

Town of Hampden
Planning Board Meeting
Wednesday June 10, 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
Gene Weldon
Richard Tinsman

Staff

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

Public

Jim Kiser

The meeting was called to order at 7:00 pm. Chairman Wiltbank explained that this meeting is being held remotely, with himself and Richard Tinsman 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. 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 – May 19, 2020 regular meeting

Motion: by member Richard Tinsman to approve the minutes of the May 19, 2020 regular meeting, seconded by Ladoiya Wells; motion carried 4/0/0 by roll call vote.

2. New Business

- a. Bacon – Public Hearing for a Major Site Plan to construct a new self-service storage facility consisting of three buildings on property located at 271 Western Ave, parcel 29-0-011, in the Business district. Chairman Wiltbank opened the hearing at 7:02 pm after confirmation that the hearing was duly noticed.

Jim Kiser, representing the applicant, presented the proposed plan:

- This project is a self-storage facility located on Western Avenue. It is directly across the street from the old redemption center, just before you get to the railroad tracks as you are heading out of town
- The property is almost two acres in size.
- We are proposing to build three single story self-storage buildings, which will total a little over 12,000 square feet in size.
- Creating 33,940 square feet (.78 acre) of impervious area.
- We have laid it out to utilize the existing access on the property, which was the driveway for the former house (now demolished). The front portion of the site is pretty much open field, and old lawn area.
- There is an existing septic system on the property, which will be removed during construction activities.
- Under section 4.7.6 of the Zoning ordinance, this project requires compliance with the stormwater treatment criteria under Chapter 500. It also requires a stormwater Permit by Rule from DEP. The stormwater design for the site includes two filter basins, we're directing pretty much all of the runoff from the proposed development area to those two basins to be treated and then discharged towards the rear of the property, which is a large swale and a stream that runs down and under Mayo Road. The filter beds will treat over 95% of the impervious area and 80% of the total development area.
- The overall development will require buffers along the one property line where the parcel directly abuts the residential district adjacent to us on the town side. We are proposing to install a fence along that property border.
- There is an existing row of trees going down that side of the property, most of them are on the abutters property but do overhang onto our property. Those are all serving currently as a good buffer for the property.
- We have applied for and received a wetland permit for alterations of wetlands on site.
- We have received the DOT entrance permit for access into the site.

Kelley Wiltbank mentioned that there was no one to speak positively for the application so, we will now switch over to anybody who wants to speak negatively. There is no one here but we have received a letter from an abutter that Karen Cullen, Town Planner read into the record (see Exhibit 1). This is from the direct abutter to the east of the property, Barbara Lawrence. Her concerns are:

1. what course of action can I take for excess water that goes to my front lawn and possibly through my basement? Will the town take responsibility for any flooding on my property from the storage unit property?
2. I do not want to see any lights in the evening. Is it possible that all lighting be motion activated?
3. Will the Hampden Police Department be responsible for any people hanging around, noise and any other disturbances?
4. If the large maple trees planted directly on my property line are damaged from a storm/snow/dying and fall on a storage unit, I want to be free from any financial liability regarding the removal of the trees/branches and any damage to the unit or units and/or contents of such and presented such in writing.

5. The buffer should include hedge cedars at the edge of the pavement to cut down on my visibility of the storage units.

Kelley Wiltbank closed the public hearing at 7:11 pm since there was no one else to speak on the application.

Dick Tinsman asked if the applicant would like to respond to the letter that was just read into the record? Specifically, the noise, lights, and all the questions that were raised?

Jim Kiser responded:

- described the stormwater management design and said it should reduce the total amount of water going on to that property. In addition to the filter beds, the modifications to the site along Western Ave should keep stormwater from the road in the right-of-way, further reducing impacts on Ms. Lawrence's property.
- There are two security lights proposed, to aid the Police in observing the area on their patrols. Rather than shutting them off during the night we can provide dimmers on them to reduce the intensity at night. One light is located on the street side of the buildings and the other is located on the back of the property.
- Hampden Police are responsible for dealing with people loitering on the property.
- We do plan to retain the large maple trees, which are in a healthy condition. Any damage would be covered by property owners insurance.
- In regards to the buffer, the abutter requests planting cedars but we are proposing a fence, which is more durable and doesn't get eaten by deer during the wintertime.

Discussion points:

- Whether there will be security fencing around the storage units; Jim Kiser said not at this time. The units will be accessible 24/7.
- There have been some discrepancies on the acreage of the site; Jim Kiser said it is 1.96 acres.
- Whether the proposed fence counts as landscape buffer; board members felt it did.
- Hazardous materials cannot be stored inside any unit or anywhere on the site; Jim Kiser said this will be part of the rental agreement for each unit.
- Whether there should be buffer landscaping along a portion of the Western Ave frontage to buffer the residence on the other side of the road. Jim Kiser felt properties on the other side of a road did not need to be buffered, and the applicant wants the storage units to be visible to passing drivers.
- It was noted the vegetation is deciduous and will not provide buffering in winter.
- Discussion of planting vegetated buffer in a wetland.
- Further discussion on buffering; Jim Kiser agreed to move the fence up the slope closer to the pavement to increase the overall height of the fence to better block the view of the storage units for the abutter.
- No outdoor storage (of vehicles, camping trailers, boats, etc.) is proposed for this site.

Motion by Richard Tinsman to approve the major site plan for Jeffrey and Trudy Bacon to construct the Western Ave Self-Storage facility at 271 Western Ave as submitted and based on the findings in the draft Board Order and the representations made by the applicant tonight, with the following conditions:

1. That trees or shrubs (or both) be planted along the frontage of Western Avenue and the north eastern corner to tie into the proposed fencing buffer to provide screening of the project, to minimize the visual impact from the public way and to the neighboring residential property to the east. A Landscaping Plan must be submitted and approved by the Hampden Code Enforcement Officer prior to the issuance of any Building Permit.
2. That no hazardous substances be stored within any unit in the facility. A copy of the rental agreement stating this restriction must be submitted to the Hampden Code Enforcement Officer for approval prior to the issuance of any Building Permit.
3. That the eastern boundary fencing be moved to near the top of the proposed berm (near the proposed 140' elevation), as represented by the applicant at the meeting, to minimize the visual impact to the adjacent residential property.

The motion was seconded by Ladoiya Wells; motion carried 4/0/0 by roll call vote.

[Ed. note: the following three items are explained in a memo, attached as Exhibit 2, from Planner Cullen dated May 28, 2020.]

- b. Stearns Farm – Request for extension of the Preliminary Subdivision Plan approval granted by default on January 10, 2020.

Motion: Dick Tinsman moved that we approve the requested extension of the preliminary plan approval for Stearns Farm to December 9, 2020; seconded by Ladoiya Wells; motion carried 4/0/0 by roll call vote.

- c. Honey Hill Estates – Request for a second extension of the Preliminary Subdivision Plan approval granted on July 16, 2019 and extended to July 16, 2020.

Motion: Dick Tinsman moved that we approve the requested extension of the preliminary plan approval for Honey Hill Estates to December 9, 2020; seconded by Ladoiya Wells; motion carried 4/0/0 by roll call vote.

- d. Lupine Meadow – Reapproval and re-signing of the Final Subdivision Plan.

Motion: Dick Tinsman moved that we reapprove the plan; seconded by Ladoiya Wells; motion carried 4/0/0 by roll call vote.

3. Old Business –

Karen Cullen, Town Planner mentioned that she included a project report that was requested by the Planning Board in the last meeting. She said it was a collaboration between herself and Ryan Carey the Code Enforcement Officer. She said she will keep this up to date and put it into the

planning board packets each month. She also mentioned that she sent out an email to the board with materials for the workshop meeting for June 16th. She said during the meeting we will be going over proposed zoning amendments and a packet of materials that went to the Town Council on the Marijuana Ordinance.

4. Planning Board Comment

Gene Weldon mentioned he will be traveling next week and may not be able to participate in the workshop. Karen Cullen asked that if he had any comments to email them beforehand.

5. Adjournment

Motion: Dick Tinsman moved to adjourn the meeting at 8:12 pm, seconded by Ladoiya Wells; motion carried by roll call vote 4/0/0.

*Respectfully submitted by Jessica Rickman,
CED Administrative Asst.*

Exhibit 1

Barbara Lawrence

June 9, 2020

261 Western Avenue

Hampden, ME 04444

To whom it may concern:

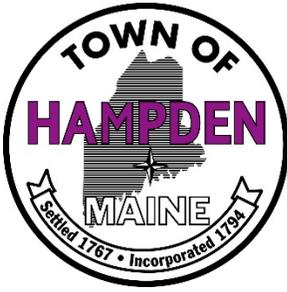
I have some concerns regarding the storage units that are going to be built beside me.

1. If any water goes past their run off system, what course of action can I take for excess water that goes to my upper and lower front lawns and possibly through my basement? Will the town take responsibility when/if my lawns get flooded from the storage unit property? Currently, each spring, the water from the storage unit property causes my abutting front lawn to be soft. If you add an impervious surface, I am afraid even more water will come onto my property. My home is one of the original Hampden homes and has a dirt basement and I do not want any damage whatsoever. Currently in spring I do get a lot of water running through the cellar and the sump pump takes care of it. If this increases because of the pavement, is it possible that either the Town of Hampden or the owner of the storage units will agree to financially upgrade my system such that this does not happen.
2. Lights - I do not want to see any lights in the evening - I have lived here for over 44 years and have never had an issue with excess light coming into my house and I don't want it now. Is it possible, as the units are going to be self-serve, that all lighting be motion activated?
3. Will the Hampden Police Department be responsible for any people hanging around, noise, and any other disturbances?
4. There are several large maple trees planted directly on the property line. If these trees are damaged from a storm/snow/dying and fall on a storage unit, I want to be free from any financial liability regarding the removal of the tree/branches and any damage to a unit or units and/or contents of such and presented such in writing.
5. It would be a plus if owner of the unit plant hedge cedars at the edge of the pavement to cut down on my visibility of storage units. This hedge would need to be planted from the front beginning of the pavement to the rear of the pavement. Any land on my side of the hedge to the property line would also need to be mowed on a regular basis.

Thank you.

A handwritten signature in black ink that reads "Barbara Lawrence". The signature is written in a cursive, flowing style with a large initial "B" and "L".

Exhibit 2



Town of Hampden

Town Planner

Memorandum

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: May 28, 2020
RE: Requests for Extensions and Re-signing an Approved Plan

The June Planning Board meeting includes three items which are due at least in part to the Coronavirus Pandemic which began earlier this year. All three of them have my support:

1. Extension of approval of the Preliminary Subdivision Plan for Stearns Farm. This application was heard at a public hearing last year and the hearing was closed on December 11, 2019. The Board did not make a decision that night. Per section 332.1 item 7 of the Subdivision Ordinance, the preliminary plan was approved by default 30 days after the close of the hearing, or January 10, 2020. Per section 332.1 item 1 of the Subdivision Ordinance, the Final Plan must be submitted no later than July 10, 2020, or the preliminary plan process must be re-done. Jim Kiser, on behalf of Stanley and Sean MacMillan, is requesting an extension of the Preliminary Plan approval until December 9, 2020.
2. Extension of approval of the Preliminary Subdivision Plan for Honey Hill Estates. This application was heard at a public hearing last year, which was closed on July 16, 2019 at which time the Board approved the Preliminary Plan. On December 11, 2019 the Board approved an extension of this approval to July 16, 2020. Jim Kiser, on behalf of R&B Development, LLC, is requesting a second extension of the Preliminary Plan approval until December 9, 2020.
3. Re-approval vote and re-signing the Lupine Meadow Subdivision Plan. This subdivision and site plan application was heard at a public hearing on February 12, 2020 at which time the hearing was closed and the Board approved the application. The final subdivision plan was to be recorded at the registry of deeds within 90 days (May 12, 2020) per section 332.1 item 11 of the Subdivision Ordinance. Due to the pandemic, the Board was unable to sign the subdivision plan to allow recording at the registry within that time frame. In order to prevent legal issues in the future, Jim Kiser, on behalf of T&M Contractors, is requesting that the Board re-approve the plan (for clarity) and re-sign the subdivision plan.