of a Conditional Use permit is tied to the structure or the applicant. Town Planner Iler explained that a Conditional Use permit for an accessory apartment would be tied to the applicant rather than the structure. This will allow the Planning Board to review past decisions on properties and ensure that future sales and use of the property could be kept up to code with the Code Enforcement Officer.

Chair Tinsman closed the public hearing at 7:13 p.m.

Motion by Member Austin to approve the Conditional Use application for an attached accessory apartment at 531 Meadow Road (Tax Map/Lot: 04-0-021-07) in the Rural District; seconded by Member Dunham; motion carried 4/0/0 by roll call vote.

- b. Mainely Tacos – Public hearing for Conditional Use application for a temporary outdoor dining space at 7 Main Rd N; Tax Map/Lot: 36-0-075. This property is located in the Town Center District.

Chair Tinsman opened the public hearing at 7:18 p.m.

Applicant, Chris Martin explained that he is looking to operate a Food Concession Trailer, at 7 Main Rd., N. The Food Concession will be open May through October each year. I will be offering fresh, grab-and-go food.

Town Planner Iler presented the proposed application:

- The existing lot meets the dimensional standards of the Town Center District.
- Letter from property owners permitting to operate food truck on-site was provided.
- Applicant provided a sketch plan with delineated outdoor dining space as required by §3.2.37.
- No alcoholic beverages will be served.
- There is an abundance of parking space

Public Questions/Concerns/Opposition: None

Planning Board Questions:

Vice-Chair Austin asked if there were any references concerning portable restrooms on-site. Code Enforcement Officer Carey explained that for this site the property owner decides to allow a portable restroom.

Chair Tinsman closed the public hearing at 7:23 p.m.

Motion by Member Austin to approve the Conditional Use permit for a temporary outdoor dining space at 7 Main Rd N; (Tax Map/Lot: 36-0-75) in the Town Center District; seconded by Member Wells; motion carried 4/0/0 by roll call vote.

- c. 676 Main Rd N – Public hearing and preliminary plan review for a major subdivision to construct 16 dwelling units at 676 Main Rd N; Tax Map/Lot: 20-0-034-01. The property is located in the Business District.

Chair Tinsman opened the public hearing at 7:25 p.m.

Jim Kiser, representing the applicant, presented the plan:

- The project will construct 16 rental units within 4 four-plex buildings.
- Approximately 2 acres of property.
- Access will be through the existing Dollar General entrance.
- Project will be on Town sewer and water.
- Exterior parking provided on-site and visitor parking as well.
- Dumpster located on-site screened by a fence.
- Overhead power running into site and then run secondary from poles to buildings.
- Will be going to DEP concerning stormwater on-site.
- Group mailboxes provided per postal services requirement.
- Stormwater filter bed to provide treatment for water quality so that it won't further impact the Sucker Brook Urban Impaired Stream.
- One natural buffer for a small area on the back of the buildings to address impervious areas.

Town Planner Iler gave his report:

- Planning Board reviewed this project as a Sketch Plan on January 12, 2022, and attended a site walk on February 23, 2022.
- At the January 12th meeting, the Planning Board made the determination that this would be the standard Major Subdivision and Major Site Plan based on the units and area impact.
- A peer review required the following items to be completed:
 - Identify snow storage areas on the site plan
 - Identify location and style of lighting on-site
 - Provide a technical evaluation of the floodplain by the Hampden Floodplain Management Ordinance which has yet to be completed but will be contingent on the final plan.
- Town staff requested building elevations for the proposed development, which has been completed. Staff also requested a review of the site plan and driveway

requirements to connect to the proposed adjacent development at 317 Old County Rd., which are pending, and a review of stormwater filter bed capacity and expand to meet the needs of the adjacent development at 317 Old County Rd., which are also pending.

- Town staff had concerns with an adjacent project at 317 Old County Rd. which is under common ownership. Although the properties are on separate lots, mutual adjacency should be considered about connectivity between the two sites. Providing a connection would encourage walkability and allow residents along Old County Rd. to access existing sidewalk infrastructure along Main Rd. N, including nearby businesses.
- Town staff had concerns that the stormwater management system is improperly sized for the development. It would be a best practice to consider upsizing the stormwater filter bed to accommodate increased needs beyond the general requirements as described in §2.3.5 of the Hampden Subdivision Ordinance.
- The application complies with the submission requirements of the subdivision ordinance and the approval standards for site plan review.

Town Planner Iler noted that the application met the bare minimum requirements and that applicants and the Planning Board should consider going above and beyond in future projects to yield positive community benefits.

Chair Tinsman asked the Town Planner and Code Enforcement Officer to talk about floodplains and the sensitivity of the Sucker Brook Urban Impaired Stream.

Town Planner Iler explained that when considering the impact of floodplains, specifically along Sucker Brook, we must consider that whatever happens upstream has an impact on downstream effects. If there is increased impervious surface area upstream from the project site, the lack of filtration can have an impact on everyone downstream. This project is located towards the terminus of Sucker Brook as it empties into the Penobscot River.

Code Enforcement Officer Carey explained that the impaired stream is tied to stormwater as well. The EPA and Maine DEP have regional studies where they look at water quality and identify waterways/streams that have lower than standard water quality. This means that municipalities that are impacting those streams are held to a standard of improvement year after year. Hampden is currently working on a Watershed Management Plan, which is mandated by Maine DEP and EPA. This will set forth guidelines for how we're going to manage properties that are in the Sucker Brook watershed and give us guidance with future projects. MDEP and their staff consultants will be meeting with town staff on May 12th to come up with a plan of remediation and mitigation of any issues that may be happening downstream. This particular site is not necessarily contributing to flooding, but it is along an identified floodway. Code Enforcement Officer Carey has spoken with Mr. Kiser to let him know that DEP may have stream stabilization recommendations and some specific erosion and sedimentation control measures as well.

Chair Tinsman had two follow-up questions for CEO Carey:

1. Will the DEP's review will be rigorous enough to take care of the concerns that have been mentioned?

CEO Carey expects that DEP will have recommendations above and beyond the standard boilerplate recommendations would be for stormwater management, particularly at this site.

2. Is there a similar review process that DEP does on stormwater and effects on Sucker Brook for this property and whether it's rigorous enough for the adjacent property at 317 Old County Rd?

CEO Carey believes that the adjacent property would undergo less rigorous review unless there was a violation that required mitigation. Otherwise, the adjacent property will not trigger anything beyond existing standards.

Public Questions/Concerns/Opposition:

Adjacent property owner, Theresa Blackadar, stated that she is not opposed to this project. This is in a great location and there is a need for housing. Theresa has had problems with flooding on her property since Spring 2021. She is concerned that these 16 units could somehow impact the water and sewer and possibly cause additional water problems. Another concern is lighting on the property on her property.

Chair Tinsman asked Jim Kiser what the elevation of Ms. Blackadar's property is and what the floors of the apartments are. Mr. Kiser stated Ms. Blackadar's property is 30ft and the elevation of the apartment floors are 38ft, 41ft, 43ft, and 40ft.

Abutting property owner, Ben Buckley, has concerns with lighting but is also concerned with where snow will be placed and what impact it will have on Sucker Brook during spring thaw and whether the wetlands shown on the map by the filtration beds be overwhelmed by the snow buildup.

Jim Kiser explained that there are very few wetlands on the site, and they are stream-associated. Snow buildup is not allowed in filter beds as it reduces the capacity to hold water. Barriers will be put in place per DEP recommendations. About lighting, Jim Kiser explained that there will only be two lights on site that the electric company will own and install, and they will be leased by the property owner. They are low-wattage led lights and we should know what they will be by the final plan.

Chair Tinsman asked how tall are the lighting fixtures.

Jim Kiser stated that he does not have that information at this time, but that information will be presented in the final plan.

Chair Tinsman closed the public hearing at 8:04 p.m.

Board discussion points:

- What is the 100-year floodplain level? Jim Kiser stated that the study showed elevation of 30' as the 100-year floodplain level.
- When doing the technical evaluation of the floodplain will they also be looking at the effects of fill and floodplain on adjacent properties? Mr. Kiser stated that yes, they would.
- The applicant will be applying for a LOMA (Letter of Map Amendment) from FEMA once the foundation is in and finished with groundwork. LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.
- Jim Kiser explained that this project and the abutting project on Old County Rd. will be treated as two independent projects. This will make it possible for them to be sold separately in the future if they so choose.
- It was suggested that there be connectivity between the two projects. Jim Kiser is confident that they can provide a connectivity solution.
- Will include an additional condition on Board Order to ensure that there is a turnaround for Fire Department apparatus.

Motion by Member Austin to approve the Preliminary Site Plan and Major Subdivision Plan for the construction of a multi-family development at 676 Main Rd N; Tax Map/Lot 20-0-034-01 subject to the following conditions:

1. Applicant will, in the Final Plan submittal, provide a technical evaluation certified by a registered professional engineer demonstrating that encroachments on the regulatory floodway will not result in an increase in flood levels within the community per Article 6. K of the Hampden Floodplain Management Ordinance. The applicant will also provide a Flood Hazard Development Permit to the Code Enforcement Officer as required by the Hampden Floodplain Management Ordinance.
2. Applicant will revise the site layout for the Final Plan to accommodate a sidewalk connection between the adjacent property at 317 Old County Rd. (Tax map/Lot: 20-0-033-A) to better facilitate localized connectivity and walkability.
3. Applicant will revise the stormwater management system capacity to a level required to pass off-site run-on and run-off from adjacent properties at full buildout as required by §2.3.5.4 of the Hampden Subdivision Ordinance. The description and calculation of that requirement will be included in the Final Plan submittal as part of the Stormwater Management Plan.
4. Applicant will ensure the Hammerhead at the private road terminus be of sufficient size to accommodate public safety vehicle turnarounds, as approved by the Fire Chief.
5. Lighting details associated with the plan will be reviewed during the final plan submission to minimize the impact on adjacent properties.

Seconded by Member Dunham; the motion carried 4/0/0 by roll call vote.

4. Town Planner Report

Town Planner Iler announced that the Comprehensive Plan Committee meeting will be held on Thursday, May 14, 2022, at 7:30 p.m. in Council Chambers which the public is welcome to attend.

5. Planning Board Comment: None

6. Adjournment

Motion by Member Austin moved to adjourn the meeting at 8:51 p.m., seconded by Member Dunham; motion carried by roll call vote 4/0/0 in favor.

Respectfully submitted by Wanda Libbey, Administrative Asst.