

Town of Hampden

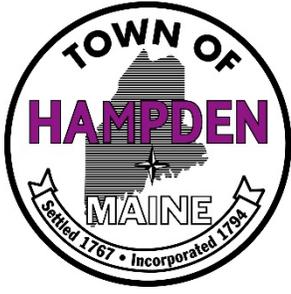
Planning Board

Wednesday June 14, 2017, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Administrative
 - a. Minutes – May 10, 2017
2. Old Business – None
3. New Business
 - a. Public Hearing, Preliminary Subdivision Plan: Kiser & Kiser for The Cushing Family Trust. Proposed 11 lot subdivision with a new cul-de-sac off Constitution Ave, with the reconfiguration of two existing lots on Constitution Ave, on a portion of parcel 06-0-041-A and on parcels 06-A-056 and 06-A-058. This is Phase 3 of the Colonial Heights development.
 - b. Public Hearing, Conditional Use: Tricia Carver for conversion of an existing single family house located at 11 Ballfield Road to a two-family dwelling, under the provisions of §3.7.6 of the Hampden Zoning Ordinance, in the Residential A district.
 - c. Amendment to Subdivision Approval: River View Heights (Perkins Drive), to remove the condition requiring Lot 3 to have a site plan with the building permit.
4. Ordinance Committee Report
5. Staff Report
6. Planning Board Comments
7. Adjournment



Town of Hampden

Planning Board

Wednesday May 10, 2017, 7:00 pm

Municipal Building Council Chambers

Minutes

In Attendance:

Planning Board

Gene Weldon, Chair
Peter Weatherbee
Michael Avery
Jim Davitt

Staff & Others

Karen Cullen, AICP, Town Planner
Myles Block, CEO

Dennis Marble, Town Councilor
Allison Berube

Chairman Weldon called the meeting to order at 7:00 pm. He noted that the meeting is not being televised tonight due to the AV staff being absent.

1. Administrative

- a. Minutes of April 12, 2017 meeting: **Motion** by Member Avery to approve as submitted; second by Member Davitt, carried 4/0/0.
- b. Recommendation to Town Council on filling the vacant seat on the Board. Discussion on attendance record of the two alternates and the Board's rules which state that failure to attend three consecutive regular meetings or six meetings in a year without being excused by the Board is to forfeit their seat on the Board. **Motion** by Member Avery to recommend to Town Council that Alternate Member Tom Dorrity be appointed as a full member of the Planning Board; second by Member Weatherbee; carried 4/0/0.

2. Old Business:

- a. Zoning Amendment – Accessory Apartments.

Planner Cullen gave an explanation of why this amendment is before the Board again, and a summary of the staff recommendations at this point:

- A public hearing, duly noticed in the Bangor Daily News and Hampden's website, was held by the Planning Board on April 12, 2017. The Board voted unanimously to refer to Town Council for hearing and adoption with a recommendation of "ought to pass." No one from the public was present.
- Town Council had a public hearing on May 1, 2017, at which testimony was presented by CEO Block and by Allison Berube, requesting several changes to the amendments under consideration. This prompted the Council to continue their hearing to May 15, 2017. Since the Planning Board was meeting between these two dates, Council requested the Planning Board to take a look at it and offer their suggestions regarding the potential changes to the amendments.

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- There are three changes being sought: allow accessory units in detached accessory structures, eliminate the 800 square foot maximum size of an accessory unit, and allow two bedrooms instead of just one.
- Reasoning for allowing in detached structures: make use of underutilized space, several such requests are made each year, and no evidence these units create nuisance problems in a neighborhood.
- Reasoning for eliminating the 800 square foot limit: using the 40% rule will ensure the unit remains subordinate to the primary dwelling, allows larger unit (than 800 square feet) where the single family house is over 2,000 square feet in size.
- Reasoning for allowing two bedrooms: more practical for elderly couples to allow sleeping in separate rooms when one becomes ill, or to allow for 24 hour care during the end stages of life.
- Potential ramifications: accessory unit becoming a nuisance to the neighborhood, but this should be rare since most property owners will not allow problem tenants to remain and risk their investment; in cases where the single family home is very large (e.g. 3000 sq. ft.), the accessory unit can be as large as a "standard" house (e.g. 1200 sq. ft.), giving the appearance of a two family property and not a single family property. In such cases, the Planning Board has the authority to set conditions on the conditional use permit to limit the potential for nuisance problems.

Discussion of proposed change to allow in detached accessory structures:

- Member Weatherbee noted this was in the original draft of the proposed amendments. The Board agreed there was no strong opposition but they thought it would be more difficult to maintain the appearance of a single family home if they are allowed in detached structures.
- CEO Block noted that the Board will need to ensure any proposals maintain the appearance of the garage or whatever accessory structure the unit is proposed in.
- Planner Cullen reiterated the property owner must live in one of the two units, and she added the Board should make that a condition of approval for all such permits, to enable Code Enforcement to enforce the provision should problems arise.

Motion by Member Weatherbee to recommend to Town Council that they accept the modifications suggested by CEO Block in his April 25, 2017 letter regarding allowing accessory dwelling units in accessory structures; second by Member Davitt; carried 4/0/0.

Discussion of proposed changes to §4.25.2.4, to eliminate the 800 square foot limit and to increase the number of bedrooms from one to two:

- The Board is in agreement that the 800 square foot limit can be eliminated as long as the 40% limit remains; the unit will still remain subordinate to the single family unit. The Board also has no objections to allowing two bedrooms, noting the reasoning given by Planner Cullen makes sense.

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- Ms. Berube offered her opinion that this violates the Fair Housing Act because it discriminates against families. The Board disagreed; Member Weatherbee said the FHA prohibits discrimination against a class of people such as group homes. He said the accessory apartment amendment is not discriminating against anyone, it is offering an opportunity to homeowners.
- The Board felt it might be useful to have the Town Attorney review the proposed amendment in light of the Fair Housing Act to ensure there are no violations.

Motion by Member Avery to recommend to Town Council that section 4.25.2.4 be modified to strike out “and shall be no greater than 800 square feet” and to change one bedroom to two bedroom, and furthermore to recommend that the Town Attorney review the proposed amendments in relation to the Fair Housing Act; second by Member Davitt; carried 4/0/0.

Motion by Member Avery to refer these amendments on accessory apartments back to Town Council as modified above with a recommendation “ought to pass”; second by Member Weatherbee; carried 4/0/0.

3. New Business

- a. Zoning Ordinance Amendment - §5.3, Permits; in relation to Certificate of Occupancy and Certificate of Compliance.

Planner Cullen gave a brief summary of the proposed amendments, stating that it came to light recently when it was found that a business moving into a commercial space vacated by another business was required to obtain a Certificate of Compliance. The current language is confusing and inconsistent with the Building Code and standard practice. Normally a Certificate of Compliance is issued at the end of the process of creating a new development that required a site plan, while a Certificate of Occupancy is issued at the end of the process of constructing a new building (residential or non-residential). The proposed amendments strive to draw that distinction and make it clear what the process is for each type of certificate.

CEO Block agreed and said this will streamline the process and clear up confusion. The Board agreed that this makes sense and the language is clear.

Motion by Member Avery that the Board, acting as the Ordinance Committee, refer the proposed amendments to the Planning Board for public hearing for the June 2017 regularly scheduled meeting; second by Member Davitt; carried 4/0/0.

Planner Cullen noted she will search the entire Zoning Ordinance to search for all references to certificate of occupancy or certificate of compliance.

4. Staff report: Planner Cullen noted that the Town Council has adopted a resolution on recreational marijuana stating their intention is to prohibit retail sales and social clubs, and to allow the three other uses (cultivation, manufacture of products, and testing). She noted there is a timeline in it; in July staff will bring forth their recommendations on how to deal with the various issues (zoning and licensing), and in October regulations will be proposed. Since the state rules will not be done by

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then, she noted the amendment process will take a number of months to be certain what Hampden adopts is consistent with the state rules.

Planner Cullen noted there will be an Ordinance Committee meeting on Tuesday the 16th to review amendments being drafted for Article 3, primarily the use table and a dimensional table. These are precursors to eventual amendments for a town center district. In addition, there is an amendment dealing with definitions that will be reviewed by the Committee.

5. Planning Board Comments: Several Board members noted that Planner Cullen is doing an excellent job with the zoning ordinance amendments.

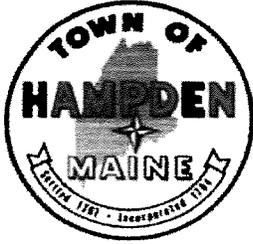
The meeting was adjourned at 8:20 pm by motion of Member Davitt with second by Member Avery; motion carried 4/0/0.

Respectfully submitted by Karen Cullen, Town Planner

Materials reviewed or handed out at the meeting:

- Proposed zoning amendment for accessory apartments, with additional modifications
- Proposed zoning amendment to §5.3, Permits

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TOWN OF HAMPDEN

SUBDIVISION APPLICATION

- Name of Landowner: The Cushing Family Corporation
- Name of Subdivider: Same
- Address of Subdivider: PO Box 211, Hampden, ME 04444
- Telephone 745-6776 Date of Application 11 April 17
- Location of Proposed Subdivision: Constitution Ave

at lots 56 & 58 Map # 6/6A Lot # 41A/56

- Subdivision Size: 6.1 Acres
- Proposed Number of Lots: 11 8. Zoning Res B
- Subdivision to be submitted as X Whole Partial
- Indicate which of the following items shall be incorporated into the subdivision by a check mark.

<u>X</u>	Roads (private)	<u> </u>	Culverts
<u> </u>	Sidewalks	<u>X</u>	Domestic Water
<u>X</u>	Sanitary Sewer	<u>X</u>	Utility Poles
<u>X</u>	Storm Drains	<u> </u>	Plantings (trees, shrubs)
<u> </u>	None of the above	<u> </u>	

- Type of existing land cover (%) Open 100 Partially Wooded
 Wooded

- Name of Registered Land Surveyor or Registered Engineer hired, or to be hired, by the subdivider for necessary field work and drafting of subdivision plans.

NAME James Kiser, PE

MAILING ADDRESS Kiser & Kiser Company, PO Box 282

CITY Hampden STATE ME ZIP 04444

Fees subject to Subdivision Ordinance

- Signature of Subdivider  (agent)

NOTE: for full application, please visit the Land & Building Services office in the Town Office Building, 106 Western Ave, Hampden ME.



11 April 17

Karen Cullen
Town Planner
Town of Hampden
106 Western Ave
Hampden, ME 04444

Preliminary Plan Application, Colonial Heights Phase 3

Dear Karen,

On behalf of The Cushing Family Corp, we are submitting this Preliminary Subdivision application for review and discussion with the Planning Board. The attached plan and supporting data consists of accessing their Mayo Road property, tax map 6, lot 41A from Constitution Ave. The access will reconfigure lots 56 and 58 of phase 2 of Colonial Heights on Constitution Ave and construct a new road to serve 11 new lots. The total new land added to the development is approximately 6 ac and the new road is designed as to prevent future use as a through road from Mayo Road. The road will not provide enough land width to extend the road but will provide access to the remaining land for utilities and non-vehicular travel.

The lots will average approximately 22,200± sf to 34,800± sf. The homes are expected to be very similar to the houses constructed in phase 2 of Colonial Heights and will have similar restrictive covenants. Each lot will be served by public water and sewer through extensions from Constitution Ave. The utilities are design to provide for extension into remaining land of the applicant. Storm drains are located on the higher side of the road and are designed to provide for foundation drains new homes to access the drain lines. The Reeds Brook side lots have slopes to allow foundation drains to daylight to the rear of the home.

The new road, Freedom Way, will be 950'± long and end in a solid center cul-de-sac. Freedom Way was classified as a minor road by the planning board and will serve only the lots fronting on the roadway.

The project has applied for a NRPA Wetland permit amendment to increase the total impact area from development of phase 2 and phase 3 to a total of 28,965± sf. This phase of the project will impact an estimated 16,305 sf of wetland. As part of the DEP permit, the applicant is required to compensate for the total wetland impacts and is proposing to conserve land along Reeds Brook and other lands on the south side of Reeds Brook. This conservation land borders land that the school has conserved with the development of the high school. The applicant will be seeking the town to accept the conservation easement.

In addition, the project will require a DEP Stormwater Law Permit-by-rule for disturbance exceeding 1 ac. This application has been submitted with the NRPA application. Copies of both application are on file with the town.

As part of this application, we are submitting the following material.

1. Subdivision Application
2. USGS map
3. Aerial Photo
4. Location Map
5. Medium Intensity Soils Map
6. Sewer Capacity Letter
7. Water Capacity Letter
8. Historic Preservation Review Letter
9. Natural Areas Review Letter
10. IFW Review Letter
11. Corporate Status Certificate
12. Draft Conservation Easement w/map
13. Draft Deed Restrictions
14. Flood Map
15. Stormwater Management Plan
16. Plan Set: Subdivision Plan, Road P&P, Details

We look forward to meeting with the planning board at the next available meeting and if you have any questions prior to the meeting, please contact us.

Best Regards,



James R. Kiser, PE, LSE
Kiser & Kiser Company

Enc.

C: Andre Cushing



ENGINEERING & DEVELOPMENT CONSULTING

Job #473

18 May 17

Karen Cullen
Town Planner
Town of Hampden
106 Western Ave
Hampden, ME 04444

Staff Comments, Preliminary Plan Application, Colonial Heights Phase 3

Dear Karen,

We have reviewed the comments you have provided us related to staff review of the project. Based on this information, we are providing the following data or comments for your use in the application on Colonial Heights, Phase 3.

Public Works:

1. We have inserted a note (#5) in the construction notes to relate to the requirement to core and form the invert for the new sewer in the existing manhole.
2. The catch basins and field basins on the northerly side of Freedom Way will not be in a ditch at the time of final construction. The lay of the land generally slopes perpendicular to the road and the road is built up above the existing ground to provide good structure for the road. We do not want to drop the structured down into existing grade to create a ditch at construction as we know ditches will be formed with the development of the lots and driveways. At the time of buildout, we expect each lawn to come up toward the road and direct runoff from the lots to the roadside and into the basins. This is very similar to the methods used in Phase 2 and will keep the ditches to a maintainable depth for owners to mow.
3. The sewer stubs are noted in the construction notes to be extended onto the lots with the sewer service detail. The location along with other construction requirements are included in the construction notes. The foundation drains will also be added at the time of construction and extend to the property line. A separate service detail has been added for these services. Exact locations are variable but construction will direct drains on the low side of the lot and/or into the structure at the front of the lots. The construction notes define where foundation drains outlet.

4. The road ditch shown on the typical cross-section depicts a 2' ditch minimum. Which is show by the ditch line on the P&P sheet or at the toe of slope where it is slightly more than 2'. We have included 4:1 side slopes to make the area more maintainable by the lot owners. In addition, on the ditch side of the section, we show a granular connection between the gravel and the trench backfill for the pipe work. Also, it has been our experience that if the road gravel is brought through the shoulder and side slopes that water does not create frost issues with the edge of paving. This is evident on phase 2 of Colonial Heights.
5. We have shown a street light at the intersection with Constitution and at the end of the cul-de-sac. The note on the lights states the lights to be LED technology; however, last we checked with Emera, they had not yet established a LED standard. Therefore, the limitation on the note.
6. The CB numbering has been updated.
7. We have included two separate service connections; one for sewer and one for foundation drains with notations on the connector pipe.
8. The trench detail has been updated to have stone over the pipe per the ordinance.
9. The road P&P sheet shows the driveway locations; however, they were not previously labeled. They driveways locations are labeled and compliance with this plans means no driveway culverts are required.
10. We have updated the sewer detail to include waterproofing of the structure.

Planning:

1. We have not submitted plans for the remaining land since there are no current plans to develop it in the near future. The road and lots have been designed to prevent a continuation of this development further onto the Mayo Road parcel. With no access from this road other than for utilities and pedestrian movement, the remaining land may be kept as a standalone development which must be accessed from Mayo Road.
2. The Location Map submitted with the application shows the general area of the project; however, the outline of the development area failed to print. The attached updated Location Map shows the development area. The map is printed at 500 scale as required by ordinance and is fairly close to showing 2,000 ft around the development with the northerly direction at only 1,700 ft. We believe this adequately shows the properties in the area. The remaining land of the applicant is shown as Lot 41A.
3. We have included the area of the parent lot in note 8 and corrected note 3 to 6.1± ac.
4. Abutting property labels have been added to the plan.
5. The Location Map has been submitted as a separate map as noted in item 2 above. The location map on the subdivision plan is for general area reference and is not intended to comply with the Location Map criteria of the ordinance.

6. The parcel was harvested last year and the previous tree lines are no longer valid and not shown. We have not had any issues or questions in the past on the 12" dbh tree requirement nor have we been directed to request a waiver. However, the attached list of waivers for the project includes this item.
7. Existing storm drains are now shown on the Subdivision Plan, sheet 1-1.
8. The width of the right of way for Constitution Ave and Freedom Way are now shown on the Subdivision Plan.
9. Note 6 in the General Notes has been updated to include the survey datums.
10. No sidewalks are shown on the plans as there are no sidewalks within the past subdivision phases. A waiver request is included.
11. Utility poles are shown on the Road P&P sheet 1-3 and in the legend on the Detail sheet 2-3 of the engineering plan set. Wires are not shown as they tend to make plans too busy.
12. As noted above, the site was harvested last year and former tree lines and vegetation areas are no longer consistent with the field and therefore, the lines were removed from the plan. We have listed a waiver on the attached sheet if this is an item the board feels they need to officially waive.
13. The conservation area is not really part of the subdivision application but is a requirement of the wetland permit. However, attached is the map that was submitted to DEP for approval. The conservation easement will be offered to the town as we continue with the approval of this project.
14. The state letters are their standard response on every project we request comments on. We have never been required to study vegetation or other natural areas based on the Natural Areas Program's comments. If a project is known to have specifics in the area, further studies would have been requested. IF&W's comments on the bats is again standard comment as bats were added to the threatened species list last year; however, the requirements are only for known roosting trees and other significant habitat for the bats. As no habitat is known around the state because of lack of studies, IF&W passes this off to USF&W. Under our wetland application, the ACOE reviews this condition and determines if USF&W review is needed. The site was harvested last year with some cutting this spring to remove trees from the road construction site. With this action, the ACOE does not require further study. The 100' setback is a recommendation and we have chosen to follow what the town determined to be an appropriate setback from Reeds Brook with the 75' Stream Protection Zone. This zone is shown on the plan and does not allow any building within the area. Fisheries in the brook are very limited due to the substrate and the culvert barrier that exists at Main Road South. The wetland application has the report on the natural resources on the property and a copy of that report is now included in the application.
15. The soils are not the greatest and get very soft at greater depths. The project does include perforated storm drains, where installed and the construction for the most part is above grade. This road design is similar to phase 2 and that road has endured the conditions well. Homes are provided locations to outlet the foundation drains in order to avoid water issues.

Woodard & Curran:

Stormwater & Drainage

1. Most of item 1 is discussion on our design with no real comments. Item 1c & d discuss the sizing of the storm drain system and the provision of design calculations. This system is designed like phase 2 which has no issues nor does the town installed system in phase 1. However, attached are our design work for the storm drain system. Item 1e relates to the existing storm drain outlet on lot 56 which was part of phase 2 and is currently owned by the town. We are unaware of issues with that system. That pipe does have an easement which was shown on the plan and was part of phase 2. The easement area is not being altered by this project. Item 1f discusses future development's impact on the storm drain system. Any future development will be a standalone project and be required to address storm drain issues associated with that design work.

Post Construction Stormwater

1. Easement widths have been increased to 30' for the stormwater outlet pipes.
2. The inspection for is for general purposes only to provide the contractor and town something to use; however, the town has their own system so we have eliminated that form from our plan. The contractor is required to make inspections per the erosion control plan and the form provided is adequate for that task.

General Comments

1. The road section detail has been updated to show loam and seed on the shoulder areas.
2. The line referenced as storm drain was a location mark for internal drafting work and has been removed.
3. A north arrow is now shown on the P&P sheet.
4. The design driveway location is shown on the P&P sheet and at this location the driveway will not need a culvert. See comments above.
5. Upon initial road construction, drainage in the right of way for the south side of the road will drain onto the lots. With lot development, the site development will grade lot and frontage to provide appropriate drainage along the road and down between the lots.
6. Roadside drainage on the northerly side of the road is discussed above.
7. The casting notes on the structure details have been updated. The Sewer Ordinance does not specify maker or model of covers; however, if the town has a standard, we will include it in our drawings.
8. Based on our experience in the area and the design provided, we do not feel that fabric is needed in the roadway. It was not used in phase 2 and no issues are present in that phase. The road does provide some underdrain in the areas with storm drain and the shoulders are constructed with full gravel to move any sub gravel water out of the pavement zone. Any unsuitable soils with in the construction zone will be removed as standard of practice and identified during construction activities.

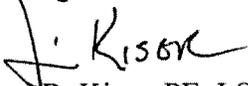
Waivers:

Based on this application, the project is requesting 3 waivers as follows:

1. Section 331.3.3.7 requires that trees above 12" diameter be shown on the plan. This development was harvested last year and few trees remain and most if not all are less than 12" in diameter. The size of the lots will require a significant portion of the trees on each lot to be harvested and tree saves of mature trees is not practical and therefore, the location of the trees would be insignificant.
2. Sections 553.14 requires sidewalks on the minor streets of 4' min. Colonial Heights phases 1 & 2 do not have sidewalks and a sidewalk on Freedom Way would lead to nowhere. In addition, the town maintenance would then have to travel through the existing subdivision to provide winter maintenance. The existing development enjoys a healthy walking public with many people from outside the development coming to walk the streets. The school track team even runs on the streets within the development without issues. Therefore, we do not feel sidewalks should be required in Phase 3.
3. Section 531.1 requires the evaluation of pre and post development runoff from the development such that post development runoff does not exceed pre development runoff. We request a waiver of this section in lieu of the application of the State of Maine standards under the Stormwater Law. This law does not require stormwater mitigation until the project exceeds one acre of impervious area and in the case of subdivisions this threshold is applied to the road impervious area.

We are attaching the updated material in the attached application packets for the boards review. If you have any questions prior to the meeting, please contact us.

Best Regards,

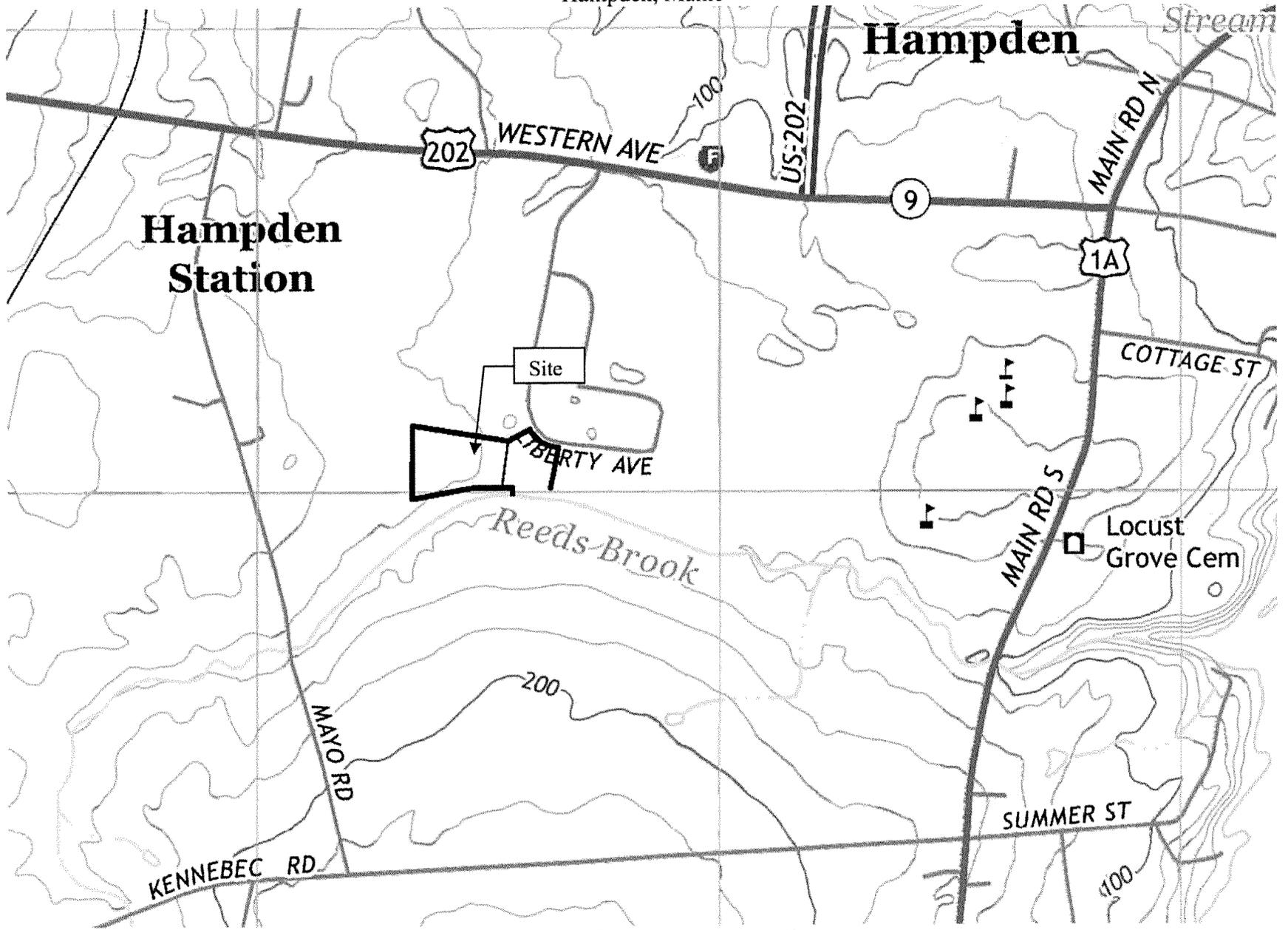


James R. Kiser, PE, LSE
Kiser & Kiser Company

Enc.

C: Andre Cushing

USGS Map
Colonial Heights, Phase III
Hampden, Maine

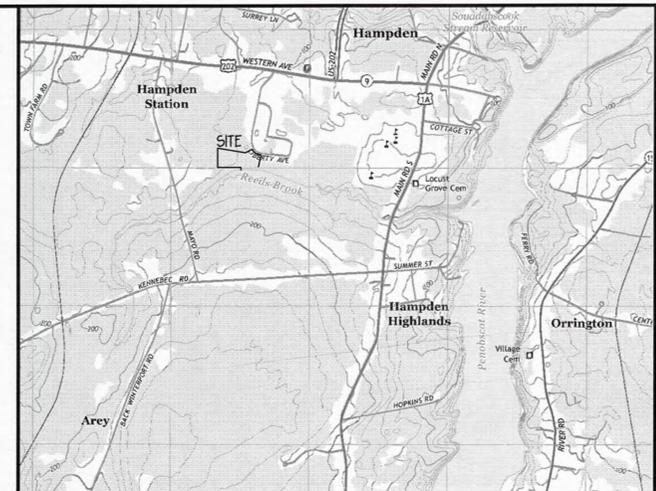
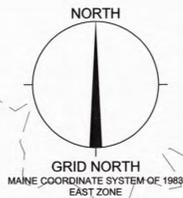
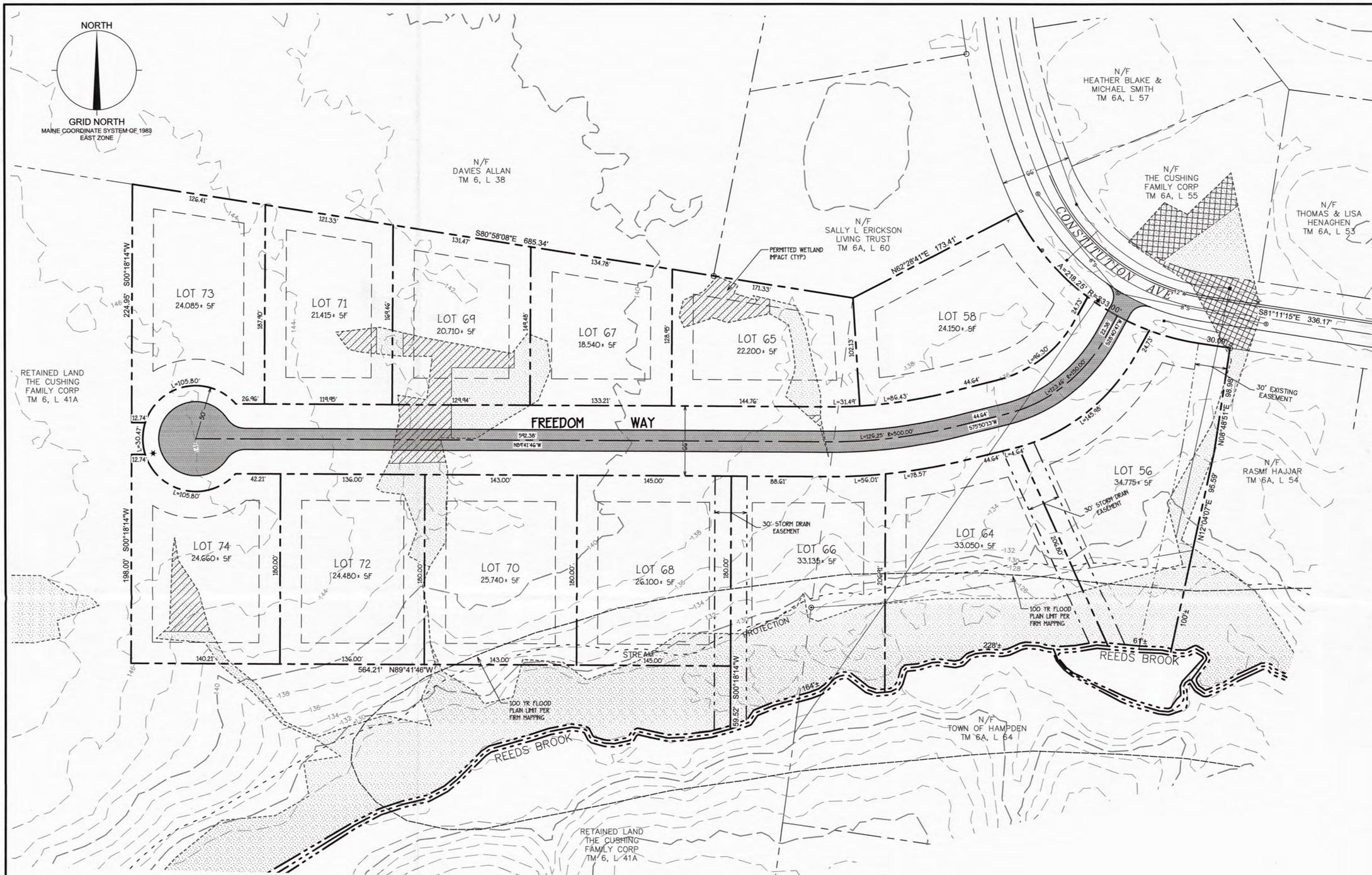


Hampden Quad, Scale 1"=1500'

Aerial Photo
Colonial Heights, Phase III
Hampden, Maine



Scale: 1"=300'



LOCATION MAP
SCALE: 1"=2,000'

GENERAL NOTES:

- COLONIAL HEIGHTS PHASE 3 WILL AMEND 2 LOTS APPROVED IN COLONIAL HEIGHTS PHASE 2. THE 2 LOTS ARE LOT 56 AND LOT 58 AS SHOWN ON SUBDIVISION PLAN TITLED 'SUBDIVISION PLAN (AMENDED), COLONIAL HEIGHTS PHASE 2' DATED SEPTEMBER 23, 2004 AND RECORDED IN THE PENOBSCOT COUNTY REGISTRY OF DEEDS IN PLAN FILE 2004-187.
- RECORD OWNER OF PROPERTY IS CUSHING FAMILY CORPORATION, HAMPDEN, MAINE BY DEEDS RECORDED IN PCRD BOOK 8100, PAGE 43 AND BOOK 11966, PAGE 60.
- THE PROPERTY IS SHOWN ON THE TOWN OF HAMPDEN'S TAX MAP G, LOT 41A; TAX MAP 6A, LOT 58 AND TAX MAP 6A, LOT 56. TOTAL AREA OF NEW LAND TO BE DEVELOPED IS 6.1+ AC. THE PROPERTY IS LOCATED IN THE RESIDENTIAL B DISTRICT (PUBLIC SEWER + WATER).
- SPACE AND BULK

MIN LOT SIZE	16,500 SF
MIN ROAD FRONTAGE	100 FT
STREET YARD	25 FT
OTHER YARD	20 FT
MAX BLDG HEIGHT	35 FT
- BOUNDARY SURVEY PREPARED BY PLISGA + DAY LAND SURVEYORS, BANGOR, MAINE.
- TOPOGRAPHIC SURVEY BY AERIAL LIDAR MAPPING PROVIDED BY STATE OF MAINE WITH GROUND VERIFICATION BY PLISGA + DAY LAND SURVEYORS, BANGOR, MAINE. COORDINATE SYSTEM AND NORTH ORIENTATION REFERENCE THE MAINE COORDINATE SYSTEM OF 1983, EAST ZONE (NAD83-2014) WITH UNITS IN U.S. SURVEY FEET. VERTICAL DATUM IS NAVD88 WITH UNITS OF FEET.
- WETLANDS MAPPED BY BURMAN LAND + TREE COMPANY, LLC, ORRINGTON, MAINE. WETLANDS SHOWN ON PORTIONS OF COLONIAL HEIGHTS, PHASE 2 ARE TRANSFERRED FROM PROPERTY FILE FOR THAT PHASE OF DEVELOPMENT. TOTAL WETLAND IMPACT AREA IS 10,650+ SF.
- AREA SUMMARY:

DESCRIPTION	AREA
MAYO ROAD PARCEL	35.1+ AC
LAND TO BE RETAINED	29.0+ AC
MAYO DEVELOPMENT LOT	266,317 SF
LOT 56 COLONIAL HGTS	74,472 SF
LOT 58 COLONIAL HGTS	54,989 SF
TOTAL AREA OF PHASE 3	345,778 SF
ROAD ROW	64,865 SF
TOTAL AREA OF LOTS	330,913 SF
DENSITY OF DEVELOPMENT	1.7 UNITS/AC
- THE FLOOD PLAN LIMITS SHOWN HEREON ARE INTERPOLATED FROM FIRM MAPS PANEL 21 B PREPARED FOR THE TOWN OF HAMPDEN. THE FLOOD PLAN IS ZONE 'A' WITH NO FLOOD ELEVATIONS DETERMINED. LIMITS ARE FOR REFERENCE ONLY AND DO NOT INDICATE FURTHER STUDIES WERE PREPARED AS PART OF THIS SUBDIVISION.
- WETLAND IMPACTS SHOWN ON THIS PLAN HAVE BEEN PERMITTED WITH MAINE DEP. NO FURTHER IMPACTS ARE ALLOWED WITHOUT APPROVAL FROM MAINE DEP.
- THIS PROJECT HAS OBTAINED A STORMWATER LAW PERMIT-BY-RULE FOR TOTAL DISTURBED AREA IN EXCESS OF 1 AC AND NEW IMPERVIOUS AREA AT 21,890+ SF.

Town of Hampden
RECEIVED
MAY 24 2017
Planning & Zoning
Office



LEGEND

SYMBOL	DESCRIPTION
---	LOCUS/PROPOSED PROPERTY LINE
---	ABUTTING PROPERTY LINE
---	PROPOSED EASEMENT
---	SETBACK
○	IRON PIPE/ROD FOUND
●	#4 REBAR TO BE SET
▨	WETLANDS

PLANNING BOARD APPROVAL

THIS IS TO CERTIFY THAT AFTER REVIEWING THE SUBDIVISION SUBMISSION INFORMATION FOR THE SUBDIVISION SHOWN ON THIS PLAN AND CONSIDERING EACH OF THE CRITERIA SET FORTH IN M.R.S.A. TITLE 30-A, SECTION 4404 (AS AMENDED) AND IN THE HAMPDEN SUBDIVISION ORDINANCE, THE UNDERSIGNED HAVING MADE FINDINGS OF FACT ESTABLISHING THAT THIS SUBDIVISION PLAN ALONG WITH ITS ADDITIONAL SUBMISSION INFORMATION HAS MET ALL THE CRITERIA SET FORTH AND THEREFORE THE SUBDIVISION IS APPROVED.

APPROVED: TOWN OF HAMPDEN PLANNING BOARD

(CHAIRMAN)

STATE OF MAINE
PENOBSCOT, SS
REGISTRY OF DEEDS
RECEIVED AND FILED

20____
h m M
ATTEST: _____
REGISTER
RECORDED AS MAP FILE: _____

PLISGA & DAY
LAND SURVEYORS
72 MAIN STREET
BANGOR, MAINE

SURVEY STANDARD

THIS PLAN WAS PREPARED FROM INFORMATION OBTAINED BY A SURVEY CONFORMING SUBSTANTIALLY TO THE REQUIREMENTS OF TECHNICAL STANDARDS CONTAINED IN CHAPTER 90, PART 2, OF THE RULES OF THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, EFFECTIVE APRIL 1, 2001.

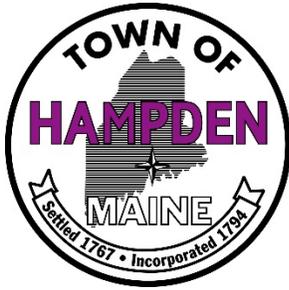
STANLEY J. PLISGA, JR.
PROFESSIONAL LAND SURVEYOR No. 1030

REV:	DATE:	BY:	COMMENTS:
	23 APR 17	JRK	SCALE: 1"=50'
SUBDIVISION PLAN: PRELIMINARY COLONIAL HEIGHTS: PHASE 3			PROJ. NO: 473
CONSTITUTION AVE HAMPDEN, MAINE			
RECORD OWNER: THE CUSHING FAMILY CORP PO BOX 211 HAMPDEN, ME 04444			



KISER
ENGINEERING & DEVELOPMENT CONSULTING
PO BOX 282, HAMPDEN, MAINE 04444
207-862-4700

Town of Hampden
Land & Building Services



Report on Application
Preliminary Subdivision Plan
Colonial Heights Phase 3

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: June 5, 2017

Project Information

Applicant: The Cushing Family Corporation
Site Location: Off Constitution Ave in Colonial Heights subdivision
Zoning District: Residential B
Proposal: Construct an 11 lot subdivision with a new road 1,044' ending in a cul-de-sac. Two existing lots on Constitution Ave will be reconfigured for the new road.

To facilitate the review process, the applicant submitted the preliminary plan for staff and engineering review in April. Staff reviewed that plan and provided comments to Jim Kiser, who has revised the plans accordingly (attached). The following is the list of initial comments to Jim Kiser, with staff's follow-up comments from our review of the revised plans provided in italic text. Please note that Jim's responses to comments from staff and Woodard & Curran can be found starting on the second page of the application booklet.

From Sean Currier, DPW Director:

1. Sewer manhole – must core existing channel and form invert to channel flow downstream, using concrete to channel the flow. ***Plans changed accordingly.***
2. Catch basins do not have flow channeled to them; need back slope or ditch to channel flow. ***Response is acceptable.***
3. No storm or sewer stubs to property line are shown, please add. ***Response is acceptable.***
4. Residential street section detail – The area below base grade elevation is to be a minimum of 3 feet wide (at top) and a depth of at least 1 foot below the base gravel elevation. ***Detail changed but the bottom of the ditch must be a minimum of 1 foot below the base gravel elevation; needs to be modified.***

5. Hampden is in the process of switching over to LED street lights; please specify LED streetlights in note 10 on sheet 3-3. Also, indicate on the plan the location of the street lights. **Response is acceptable.**
6. Please correct the notations for catch basins on the plans, there are two “CB-1” shown. **Plans changed accordingly.**
7. Sewer and storm drains must be completely separate; add a note to the “sewer/ foundation drain service connection” detail on sheet 3-3 to make this clear. **Detail changed accordingly.**
8. Change the trench detail on sheet 3-3 to match the sewer ordinance (stone over pipe) in the embedment zone. **Detail changed accordingly.**
9. The plans should show ditches and culverts at the driveways; minimum 12” corrugated HDPE smooth bore pipe. **Response is acceptable.**
10. Add waterproof paint to the sewer (precast) manhole detail on sheet 3-3 (per sewer regulations). **Detail changed accordingly.**

From Karen Cullen, Town Planner:

1. No indication of plans for abutting property owned by the applicant, other than an indication in the narrative that says the site is designed to accommodate the extension of utilities into the remaining land of the applicant. (331.3.1.8 and 331.3.3.16) **Response is acceptable.**
2. While the location map shows the location of the site in relation to the general area, it does not – nor does any other map submitted – show the relationship of the area of the parcel(s) being subdivided to the entire parcel (landholding). (331.3.2.3 and 331.3.3.16) **Application changed accordingly.**
3. The acreage of the parcel to be subdivided is not provided (i.e. acreage of entire parcel 06-0-041-A). In addition, the acreage of the subdivision area is given as 6.1 on the application form and 6.4 in note 3 on sheet 1-1 of the plans. (331.3.2.5) **Plan changed accordingly.**
4. Names of property owners abutting the parcel being subdivided are not shown. (331.2.3.7) **Plan changed accordingly.**
5. Location map is not shown at the required scale (should be no more than 1 inch = 500 feet, and should show the area within 2,000’ of the project site). (331.3.3.6) **Application changed accordingly.**
6. Since no trees are shown on the plan, I can’t say whether it is in compliance or not with the requirement that trees of 12” caliper DBH being shown on the plan. (331.3.3.7) If a waiver is desired for this requirement, please include in the narrative. **Waiver is requested.**
7. Existing storm drains are not shown on sheet 1-1; existing storm drain on lot 56 per previously approved phase. (331.3.3.8) I assume since the existing water and sewer lines are shown on sheet 1-1, it is meant to show all existing infrastructure. **Plan changed accordingly.**
8. Width of Constitution Ave is not given; width of Freedom Way is only specified in the “residential street section” detail on sheet 2-3. (331.3.3.9) **Plan changed accordingly.**
9. Note 6 on sheet 1-1 is incomplete; also no evidence that the contours are referenced to USGS datum. (331.3.3.10) **Note on plan changed accordingly.**

10. No sidewalks are shown; if none are proposed a waiver request needs to be submitted. (331.3.3.11 and 553.14 which requires a 4' wide sidewalk). **Waiver is requested.**
11. Utility poles are not clearly marked on the plan – they may be there but there is no symbol in the legend for them. (331.3.3.14) Overhead utility lines are not shown. **Response is acceptable.**
12. Other than the application form indicating the site is partly wooded, there is no indication of vegetation on the plan. (331.3.3.15) **Waiver is requested.**
13. There is no description or map of the proposed conservation easement, nor is it shown on the plan. **Application changed accordingly. Note, the applicant proposes that the Town accept the Conservation Easement, and preliminary discussion with the Town Manager indicates a likely acceptance. This conservation easement does not require the Town to do any more than enforce the provisions of the easement (see draft easement language and map in the application booklet).**
14. The comments in the letters from ME Natural Areas Program and ME IFW give me pause; while the state knows of no rare botanical features within the project area, they add that doesn't mean there aren't any. Similarly, IFW says there may be several species of protected bats that use the property and they suggest contacting US Fish & Wildlife – has that been done? IFW also suggests that while their data shows no significant vernal pools on the site, a survey of the property should be done to determine if there are any. Has that been considered or done? Finally, in regards to Reeds Brook, they suggest a 100 foot buffer from the stream or associated fringe wetlands; such a buffer would render at least 2 and possibly 3 lots unbuildable. Have you researched the potential of cold water fisheries in Reeds Brook? (I know very little about the Brook so have nothing to go on here, for all I know it has no fish in it at all.) **Response is acceptable.**
15. The soils in this area are rated poor or very poor for houses (with or without basements), local roads, and underground utilities. I know the soils in the previous two phases of Colonial Heights are equally bad, but wanted to point out that section 513 requires appropriate construction techniques including underdrains and geotextiles in the road construction. **Response is acceptable.**

Our consulting engineer, Woodard & Curran, is also reviewing the plans; their initial report is attached and their report on their review of the revised plan will be mailed to you late this week when we receive it.

The applicant is requesting several waivers:

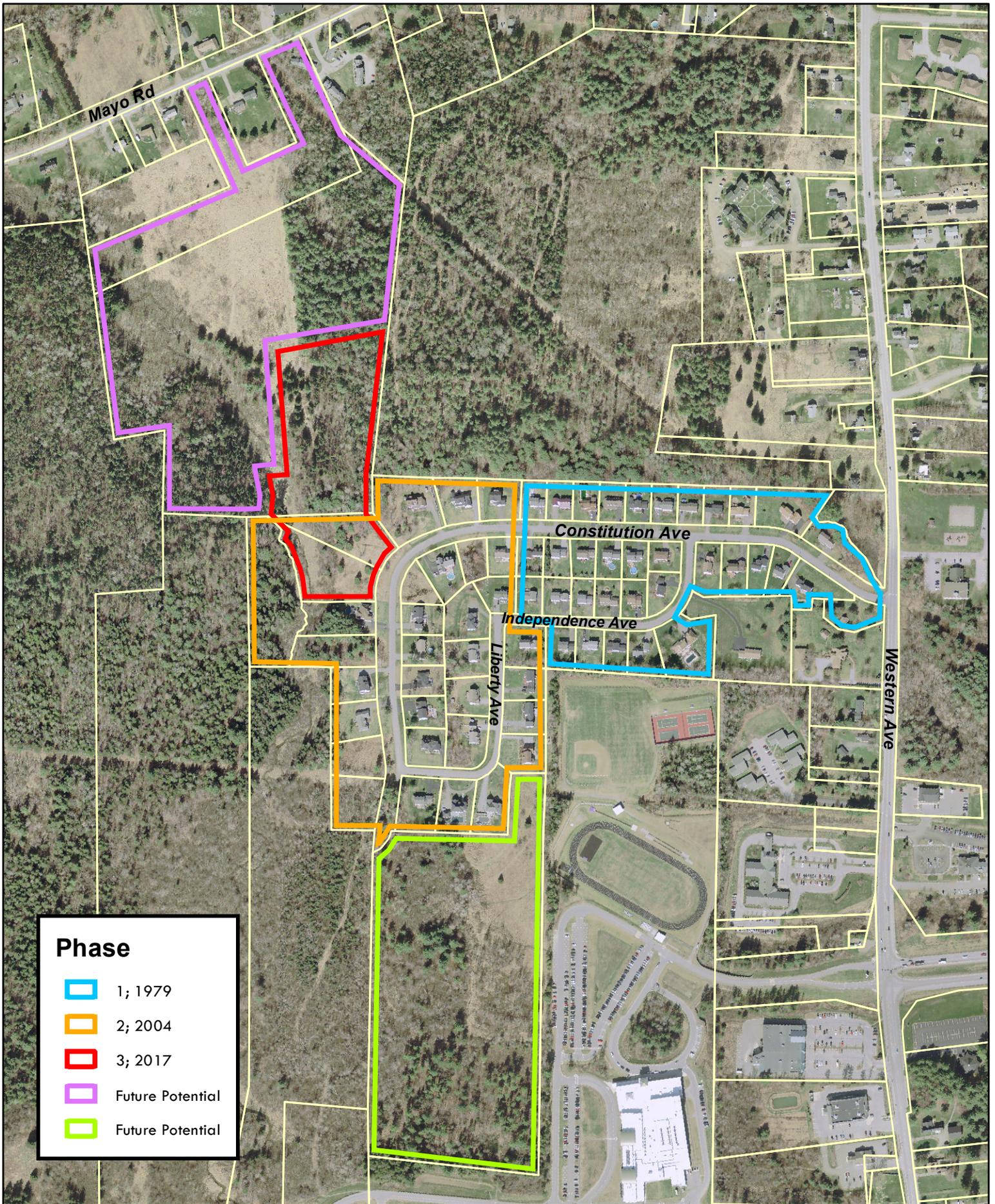
1. Sections 331.3.3.11 and 553.14 require a four foot wide sidewalk. There are no existing sidewalks in the Colonial Heights subdivision and it is unlikely the Town will install them in the future, therefore it is reasonable to not install sidewalks in this Phase either. Staff recommends granting this waiver.
2. Sections 331.3.3.7 and 331.3.3.15 require trees larger than 12" dbh and landscaping and natural vegetation to be shown on the plan. The area was harvested and there are no known trees over 12" dbh in the area to be developed, nor is there significant vegetation on the site other than in the wetland areas, as demonstrated by the report

from Burman Land & Tree Company, LLC. No landscaping is proposed. Staff recommends granting this waiver.

3. Section 531.1 requires post-development stormwater runoff from the site to not exceed the pre-development runoff amount. Since the subdivision has been reviewed by Maine DEP under the Stormwater Law, and since it has less than one acre of impervious surface (roadway), stormwater mitigation is not required. However, as of the date of this report, we have not received comments from Woodard & Curran on this issue so staff cannot recommend either way.

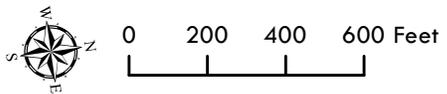
Additional Comments:

1. The land to be retained includes 30.47' of frontage on the cul-de-sac. During the sketch plan stage, the applicant noted this would prevent an extension of the roadway. If the Planning Board wants to permanently prohibit the extension of the new road into the retained land (which has frontage in two spots on Mayo Road), then a condition should be made to do so and it should be noted on the final plan to be recorded at the Registry of Deeds. Without this, the landowner could reconfigure one or two of the lots at the end of the cul-de-sac to provide the required 66' width for a right-of-way. The Board should consider whether future access for emergency vehicles should be allowed, as the Colonial Heights subdivision will have 76 lots served by a single access point, and there is potential for future expansion on the east side of the subdivision where Constitution Ave. and Liberty Ave. intersect, with no potential outlet from that tract. Please see attached map.
2. Code Enforcement Officer Myles Block is requesting that the street name be Freedom Avenue instead of Freedom Way. He believes from a public safety point of view that having all streets within the subdivision with the same suffix is better for emergency personnel.



Phase

- 1; 1979
- 2; 2004
- 3; 2017
- Future Potential
- Future Potential



**Colonial Heights Residential Development
Phasing and Future Development Potential**

May 11, 2017



Karen M. Cullen, AICP
Town Planner
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Re: Colonial Heights Phase 3 – Subdivision Plan Application Peer Review

Dear Ms. Cullen:

We have reviewed the Preliminary Subdivision Plan Application submitted for Cushing Family Engineering (Applicant) by Kiser & Kiser Engineering, dated April 13, 2017, for the proposed Colonial Heights subdivision. The project is proposing the division of two existing parcels (approximately 6 acres) into eleven (11) lots. We reviewed the submission for compliance with the Town of Hampden Subdivision Ordinance (stormwater requirements only) and Post Construction Stormwater Management Ordinance, as well as general engineering standards. Our comments are listed below.

Subdivision Ordinance Stormwater and Drainage Comments

1. Section 530 outlines the drainage requirements for subdivisions. We have reviewed the documentation provided by the Applicant for compliance with this Section and have the following comments:
 - a. The Subdivision Application Narrative indicates that there are two points of discharge from the proposed roadway and residential lots within the Site. Under post-development conditions, stormwater from the northern portion of the site will sheet flow over grassed areas, collect in ditches graded to field basins inlets, and convey by a subsurface piped drainage system to the vicinity of Reeds Brook, while the southern portion of the site will sheet flow over grassed areas and discharge to Reeds Brook. No curbing or sidewalks are proposed.
 - b. The Applicant is requesting a waiver to Section 531.1, a requirement for the peak discharge and runoff from the site under post-development conditions to not exceed peak discharge and runoff from the site under pre-development conditions. Stormwater calculations have not been provided to demonstrate that the proposed development consisting of conversion of forested land to roadway, residential roofs and driveways, and landscaped areas will not impact Reeds Brook from the increase of peak rates of runoff. Maintaining pre-development peak rates of runoff will prevent an increase in the frequency and magnitude of overbank flooding and protect downstream and abutting structures from flooding. If the waiver is not accepted, the Applicant should provide a pre- and post-development HydroCAD Analysis demonstrating that post-development peak rates of runoff are equal to or less than pre-development peak rates of runoff for the applicable storm events.
 - c. The Applicant should provide a Hydraulic Analysis of the proposed inlet structure and subsurface stormwater pipe system along the proposed roadway demonstrating compliance with Section 531.2. We recommend that an allowance for impervious



area be included for the lots due to the effect of peak flow on the sizing and operation of the stormwater management system.

- i. The Applicant should provide rip-rap sizing calculations to demonstrate that no adequate energy dissipation is provided and erosion will not occur at the proposed outlets. We recommend the installation of an erosion control device at the outlet of the existing storm drain system from Constitution Avenue with an outlet on Lot 56, unless one is currently installed and not shown on the plans.
- d. The Applicant should provide a pre- and post-development watershed map depicting the subcatchment areas to each proposed inlet of the stormwater management system per Section 531.3.
- e. The existing storm drain system appears to outlet in the southeast corner of Lot 56. There does not appear to be a storm drain easement specified for this system per the requirements of Section 532.3.
- f. Section 532.6 requires that future phases of development be considered in stormwater management system design. It is not clear if a subsequent expansion to the west indicated by utility extensions will impact stormwater design due to the lack of watershed area mapping.

Post Construction Stormwater Management Ordinance

1. The ordinance calls for elements of the stormwater management system outside of a street right-of-way to have easements “not less than thirty (30) feet in width” per Section 5.B.4. The Applicant has proposed easements of twenty (20) feet in width and does not meet this requirement.
2. The Applicant appears to have provided an adequate list of management items for the proposed stormwater management system per ordinance requirements, provided further stormwater or hydraulic analysis does not result in additional stormwater management system elements. We recommend that the Applicant include a complete list of proposed structures, drainage outlets, and other items that will require inspection and cleaning as part of the inspection form.

General Comments

1. The calculated impervious area appears to be based on only the pavement width and not include the shoulder area of the proposed roadway. The road cross-section detail on Sheet 2-3 shows gravel base for the shoulder and ditch slope, although a note indicates that both the shoulder and ditch slope will be loamed and seeded. The notes on Sheet 2-3 specify loam installation at a minimum depth of 4 inches. We recommend that the Applicant correct the detail to show the depth and extents of loam and seed. If a gravel shoulder without loam and seed is proposed, we recommend updating the impervious area calculation to include the shoulder area, as compacted gravel is relatively impervious.
2. It appears that there is a proposed storm drain pipe at approximate station 9+30 that does not connect to a stormwater structure. The Applicant should remove this pipeline or provide clarification.



3. The Applicant should provide a north arrow on all of the plans as required in Section 331.
4. It appears that Lot 58 will require a driveway culvert unless accessed from Constitution Avenue. The applicant should consider adding an additional storm drain structure to allow access from the new roadway.
5. The existing grade along Lots 68, 70, 72, and 74 appears to require grading or other means of surface water drainage to avoid ponding.
6. The grading along Lot 65, 67, 69, and 71 does not reflect the ditch slope shown on the typical cross-section, and it is not clear the field inlets will function as intended. We recommend that the Applicant clarify the installation intent of these field inlets.
7. The details on Sheet 3-3 reference outdated frame and cover castings model numbers. We recommend updating the model designations and providing submittal sheets for all castings for review by the Public Works Department.
8. We recommend that the Applicant consider the use of geotextile fabric and underdrain in road construction due to the presence of wetlands and poor soils where the proposed roadway is located. The removal and replacement of unsuitable materials should be expected.

If you should have any questions or require any additional information, please do not hesitate to contact us.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in blue ink, appearing to read "Kyle Corbeil".

Kyle Corbeil, P.E.
Project Engineer

KMC/asm/hp/jeh

PN: 0213351.46



SITE PLAN - PERMITTED/CONDITIONAL USE APPLICATION

Please note that this application must be submitted with plans in conformance with Section 4.1 and 4.2 of the Hampden Zoning Ordinance. *Incomplete applications will not be processed. All fees must be paid for application to be processed. Proper number of copies of application must be submitted in order to be processed.* All town ordinances are available at www.hampdenmaine.gov for review.

Town of Hampden
RECEIVED

MAY 22 2017

Planning & Zoning
Office

Date: May 22, 2017

APPLICANT:

Name: Tricia Carver

Address: 11 Ballfield Road Hampden, ME 04444

Phone: N/A Cell: 207.461.8376 Email: tcarver1315@gmail.com

AGENT:

Name of agent or representative: N/A

Address: _____

Phone: _____ Cell: _____ Email: _____

THE SITE:

Location of site: 11 Ballfield Road Hampden tax map and lot number: 10-0-012-E

Zoning district: Residential Zone A Existing use of property: Single Family Dwelling

Legal interest in the parcel: Convert to Two-Family Dwelling. Downstairs unit already has Certificate of Occupancy.

Owner of parcel if other than applicant: Applicant

Owner's address: N/A

PROPOSED PROJECT:

Proposed use of property: Property is already completed. See attached narrative for explanation.
(Please include floor area per use, seating if applicable, and land area).

Proposed starting date: N/A Final completion date: N/A

(APPLICATION CONTINUES ON REVERSE SIDE.)

Will your project result in more than one acre of disturbed land area? Yes No.

If yes, you are required to obtain either a Construction General Permit or Stormwater Permit by Rule from the Maine Department of Environmental Protection. If you are in the Urbanized Area of Town and discharge stormwater to the Municipal Separate Storm Sewer System (MS4) a Post-construction Stormwater Management Application shall be submitted to the Town pursuant to the Town of Hampden Post-construction Stormwater Management Ordinance.

FEES: Application fee is: \$75.00 for structures under 3,000 sq. ft. and total site improvements under 5,000 sq. ft.; \$150.00 for structures between 3,000 and 20,000 sq. ft. and total site improvements under 50,000 sq. ft.; and \$500.00 for structures in excess of 20,000 sq. ft. and more than 50,000 sq. ft. of site improvements.

Application fee amount: 75.⁰⁰

Draw account contribution: The Town of Hampden requires applicants to provide \$600.00 for the Town to hire an engineer to review their plans and, if necessary, \$1,000.00 for an engineer to review their traffic analysis. Draw account contribution is: NA (Any unspent portion of the draw account will be returned to applicant, however, if additional funds are required, applicant agrees to cover all costs that the Town of Hampden may incur. Complete and accurate submissions require less time to review.)

CERTIFICATION: By signing this form I certify that the information provided on these plans, text, and associated testimony is true and correct. I certify that all site improvements will be constructed in strict conformance with Planning Board approved plans. Furthermore, I acknowledge that if the constructed site improvements are not built in accordance with the zoning ordinance and Planning Board approved plans that I am obliged to take corrective action that may include obtaining a revised Planning Board approval or the removal of non-conforming uses and structures and site improvements. (Agents that lack authority to certify said items should not sign this form.)

Signature: Jessica A Carver Date: 5/22/17

OFFICE USE ONLY

Date received: 5/22/17 Date complete: _____

Fees paid: Amount/Date: \$75 / 5/22/17 Draw paid: Amount/Date: NA

Conditional Use determination: _____

Planning Board action: _____ Date: _____

Conditions: _____

May 22, 2017

Esteemed Members of the Board,

Please accept this explanatory narrative along with my application to convert my single family dwelling in Residential Zone A to a two family dwelling. I hope you will understand my situation and grant my request.

I have reviewed the zoning ordinances on my own and with the Hampden town planner. Karen has drawn my attention to two particular bylaws. I do not find any issue in Bylaw 4.2. Our planner agrees these do not apply to my situation. A careful review of 3.7 and in particular 3.7.6 "Special District Regulations" leads me to believe I am a qualified applicant. I do not intend to breach the spirit of the Zone A district as I understand it. I do not anticipate this change would have any impact whatsoever on my neighbors. The size of my lot and the square footage of the home would certainly maintain a low density district. Because the house was intended to be a single family dwelling, it appears as such from the road. For your consideration, I do draw attention to #3 in Bylaw 3.7.6 in terms of "creative use". As you will see, there is a large workshop through which the downstairs occupant would enter. This is essentially open storage area but it is not included in the area to be rented. The downstairs occupant would enter through an exterior door through the storage area and then through double doors into the downstairs unit. I hope the Board finds this acceptable.

If you will indulge my explanation, it is here. Due to a change in my family situation, I find myself needing to either find additional income or sell the home I built in Hampden. The current structure of my house on 11 Ballfield Rd lends itself to a rental situation. No additional work needs to be completed. While constructing this home, I was first issued a certificate of occupancy for my downstairs so that we (my now ex-husband and I) could continue constructing the upstairs while living in the space. (That is what my parents did when they built their home, and Hampden made it possible for us to do that as well.) It has a full bath, kitchen, and two bedrooms. The long range plan was for growing and grown children and aging parents to use that space. Eventually, that will happen. Meanwhile, it is unused space while I am living in my completed upstairs. I have lived in Hampden for 13 years. I have worked for the school district as a teacher and a coach. I built in Hampden to stay in Hampden. I ask that you grant this request so I can continue to be a member of this community.

Respectfully Submitted,



Tricia A Carver



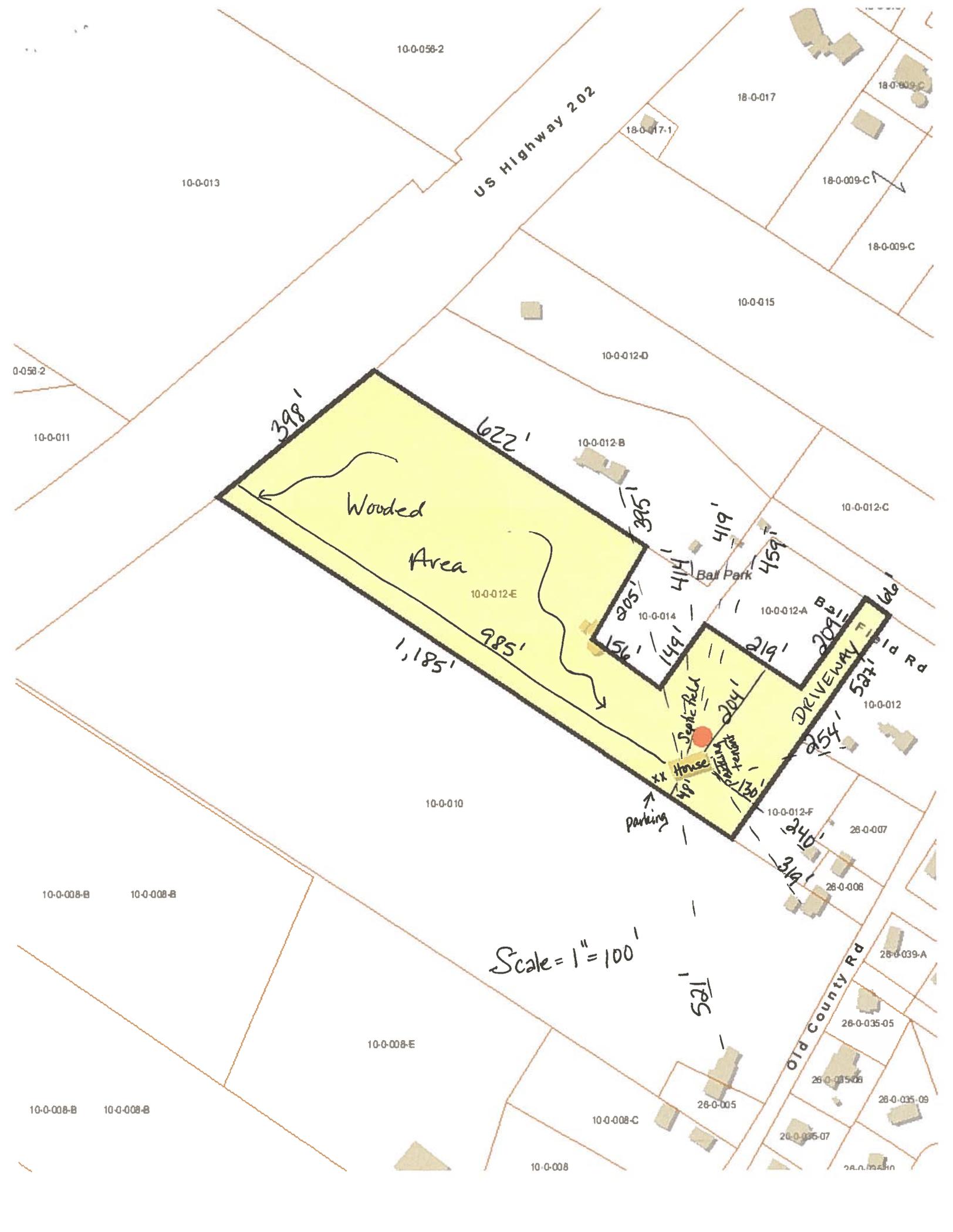
Tenant Parking

Apartment Door





Apartment Door



10-0-058-2

US Highway 202

18-0-017

18-0-017-1

18-0-009-C

18-0-009-C

10-0-013

10-0-015

10-0-012-D

0-058-2

10-0-011

398'

622'

10-0-012-B

Wooded Area

10-0-012-B

385'

10-0-012-C

10-0-012-C

Ball Park

419'

459'

10-0-012-E

10-0-012-A

10-0-012-B

1,185'

985'

10-0-014

10-0-012-A

10-0-012-B

305'

414'

419'

459'

419'

459'

419'

459'

156'

149'

204'

219'

209'

527'

666'

DRIVEWAY

xx House

Septic Tank

49'

130'

254'

240'

319'

10-0-010

10-0-012-F

28-0-007

10-0-008-B

10-0-008-B

Scale = 1" = 100'

Tes

10-0-008-E

Old County Rd

28-0-039-A

28-0-035-05

28-0-035-08

28-0-035-09

10-0-008-B

10-0-008-B

10-0-008-C

28-0-005

28-0-035-07

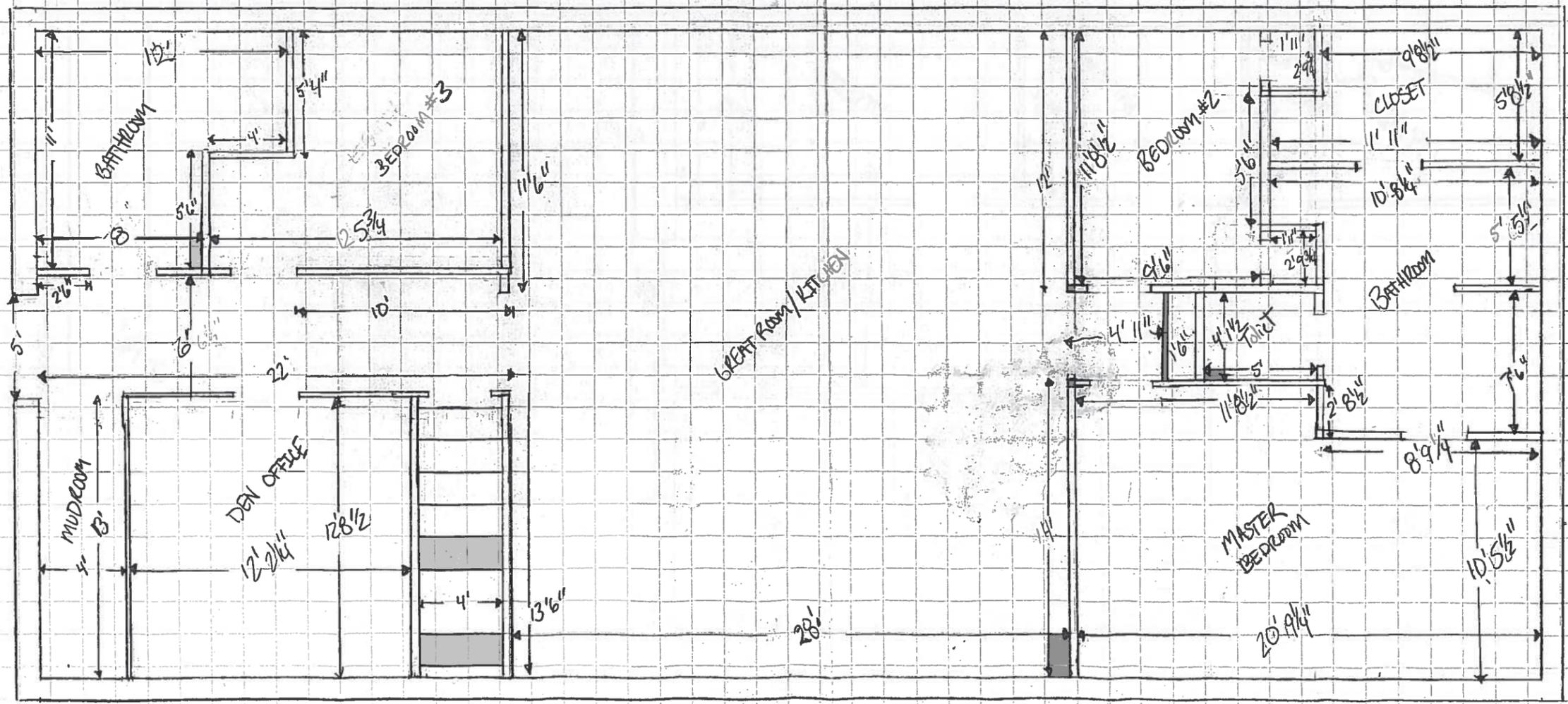
10-0-008

28-0-035-08

28-0-035-09

Original

Main Living Space
*NOT to be rented



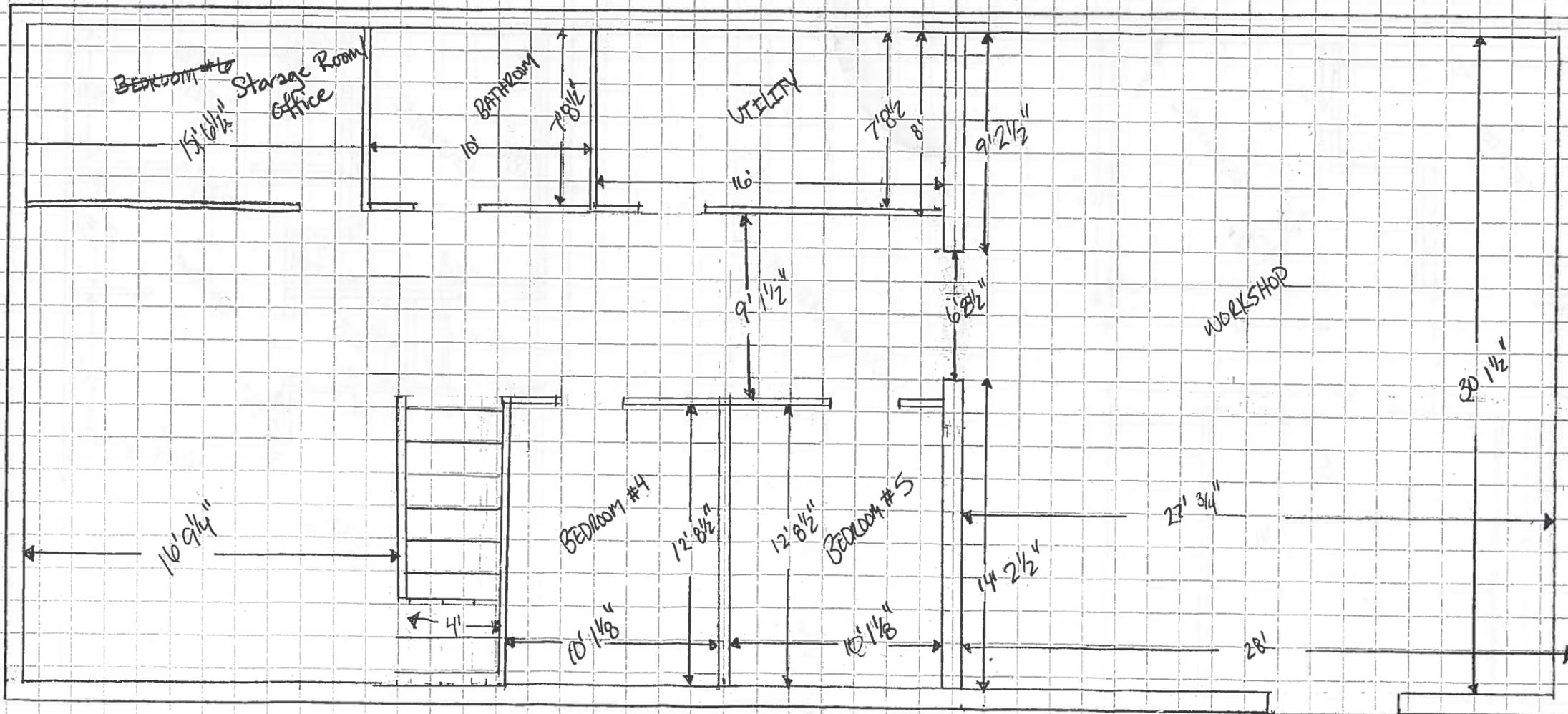
22' from either side - Recycle Truss
28' great room - Cathedral.

1ST FLOOR
6" ICF Block: 8' x 18" x 11 1/4"
OUTSIDE: 72 x 32
INSIDE: 70' 1 1/2" x 30' 1 1/2"

NOTE: This plan will be changed to show a maximum of four bedrooms to comply with the approved (and installed) septic system.

Town of Hampden
RECEIVED
MAY 22 2017
Planning & Zoning
Office

Original



Proposed Rental Property
* not to include "workshop" or "utility"
1,004 ft² proposed rental space

Tenant Parking

Tenant Entry

BASEMENT FLOORPLAN

22
2/8/14

Town of Hampden
Land & Building Services



Report on Application
Conditional Use
Carver – Two Family Conversion

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: June 1, 2017

Project Information

Applicant: Tricia Carver
Site Location: 11 Ballfield Rd.
Zoning District: Residential A
Proposal: Convert an existing single family home to a two family home.

I have reviewed this application and have determined it to be in compliance with the requirements of Section 4.2, Conditional Uses, of the Zoning Ordinance.

The house currently includes what is essentially an apartment in the basement; a building permit was issued for this to allow the property owners to live there while the rest of the house was under construction. The plan was to incorporate the basement living space into the house when the upstairs was completed. Due to changes in the owner's situation since then, she would like to convert the basement unit into rental space to help pay the mortgage so she can stay in the house.

This application is being processed under the provisions allowing a two family conversion in the Residential A district since it was received prior to the effective date of the recently adopted zoning amendments on accessory apartments. It should be noted, however, that the application meets the criteria under the new provisions as well.

The proposal meets the criteria under §3.7.6 (Special District Regulation, Residential A district):

- Proposed rental unit = 1,004 square feet, greater than the 500 square foot minimum
- Primary unit = 2,213 square feet
- Proposed rental unit = 31.2% of the total living area of the structure
- The structure looks like a single family structure and uses a common driveway
- A report from CEO Myles Block is attached.

The proposal meets the standards under §4.2.3. (Conditional Use Permits):

1. The proposed use will comply with the Ordinance, given that it is a conversion of a single family house to a two family structure which meets the requirements of §3.7.6.
2. The proposed use provides adequate and safe disposal of all wastes, given that the septic system is designed for a four bedroom dwelling and the proposed conversion to two family does not increase the number of bedrooms above four.
3. The proposed use should not impact the value of abutting properties, given the distance from the house to abutting houses.
4. The proposed use will not cause unreasonable noise, odors, dust, gas, fumes, smoke, light, or other annoying or dangerous emissions, given that it is a residential use in a residential neighborhood.
5. The proposed use will not have an impact on traffic given that it is a residential use adding one additional dwelling unit.
6. The proposed use will not impact light or air to surrounding properties, given that it does not involve construction – the house already exists.
7. The proposed use will not impact the environment or wildlife habitat, given that it is a residential use with no new construction.
8. The applicant has adequate capacity to meet the requirements of the Ordinance.
9. Not applicable.

Based on the above, I recommend approval of the conditional use application as submitted. I have prepared a draft Planning Board Order for this application, attached.



Hampden Public Safety

Emergency Services Working Together

106 Western Avenue
Hampden, ME 04444



Phone: 207-862-4000

Email: publicsafety@hampdenmaine.gov

<http://www.hampdenmaine.gov/>

<https://www.facebook.com/hampdenpublicsafety>

Police—Fire—EMS

Code Enforcement
Building Inspection
Fire Inspection

Local Health Office

Joseph L. Rogers
Director of Public Safety
Kandy A. McCullough
Admin. Office Manager

Police

T. Daniel Stewart
Sergeant / SRO
Scott A. Webber
Sergeant
Christian D. Bailey
Sergeant
Joel Small
Investigator
Joseph D. Burke
Patrol Officer
Benson G. Eyles
Patrol Officer
Shawn F. Devine
Patrol Officer
Marc Egan
Patrol Officer
William Miller
Patrol Officer
Jeffrey L. Rice
Patrol Officer

Fire

Jason Lundstrom
Lieutenant / Fire Inspector
Daniel Pugsley, Jr.
Lieutenant / Paramedic
Matthew St. Pierre
Lieutenant / Paramedic
Myles Block
CEO / Paramedic
Jared LeBarnes
Building Inspector / Paramedic
Joseph Dunton
Paramedic / Chaplain
Matthew Thomas
FF / Paramedic
Shawn McNally
FF / Paramedic
Matthew Roope
FF / Paramedic
Chris Liepold
FF / Paramedic

June 3, 2017

Chairman Weldon
Members of the Town of Hampden Planning Board

Re: Proposed Residential A Two-Family Conversion, 11 Ballfield Road

Chairman Weldon:

I have been asked to provide a determination per Article 3.7.6.4 of the Zoning Ordinance regarding the application from Tricia Carver at 11 Ballfield Road. The proposal is to convert an existing Single-Family Dwelling into a Two-Family Dwelling in the Residential A Zoning District.

This property was originally given a Conditional COO on 2/14/2013 by CEO Ben Johnson for a dwelling unit in the basement area while the first floor was slowly being finished by the owner/occupants. On 5/19/2017 I issued a Full COO for the structure as a Single-Family Dwelling. At that time, to the best of our knowledge, the structure was in compliance with all Ordinances and Codes enforced in the Town of Hampden.

In review of the original building permit it was noted that the basement ceiling/first floor is built out of 1/2" Sheetrock, 22" Floor Trusses, and 3/4" AdvanTech Floor Sheathing. Section R302.3 in the 2009 International Residential Code requires a 1-hour separation between Two-Family Dwellings. In discussion with Fire Inspector Jason Lundstrom and Building Official Jared LeBarnes this assembly does not meet a 1-hour separation. The addition of another layer of 1/2" sheet rock on the ceiling and a 1-hour fire-door at the stairs would accomplish the separation needed. There may be alternative ways to accomplish this separation requirement and the applicant is encouraged to reach out to Code Enforcement Team to discuss options.

Since there is no current alterations proposed and the space is currently configured with all needed aspects for a Two-Family Dwelling, due to the nature on how the building was constructed, there no required alterations to put it back to a Single-Family Dwelling.

It is the recommendation of the Code Enforcement Team that this application be approved as stated by the applicant with the *CONDITION* that the applicant provides a 1-hour fire separation between the dwelling units or an alternative approved by the Code Enforcement Office.

Respectfully Submitted,

Myles M. Block
Code Enforcement Officer

cc: Lt. Jason Lundstrom, Fire Inspector
Jared LeBarnes, Building Official
Karen Cullen, Town Planner
File (Application 17-231)



Hampden Public Safety

Emergency Services Working Together

106 Western Avenue
Hampden, ME 04444



Phone: 207-862-4000

Email: publicsafety@hampdenmaine.gov

<http://www.hampdenmaine.gov/>

<https://www.facebook.com/hampdenpublicsafety>

Police—Fire—EMS

**Code Enforcement
Building Inspection
Fire Inspection**

Local Health Office

Joseph L. Rogers
Director of Public Safety
Kandy A. McCullough
Admin. Office Manager

Police
T. Daniel Stewart
Sergeant / SRO

Scott A. Webber
Sergeant
Christian D. Bailey
Sergeant

Joel Small
Investigator
Joseph D. Burke
Patrol Officer

Benson G. Eyles
Patrol Officer
Shawn F. Devine
Patrol Officer

Marc Egan
Patrol Officer
William Miller
Patrol Officer

Jeffrey L. Rice
Patrol Officer

Fire
Jason Lundstrom
Lieutenant / Fire Inspector

Daniel Pugsley, Jr.
Lieutenant / Paramedic
Matthew St. Pierre
Lieutenant / Paramedic

Myles Block
CEO / Paramedic
Jared LeBarnes
Building Inspector / Paramedic

Joseph Dunton
Paramedic / Chaplain
Matthew Thomas
FF / Paramedic

Shawn McNally
FF / Paramedic
Matthew Roope
FF / Paramedic

Chris Liepold
FF / Paramedic

June 3, 2017

Chairman Weldon
Members of the Town of Hampden Planning Board

Re: Riverview Heights Subdivision; General Notes #11

Chairman Weldon:

It came to the attention of the Code Enforcement Office a couple weeks ago that Lot 3 in the above referenced subdivision had the following note on the APPROVED Subdivision Plan, "11. Lot 3 shall have a professionally designed + prepared site plan, provided by the developer, and submitted to the Town of Hampden with the building permit application." It should be noted that the current subdivision plan was approved on 10/8/08

This lot had a building permit application submitted on 3/2/16 and was approved through Code Enforcement on 3/8/16. The above note was missed during Zoning Review of the application and the applicant, who is also the subdivision developer, SE MacMillan Co. Inc. They did not provide the stated site plan as required in the note. Subsequently, a single-family dwelling has been built on the lot and is now in the process of obtaining a Certificate of Occupancy and a Real Estate closing. This note was discovered by a person involved in the Real Estate closing and brought to the attention of the Code Enforcement Office.

In doing research as to why this note was placed on the subdivision plan I found that there was not very good documented discussion on why this was added to this amended version of the original subdivision plan. As stated above the current (amended) subdivision plan was approved on 10/8/08 but an original plan was approved on 8/13/03. This original plan appears to have Lot 3 in the same configuration as in the amended plan and there is no note regarding lot 3 in the original plan. The information I did find alluded to worries about water drainage into the Resource Protection Shoreland District on the lot.

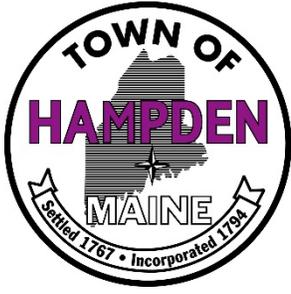
Since the time of the approval of the amended plan the Shoreland Zoning District has changed from Resource Protection to Limited Residential; with this change in there less requirements for protection in this area. The house built on the lot is actually outside the Shoreland Zone area and in my opinion the site work that has been done has actually improved the site stability from what was there before. The amount of noted erosion appears less than what was there during my first visits to the subdivision when construction started on 3 houses in the subdivision just over a year ago.

It is my recommendation that the Planning Board amend the approved Subdivision Plan to strike out General Note 11 due to the Shoreland Zoning change that occurred in the area. This will allow a clean Real Estate transaction to occur on the house on Lot 3.

Respectfully Submitted,

Myles M. Block
Code Enforcement Officer

cc: Karen Cullen, Town Planner
File (03-0-058)



Town of Hampden
Planning Board Ordinance Committee
Tuesday May 16, 2017, 6:30 pm
Municipal Building Conference Room

Minutes

In Attendance:

Planning Board

Mike Avery, Chair
Peter Weatherbee
Jim Davitt
Kelley Wiltbank

Staff & Others

Karen Cullen, AICP, Town Planner
Myles Block, Code Enforcement Officer
Angus Jennings (partial)

The meeting was called to order at 6:37 pm.

1. Zoning Ordinance Amendment – Definitions

Staff described the reasoning for the proposed changes, which include the addition of the terms “municipal solid waste” and “transfer station” and a modification to the term “processing.” As currently written, the term processing includes a transfer station for solid waste, including municipal or household. As has been made clear by many people in Hampden over the last couple of decades, the community is not in favor of having such facilities in town. In order to ensure, for the protection of the town’s residents, that such a facility is never established in town, the Planning & Development Committee felt it was appropriate and necessary to amend the zoning ordinance to prohibit them. Since the ordinance does not include explicit language prohibiting uses in Article 3, it was felt the best way to handle this is to amend the definition of processing and add these other two definitions. Since transfer station is not listed as a permitted use in the industrial district (by right or by conditional use), it is not permitted. It was noted that these amendments will not impact the approved operations at Pine Tree nor the approved Fiberight facility.

Motion by Peter Weatherbee to refer the proposed amendments to the Zoning Ordinance related to the definitions of municipal solid waste, processing, and transfer station to the Planning Board with a recommendation “ought to pass”; staff to set a public hearing for June 14, 2017. Second by Jim Davitt, so voted 4/0/0.

2. Zoning Ordinance Amendment – Dimensional Table

Planner Cullen handed out a dimensional table showing the current requirements for area, frontage, setback, etc. She explained that the intention of this is to, along with the Use Table, replace the majority of the words in Article 3. She noted there are some inconsistencies in the table, most notably the terms lot coverage, ground coverage, and impervious surface. Lot coverage is defined and is the area of building coverage on a parcel, but the other two terms are not defined and thus leads to confusion and inconsistent application of those standards.

Karen also noted there are currently 30 footnotes to the table, these are the “special district regulations” that pertain to dimensional standards for each district. Some of these are nearly identical, and some are baffling; her goal is to eliminate as many as possible through combination or just changing the standard listed in the table, or just getting rid of them where they will not create any detrimental impact.

The committee felt this table is far easier to read and understand, and reduces the chances for errors or missed information. They agreed there needs to be clear definitions of how these are measured; e.g. the three terms dealing with impervious surface or lot coverage. It was noted that the definition of building height was amended in 2016 to reference the definition in the building code. There was also discussion on where to measure setbacks from – some towns use the edge of pavement, or the centerline of a street. The problem with that method is that the location of especially the edge of pavement can move, whereas the property/right-of-way line rarely changes. The difficulty is that surveyors then need to figure out where that line is, and sometimes that can be challenging.

The committee supports the replacement of Article 3 with the dimensional and use tables, and agrees the entire article will need to be replaced in one fell swoop. Karen noted this will take some time, but she expects it to be completed by the end of the summer. She also noted this work will be feeding into the town center district.

The meeting was adjourned at 7:48 pm by motion made by Jim Davitt and seconded by Kelley Wiltbank.

Respectfully submitted by Karen Cullen, Town Planner

Materials reviewed at the meeting:

- Draft language for definitions, version 4
- Draft dimensional table, version 1