

Town of Hampden

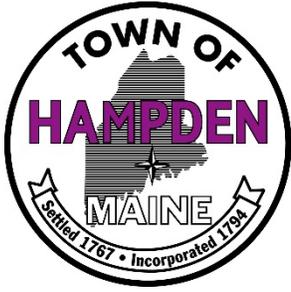
Planning Board

Tuesday, May 19, 2020, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Administrative
 - a. Minutes – April 14, 2020 regular meeting
2. New Business
 - a. Philip Libby – Minor Subdivision for a 2 lot subdivision at 177 Western Ave, parcel 30-0-003-A, in the Residential B district, to create one new lot for a single family home.
 - b. Michael Levesque – Minor Subdivision for a 4 lot subdivision on vacant land on Western Ave, parcels 07-0-014-B and 07-0-015-A, in the Rural district, to create four new lots for single family homes.
 - c. Nattapong Kongsuryia – Sketch plan for a 10 unit multi-family project on vacant land on Emerson Mill Road, parcel 08-0-056, in the Rural district.
3. Old Business – None
4. Planning Board Comment
5. Adjournment



Town of Hampden
Planning Board Meeting
Wednesday April 14, 2020

Minutes

This meeting was held via remote means (Google Meet) due to the Covid-19 Pandemic, in accordance with SP0789 / LD2167, An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency.

In Attendance:

Planning Board

Kelley Wiltbank, Chairman
Ladoiya Wells
Brent Wells
Gene Weldon
Jennifer Austin
Richard Tinsman

Staff

Karen Cullen, Town Planner
Ryan Carey, CEO
Jessica Rickman, Recording Clerk

Public

Brian Byrne
Jon Stewart

The meeting was called to order at 7:00 pm. Chairman Wiltbank explained that this meeting is being held remotely, with himself in the Council Chambers and everyone else via Google Meet, in accordance with the guidelines for the pandemic. He took attendance by roll call; all members listed above participating with both audio and video except Brent Wells who had audio only. Member Jake Armstrong was absent. It was established that all board members were able to hear and speak to all the other members. All staff and public participants could likewise hear and speak to all other participants.

1. Administrative

- a. Minutes – March 11, 2020 regular meeting

Motion: by member Gene Weldon to approve the minutes of the March 11, 2020 regular meeting with the correction of the spelling of Kelley Wiltbank's name on page 5, seconded by Richard Tinsman; motion carried 4/0/2 by roll call vote with Members Jennifer Austin and Ladoiya Wells abstaining.

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.

Kelley Wiltbank, Chair opened the Public Hearing at 7:05 p.m.

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Brian Byrne of ReVision, representing the applicant, presented the proposed plan:

- Located at the Good Shephard Food Bank which is their northeast operations hub.
- 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.
- 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.
- Access to the array is via a dirt drive from the parking lot to the gate at the south end of the array, and if needed due to existing ground conditions will be designed and constructed to support emergency vehicles. It is currently unknown whether the existing ground conditions will support such vehicles.
- This proposed project will provide 90-95% of their facilities energy load.

Questions:

Kelley Wiltbank, Chair asked if all the notices for the public hearing were sent out? Karen Cullen, Town Planner said yes.

Gene Weldon asked if ReVision Energy has any other solar panel arrays in Hampden? Brian Byrne said yes, at the Whitehouse Inn and HO Bouchard in Hampden.

Kelley Wiltbank, Chair asked if the application met the setback requirements? Karen Cullen, Town Planner said yes, the 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.

Gene Weldon asked how snow would affect the solar panels? Brian said that the snow would melt and slide off the panels because they are set at a 35-degree slope.

Opposition/Questions/Concerns? Kelley Wiltbank, Chair said that there was no public in attendance at the town or by remote means, so he closed the Public Hearing at 7:11 p.m.

Karen Cullen, Town Planner said that the application complied with everything in the zoning ordinance. There are two conditions in the draft Board Order:

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.* She said that this is similar to the condition placed on the White House solar array, which is adjacent to Route 95, and added that to her knowledge there has not been an issue at that location.

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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.

Discussion:

There was a discussion about the access drive to the solar array; the applicant had no additional information on the ground conditions and both he and the board agreed that condition #2 in the board order would handle the issue adequately.

Kelley Wiltbank, Chair asked if the Board had any other questions? The board did not.

Motion: Richard Tinsman moved to approve the site plan to install a solar array with the two conditions noted on the draft board order, seconded by Gene Weldon; The board voted by roll call and the motion carried 6/0/0.

- 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.

Jon Stewart of Plisga & Day, representing the applicant, presented the application:

- This application is to modify the boundary line between lots 2 and 3 of the original subdivision, approved in December of 1989.
- Covenants and rules created that limited construction of homes (setbacks, house size, etc.)
- The road was never completed and per agreement with the Town, lots 2 & 3 are merged, and lots 4 & 5 are merged
- Lots 4 and 5 sold to the Robbins daughter
- A house sits on lot 2 which has 2.176 acres, and an outbuilding is on lot 3; the outbuilding does not meet the setback required in the zoning ordinance.
- This proposal is to redraw the lot line between lots 2 and 3 so the outbuilding will meet the 30-foot setback.
- The owner of lots 2&3 is thinking of splitting that merged lot so they can be sold separately.

Karen Cullen, Town Planner said there is a condition that Lots 2 and 3 remain merged under the provisions of the amended restrictive covenants on file at the Penobscot County Registry of Deeds 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 current Subdivision Ordinance, with said amended plan.

Jon Stewart said that he talked to Mr. Robbins and apparently the road construction had begun but not completed. He does not think it will be any trouble to make it a private road. He is also aware that an engineer needs to be involved and another application made to the Planning Board. He wants to move ahead with this application.

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Karen Cullen, Town Planner said that the application will need to go to the board again if they want to change it to a private road.

Questions:

Jennifer Austin said that on Google Maps they consider this a driveway, but it still needs to be accepted as a road by the town. Karen Cullen, Town planner said only if lots 2 and 3 are to be divided (unmerged), and it could be done either as a public or private road.

Gene Weldon said he appreciated Mr. Robbins moving the lot line. He also asked if changing the road from public to private would require a public hearing? Karen Cullen, Town planner said yes, she thinks it would require a public hearing.

Motion: Gene Weldon moved to approve the minor revision to the subdivision with the condition noted in the drafted board order, seconded by Ladoiya Wells; The board voted by roll call and the motion carried 6/0/0.

3. Old Business –

Karen Cullen, Town Planner wanted to see how the board felt about the planned site visit for the Wicklow multi-family project on Monroe Road. She mentioned possibly waiting until the Planning Board can meet in person again. Kelley Wiltbank, Chair said they probably should do that unless the applicant is in a hurry. Karen Cullen, Town planner said that she would speak to Jim Kiser and get back to the board. *[Ed. note: Jim Kiser said they do not mind waiting for the site visit.]*

4. Planning Board Comment

Gene Weldon said that Kelley Wiltbank was doing a good job as Chair.
No other comments

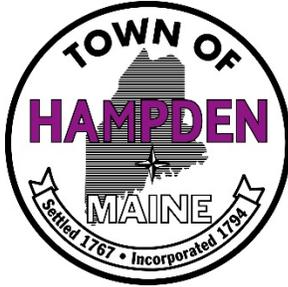
5. Adjournment

Motion: Gene Weldon moved to adjourn the meeting at 7:44 pm, seconded by Richard Tinsman; motion carried by roll call vote 6/0/0.

Respectfully submitted by Jessica Rickman,
CED Administrative Asst.

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Town Planner
planner@hampdenmaine.gov



Report
Private Road Subdivision Plan
Phillip Libby

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: April 28, 2020
RE: Report on Application for two lot subdivision on Western Ave

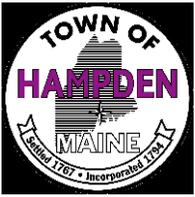
This application is for a two lot private road subdivision plan under the provisions of Section 345 of the Subdivision Ordinance, to allow the creation of one new building lot with a private road right-of-way which will provide the required frontage for both the existing lot and the proposed new lot.

The narrative from Mr. Libby was prepared prior to the last set of modifications to the plan, so some additional explanation is needed. The current parcel (see attached aerial but note my red lines are a little off, the subdivision includes the skinny strip to the west of the larger parcel) wraps around another parcel (30-0-002) and has 96.8 feet of frontage to the west of the out-parcel and 76.35 feet of frontage to the east of that parcel. The minimum frontage required for these parcels is 125 feet since they are in the Residential B district but served by on-site wastewater disposal. In order to meet the minimum frontage requirement, a new road right-of-way is proposed from Western Ave along the east side of the out-parcel. This will provide 284.49 feet of frontage for the existing house lot and 126 feet of frontage for the proposed new house lot to the south.

A waiver has been requested pursuant to Article 600 of the Subdivision Ordinance to §554.1, the requirement for the private road right-of-way to be 66 feet wide. Based on the geometry of the parcels, the right-of-way is 66 feet wide in all areas except one stretch of approximately 55 feet near the southeastern corner of the out-parcel. Staff supports this waiver request since there is still sufficient room for a new private road to be built without impacting the abutting parcels.

The applicant states in his narrative that the expense of creating a new private road is cost prohibitive since only one new house is proposed. Therefore, the access to the new house is proposed to be via an access easement across the existing driveway to the existing house and then extending southerly to the new building site. This is along the western boundary of the parcel. In the event any additional development would ever be proposed, a new roadway would be constructed.

Staff has reviewed the proposal and the applicant has made all revisions needed. The application is complete and is in compliance with all provisions of the zoning and subdivision ordinances, providing the waiver is granted. A draft Board Order is attached.



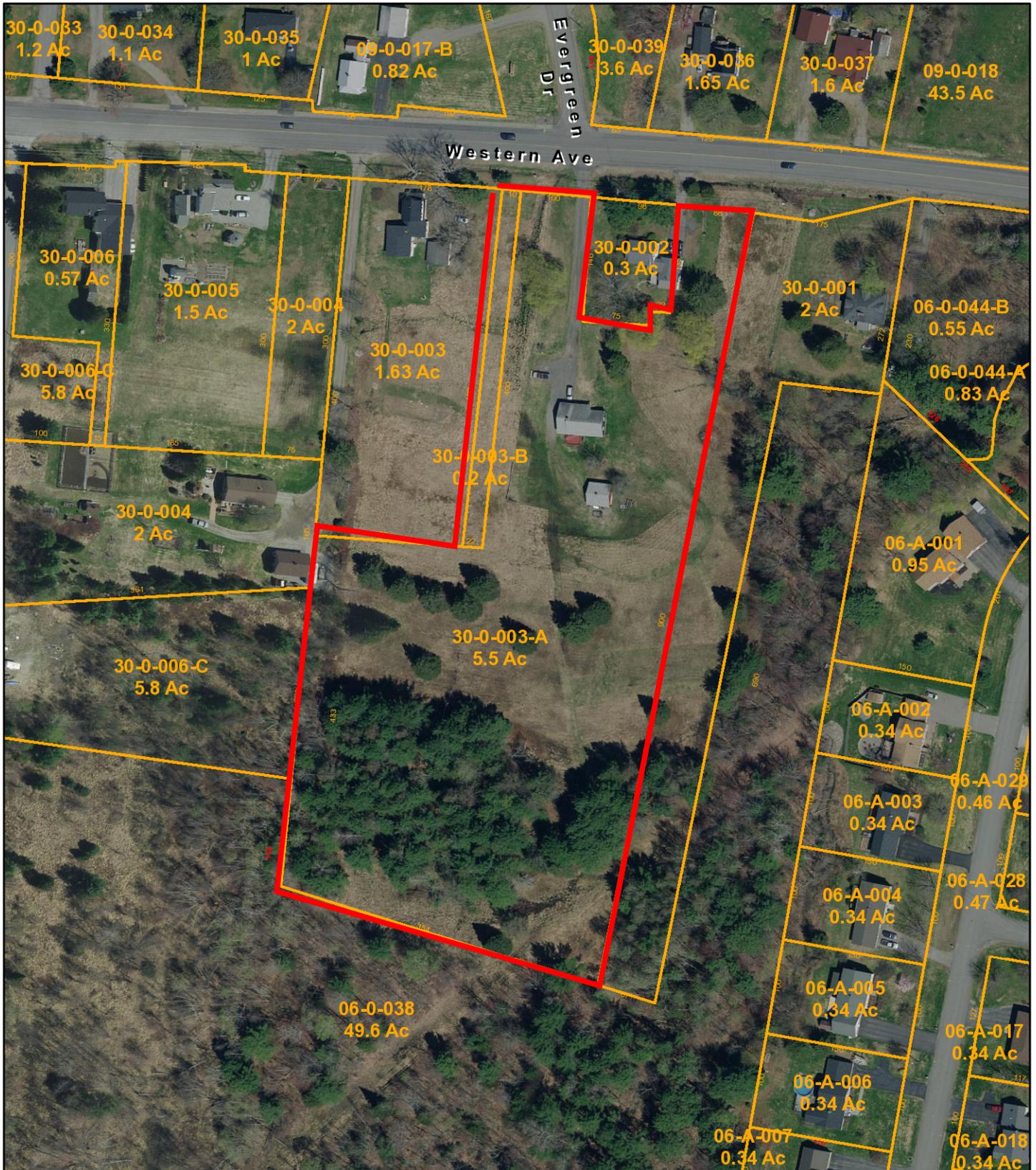
Phillip Libby Subdivision

Western Ave

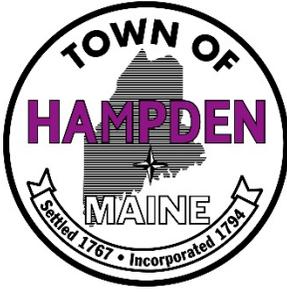
1 inch = 150 Feet



February 5, 2020



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Town of Hampden
Land & Building Services

Planning Board Order
Philip Libby Subdivision

Approval Date: May 19, 2020

Project Name: Philip Libby Subdivision

Location of Project: Western Ave

Assessor's Reference: 30-0-003-A and 30-0-003-B

Deed Reference: B14213/P133

Zoning District: Residential B

Total Acreage: 5.42 acres

Type of Use: Subdivision for residential use

Applicant: Philip and Rosanna Libby
2127 Carmel Road North
Newburgh, ME 04444

Owner: Same as Applicant

Plans Prepared by: Plisga & Day Land Surveyors

Plans Dated: January 24, 2020

Application Date: January 27, 2020

Public Meeting: May 19, 2020

PB Members:¹ Kelley Wiltbank, Eugene Weldon, Richard Tinsman, Jennifer Austin,
Jake Armstrong, Brent Wells, and Ladoiya Wells

PB Action: _____ . This Subdivision is _____ under Section 345 of the
Hampden Subdivision Ordinance.

¹ Planning Board Members who were appointed to vote on this case.

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Summary Description of Application: This application is to subdivide a 5.5 acre parcel on Western Ave in Hampden to create two lots for residential development (one new building lot), each with frontage on a proposed new road right-of-way. Access to the new building lot is proposed to be via an access easement on the western boundary of the parcel.

Waivers:

1. To Section 544 item 1 of the Subdivision Ordinance requiring a minimum right-of-way width of 66 feet; the proposal provides 66 feet throughout most of the proposed right-of-way but narrows to 60.25 feet for approximately 55 feet near the southeastern corner of the out-parcel (30-0-002). The Board finds that this still provides adequate space for a private road to be constructed without undue impact on abutting properties.

Findings: After the public hearing duly noticed and held, the Hampden Planning Board made the following findings as required by Article 500 of the Subdivision Ordinance:

- 511 The proposed subdivision meets the provisions of all applicable regulations and ordinances of the Town of Hampden and meets the intent of the comprehensive plan.
- 512 The proposed subdivision includes sufficient land area that is developable on each of the two building lots.
- 521 The proposed lot layout allows for future construction of homes that will comply with the requirements of the Zoning Ordinance with no foreseeable difficulties as a result of natural conditions.
- 522 The proposed lot layout provides side lines that are within 20 degrees of right angles to the street.
- 524 The required lot frontage can be met for each building lot since it is on a proposed private road right-of-way; while the current proposal is for access to be via an easement across an existing driveway on the parcel, the opportunity for building a new road to the standards required for private roads in the subdivision ordinance in effect at the time exists.

Furthermore, the Board finds that the proposed subdivision will not create any adverse impact on the public's health, safety, and general welfare.

Based on these findings and the granting of the requested waiver, the Hampden Planning Board voted _____ to _____ the Subdivision for Philip Libby to subdivide the 5.5 acre parcel as previously described.

[Continued on the next page.]

For the Hampden Planning Board:

Kelley Wiltbank, Chairman

Date

Richard Tinsman

Eugene Weldon

Jennifer Austin

Jake Armstrong

Brent Wells

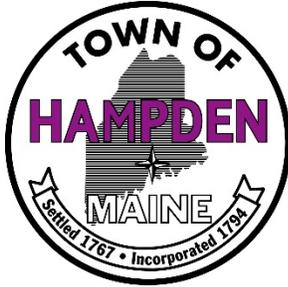
Ladoiya Wells

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

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Town Planner
planner@hampdenmaine.gov



Report
Final Plan – Minor Subdivision
Michael Levesque, Western Ave.

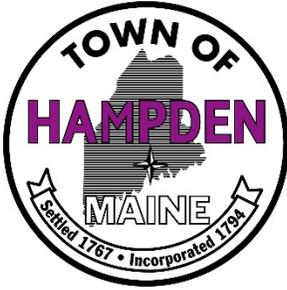
To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: April 27, 2020
RE: Report on Application for a minor subdivision on Western Ave.

This final plan is for a minor subdivision under the provisions of Section 340 of the Subdivision Ordinance. A sketch plan was presented to the Board at the March 17, 2020 meeting when it was classified as a minor subdivision. The proposed subdivision creates 3 new single family house lots (total of 4 lots) and does not create any new roads or other public infrastructure, thus it is a minor subdivision. Each lot has frontage on Western Ave. The site is within the Rural district.

The attached aerial shows the parcel lines from our tax maps, showing where this subdivision is proposed. Note that the line at the southwesterly boundary (between 15 and 15-A) has been modified through a boundary line adjustment when a previous sale found the building to have been constructed on the wrong parcel – this has no impact on the proposed subdivision. Also note that the proposal includes a transfer to an abutter, which doesn't constitute another lot under the definition of subdivision.

Staff has reviewed the application and has found it complies with the zoning and subdivision ordinances, for both submission requirements and approval criteria, with two exceptions: the signature of the surveyor is not on the plan, and the four driveway entrance permits must be issued by ME DOT (per Title 30-A §4404[5]) prior to Planning Board approval. If the applicant provides the final plan with the surveyor signature and the DOT permits by the date of the meeting (May 19), the Board can approve it. A draft Board Order is attached.

Note: In my research into subdivisions approved in the past, I have found some instances where the Board included in their vote to approve a subdivision the term "single family," implying the subdivision was to be restricted to single family development. When an application states the purpose of the subdivision is for single family homes, if the Board (with the concurrence of the applicant) intends that to be a permanent restriction, then a condition of the approval should be included in the vote stating that is the case. Otherwise, once approved, each lot in the subdivision can be developed with any use allowed in the district in accordance with the zoning ordinance. I am not suggesting that should be done for this subdivision, I simply want to bring it to your attention. In addition, many subdivisions approved in the past included covenants and restrictions addressing both uses and dimensional standards applicable to the lots within the subdivision. None are proposed for this subdivision.



Town of Hampden
Land & Building Services
Planning Board Order
Levesque Minor Subdivision

Approval Date: May 19, 2020

Project Name: Michael Levesque Subdivision

Location of Project: Western Avenue

Assessor's Reference: 07-0-014-B and 07-0-015-A

Zoning District: Rural

Total Acreage: 12.20 ac

Type of Use: Single family residential subdivision

Number of Lots: 4

Applicant: Michael Levesque
PO Box 747
Hampden, Maine 04444

Owner: Same as Applicant

Plans Prepared by: Kiser & Kiser

Plans Dated: April 16, 2020

Application Date: April 21, 2020

Public Meeting: May 19, 2020

PB Members:¹ Kelley Wiltbank, Richard Tinsman, Eugene Weldon, Jennifer Austin,
Ladoiya Wells, Brent Wells, and Jake Armstrong

PB Action: _____. This Minor Subdivision Plan is _____ under Section 342 of
the Hampden Subdivision Ordinance.

¹ Planning Board Members who were appointed to vote on this case.

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Summary Description of Application: This application is to divide parcel 07-0-015-A and a portion of parcel 07-0-014-B to create a total of 4 lots for single family development. Each lot meets the dimensional requirements of the zoning ordinance and will have a driveway to Western Avenue. Each lot will be served by a private well and an on-site sewage disposal system.

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 _____ the Michael Levesque Subdivision Plan.

Conditions:

For the Hampden Planning Board:

Kelley Wiltbank, Chairman

Date

Richard Tinsman

Eugene Weldon

Jennifer Austin

Brent Wells

Ladoiya Wells

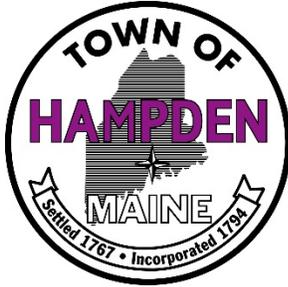
Jake Armstrong

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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Town Planner
planner@hampdenmaine.gov



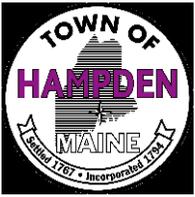
Report
Sketch Plan
Emerson Mill Development

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: April 28, 2020
RE: Report on Application for Sketch Plan for a multi-family development on Emerson Mill Road

This application is for a sketch plan for a new multi-family project on Emerson Mill Road in the Rural district. The proposal submitted shows ten units in two buildings, which is not permitted per §3.2.1.2 which limits the number of units in a single building in the Rural district to a maximum of four. I have spoken with Jim Kiser about this and he indicated they will modify the proposal to have two 4-unit buildings and one 2-unit building, for a total of 10 units.

This parcel (08-0-056) is vacant and is adjacent to Camp G. Peirce Webber (formerly known as Camp Prentiss), a day camp run by the Bangor Area YMCA. The land slopes uphill from the entrance to the camp, the hill running perpendicular to the road. The sketch plan shows separate driveway entrances for the buildings; the DPW Director recommends there be only one entrance to the development and advises there may be issues with sight distance due to the hill. The project will be served by private wells and private on-site sewage disposal systems. Water supply for fire suppression will need to be established; it may be possible to use the Souadabscook Stream for this, the applicant will need to work with the Fire Department on this.

The only action needed by the Planning Board at this time is to classify the subdivision; with 10 units it is a major subdivision. A major site plan application will be submitted along with a final major subdivision plan application.



Emerson Mill Development

Kongsuriya

1 inch = 150 Feet



April 27, 2020



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