



Town of Hampden
Planning Board Meeting
Wednesday May 15, 2017, 7:00 pm
Council Chambers

Minutes

In Attendance:

Planning Board

Gene Weldon
Kelley Wiltbank
Jennifer Austin
Jim Davitt
Peter Weatherbee
Jake Armstrong

Staff

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

Public

Jim Kiser (arrived roughly 7:25)

The meeting was called to order at 7:00 pm.

1. Administrative: None.
2. Old business: Continued Public Hearing – Proposed Amendments to the Zoning Ordinance.

Motion by Member Wiltbank to remove the public hearing on the zoning amendments from the table; second by Member Davitt; carried 6/0/0.

Chairman Weldon read the public hearing notice into the record. He noted there was no one in attendance in the audience. He then said there were three items left to deal with tonight, and turned it over to Planner Cullen for a discussion of each.

Article 3, §3.1.5.1, submission requirements for site plan review, item 13, regarding traffic impact analysis. Planner Cullen read her recommended replacement for the language in the proposed ordinance amendments, “For projects that generate more than 100 peak hour trips, a copy of the traffic impact analysis submitted to ME DOT, and if already approved, a copy of ME DOT’s approval.” The idea is to simplify what our submission requirements are, but it is necessary for the board to receive traffic information and not just take it at face value that DOT is going to address all of the local concerns through their permitting process. Chairman Weldon noted that this is essentially what the board has been requiring over the last few years.

Motion by Member Weatherbee to approve the proposed amendment to §3.1.5.1, item 13 as presented tonight; second by Member Davitt; motion carried by roll call vote 6/0/0.

Article 4, §4.6.2, dimensional requirements for cluster housing developments. Planner Cullen said the proposed tract sizes were questioned at the hearing on May 9th by Jim Kiser, he felt they were too large and would limit the availability of these provisions to property owners. She presented an analysis of the town’s GIS she had done which found 289 parcels in the Rural district over 20 acres, and 447 over 10 acres. In the Residential A and B districts (combined), she found there are 46 vacant parcels that are over 5 acres, and 64 over 2 acres. In the Town Center district (proposed, combination

of the two existing Village Commercial districts), she found there are only 10 parcels over 1 acre. Her conclusion and recommendation was that the tract size should be reduced in the Rural district to 10 acres, in the Residential A and B districts to 2 acres, and in the Town Center district to 0 (zero) acres.

The board discussed the merits of allowing more property owners to have the option to use the cluster housing provisions. Planner Cullen explained that cluster design can provide housing options with reduced outdoor maintenance responsibilities for homeowners (versus owning a separate lot of half-acre or more), and can provide more useable open space. She noted the proposed amendments to the cluster provisions only allow at most 50% of the open space to be wetlands, thus there will be useable open space for the residents of the development to enjoy. Members Wiltbank and Weatherbee both noted that the Comprehensive Plan encourages cluster development in order to increase housing diversity and housing options.

Motion by Member Davitt to approve the proposed amendment to §4.6.2 to reduce the minimum tract size to 10 acres in the Rural district, 2 acres in the Residential A and B districts, and 0 acres in the Town Center district; second by Member Austin; motion carried by roll call vote 6/0/0.

Article 4, §4.7.6, stormwater management. Chairman Weldon noted the discussions at the previous meeting led to the Town Planner preparing several alternatives for consideration. Planner Cullen noted she had received, as requested by the board last week, suggested language submitted by Jim Kiser. She also spoke with Ken Libbey at DEP and the town's MS4 consultant about the best way to handle this. In addition, she researched the regulations in Ellsworth, which had been noted by several people as possibly having some relevance to what we were looking for. She added that her understanding of the board's desire was to deal primarily with preventing stormwater runoff from impacting abutting properties.

There was an extensive discussion on this issue by the board, staff, and Jim Kiser, the main points were:

- Maine DEP reviewed certain applications for stormwater: for sites that disturb one acre or more, compliance with Chapter 500 water quality requirements is required, and for sites that disturb three acres or more, compliance with Chapter 500 quantity requirements is also required.
- If a site is within the watershed of an urban impaired stream, the DEP threshold for water quality compliance is lowered to 20,000 square feet.
- As with any regulation that includes a threshold, a lot of people try to stay just under the threshold to avoid the added expense of compliance.
- The proposed zoning ordinance amendments are meant to both clarify what the town requires for stormwater management (the current ordinance language is quite general) and also to provide protections for abutters to small site developments in regards to preventing excessive amounts of stormwater runoff from entering and potentially ponding on their land.
- The board's top priority is to prevent adverse impacts to abutting properties, and is also concerned about water quality issues.
- Developers will generally grumble about such a requirement (that goes beyond what DEP requires through Chapter 500) but rarely if ever decide against development because of such requirements.
- On particularly flat sites the costs could be significantly higher, if the whole site needs to be raised to accommodate elevation differences needed for some types of stormwater facilities.

- Staff recommends that whatever requirements are included be applicable town-wide and that we avoid having two sets of standards that apply to different geographic areas, particularly since one of those areas, the urbanized area, is changed every ten years by the US Census Bureau.

Since none of the options presented tonight hit the mark, the board took a five minute recess to allow staff to draft a new alternative. It is: "Any development required to obtain approval under site plan review that proposes a cumulative land disturbance of greater than 20,000 square feet and less than one acre (43,560 square feet) must comply with DEP Chapter 500 water quality requirements and provide post-development runoff locations and types that result in the same or less of an impact as those existing in the predevelopment condition. Post-development discharge points from a property shall be in the same general location and be of the same type (e.g. sheet flow, shallow concentrated flow) as the pre-development discharge locations and types or create an improvement to existing conditions. The applicant will provide the analysis, certified by a Maine registered professional engineer, necessary to document compliance. The permitting authority may authorize the use of stormwater drainage facilities located off site on privately owned land provided the applicant has obtained the right to use them and the powers necessary to ensure they will be properly maintained in good working order."

In addition, staff drafted the following to be added to §4.1.5.1, item 4: "Any development required to obtain approval under site plan review that proposes a cumulative land disturbance of greater than one acre will provide a copy of the submission documents made to Maine DEP for Chapter 500 compliance and if already approved a copy of the approval."

Motion by Member Wiltbank to approve the proposed amendments to §4.7.6 and §4.1.5.1 item 4 as written tonight; second by Member Austin; motion carried by roll call vote 6/0/0.

Chairman Weldon asked for any additional comments on anything in the proposed zoning ordinance, and hearing none, closed the public hearing at 8:15 pm.

Motion by Member Weatherbee to refer the proposed amendments to the Zoning Ordinance as submitted and modified during the Planning Board's public hearing to the Town Council with a recommendation "ought to pass"; second by Member Wiltbank; motion carried by roll call vote 6/0/0.

Chairman Weldon noted there will be two additional meetings on these amendments: June 6 at the Planning & Development Committee meeting, where it is up to the committee Chairman whether to take public comment, and at the June 18th public hearing at the Town Council meeting.

Motion by Member Davitt to adjourn the meeting at 8:20; second by Member Weatherbee; carried 6/0/0.