



Town of Hampden  
Planning Board  
Wednesday, June 15, 2022, 7:00 p.m.  
Municipal Building Council Chambers  
Minutes

In Attendance:

Planning Board

Richard Tinsman, Chair  
Jennifer Austin, Vice Chair  
Brent Wells  
Benjamin Dunham  
Gene Weldon  
Amanda Day

Staff

Clifton Iler, Town Planner  
Wanda Libbey, Admin Asst.

Public

Jamie Pullman-Beaulieu  
Mike Mooney  
AJ Mooney

Chair Tinsman called the meeting to order at 7:00 p.m. and verified that all attendees in-person and virtual could hear and see each other.

1. Administrative:

a. Minutes – May 11, 2022, Regular Meeting

**Motion** by Member Austin to approve the minutes of May 11, 2022, regular meeting as amended, second by Member Dunham; motion carried 4/2/0 by roll call vote (Members Weldon and Day abstained).

2. Old Business – None

3. New Business:

a. 52 Kennebec Rd – Public hearing for a Conditional Use permit for animals other than usual pets at 52 Kennebec Rd; Tax Map/Lot: 06-0-041-C. The property is located in the Residential B District.

Chair Tinsman went over the rules for public hearings and then opened the public hearing at 7:04 p.m.

Applicant, Jamie Pullman Beaulieu, explained that having sheep and goats would help with maintaining their extensive pasture/hayfields.

Town Planner Iler stated that all ordinance requirements have been met.

Public Questions/Concerns/Opposition: None

Planning Board Questions: None

Chair Tinsman closed the public hearing at 7:08 p.m.

Planning Board Discussion: None

**Motion** by Member Austin based on these findings to approve the Conditional Use application for animals other than usual pets located at 52 Kennebec Road (Tax Map/Lot: 06-0-041-C) in the Residential B District; seconded by Member Weldon; the motion carried 6/0/0 by roll call vote.

- b. Fowler Rd Amendment – Public hearing for an Amendment to an Approved Subdivision at 6 Fowler Rd; Tax Map/Lot: 07-0-084-2A. The property is located in the Rural District.

Chair Tinsman confirmed with Town Planner Iler that public hearing requirements were met and opened the public hearing at 7:10 p.m.

Applicant, Michael Mooney, opening statement:

- Purchased 3.9 AC in 2019 on Shaw Hill Rd. from Jeff Frost.
- Purchased 4.7 AC in Dec. 2019 on Fowler Rd. from Richard Fernald.
- Combined two lots to create 8.67 AC and built his current home on the property located on the corner of Shaw Hill Rd. and Fowler Rd. in March 2021.
- Plisga & Day have surveyed out 3.8 AC of the 8.67 AC that the applicant would like to sell.
- Soil tests have been completed on the 3.8 AC by Moyse Environmental.

Town Planner Iler started by explaining that this application falls under an Amendment to Approved Subdivision requirements within the new Subdivision Ordinance. This allows the Planning Board to review and approve amendments to individual lots within larger subdivisions.

Town Planner Iler gave his report:

- The applicant's parcels were originally part of the Westwood Acres Subdivision approved by the Planning Board in September 1976.
- Westwood Subdivision was a six-lot subdivision with a total of 40.4 AC.
- Four of the original six lots were split within a ten-year period.
- None of the aforementioned splits were approved by the Planning Board, nor recorded at the Penobscot Registry of Deeds.
- Applicant purchased Parcels 1A and 2A in 2019.
- Applicant would like to split 3.8 AC off Parcel 1A to sell.

In accordance with state subdivision law, each property split would have constituted a revision to the Westwood Acres Subdivision and would have needed to be recorded at the Registry of Deeds after being approved by the Planning Board. In the absence of a properly recorded subdivision plan, a revised plan should be completed and approved by Planning Board. Town staff agreed that the applicant is following proper procedure for an amendment to their owned lots they should only be subject to those requirements only. If Planning Board approves the split of Parcel 1A totaling 3.8 AC the following three things would need to happen:

- 1) The remaining portion of Parcel 1A, where the applicant's house currently is located, will be absorbed into Parcel 2A to make it a conforming lot.
- 2) The final subdivision plan for Parcel 1A and Parcel 2A would need to be recorded at the Registry of Deeds consistent with the Subdivision Ordinance. This would result in a partial amendment to the full Westwood Acres Subdivision.
- 3) An amendment to remedy the additional splits within the Westwood Acres Subdivision would need to be initiated. This would require the subdivision to be resurveyed and reapproved by the Planning Board before filing an updated Subdivision Plan at the Registry of Deeds.

Planning Board Questions:

- If Planning Board were to approve this request, what happens to the other divisions that occurred that have no bearing on this applicant in this process?
- What would happen if one of the previously split property owners comes to the town for a conditional use permit or a building permit as it stands currently?
- Has the town attorney been asked to consult on this application?

Planner Iler explained that it is the recommendation of staff to have the Town take on the responsibility of updating the Subdivision Plan for Westwood Acres. This would require the subdivision to be resurveyed and reapproved by the Planning Board before filing an updated Subdivision Plan at the Registry of Deeds.

If left unresolved, property owners within the subdivision could not be approved for conditional use or building permits without going through the subdivision amendment process.

The Town Attorney was not consulted for this application but would need to be consulted for the larger subdivision process. It was the recommendation of the Town Manager to have that process be a Town-initiated amendment.

Public Questions/Concerns/Opposition: None

Chair Tinsman closed the public hearing at 7:31 p.m.

Planning Board Discussion:

- Will there be a condition of approval to record the plan at the Registry of Deeds for this application?

Planner Iler stated that recording the plan is a standard procedure and would not be a condition of approval.

- Could a condition of approval be added that a letter is drafted by the Town Attorney to notify the rest of the parcel owners of this situation and have them come to the town to resolve it?

Planner Iler does not believe this needs to be a condition of approval as this process has to be completed in order for the collective properties within the subdivision to be deemed conforming.

**Motion** by Member Weldon based on these findings to approve the amendment to the Westwood Acres Subdivision at Fowler Rd., in the Rural District (Tax Map/Lot 07-0-084-1A) as the applicant has demonstrated that the lots will be conforming, and the applicant will provide a stamped survey that will be signed and recorded at the Penobscot Registry of Deeds; seconded by Member Austin; the motion carried 6/0/0 by roll call vote.

4. Town Planner Report

Town Planner Iler updated the Board of the Planning Board Workshop on Wednesday, June 22, 2022, at 6:30 p.m. in Council Chambers. Phil Ruck from Stillwater Environmental Engineering will be holding a stormwater plan review session during this workshop. In addition, the Board will review the items from the May Workshop agenda due to a lack of quorum.

A Comprehensive Plan Workshop will be held on Thursday, June 23, 2022, at 6 PM in Council Chambers. This event is open to the public.

5. Planning Board Comment

Member Austin asked that in the future if members could let Wanda know if they cannot make it to a Planning Board Meeting in order to reschedule if needed.

Member Weldon recommends that Town staff within the next 30-days start the process to remedy the additional splits within the Westwood Acres Subdivision and that the Town Planner provide updates under Town Planner Report moving forward.

Planning Board members and Planner Iler spoke highly of previous Town Planner, Karen Cullen, and the extensive research she has done on the cataloging of subdivisions.

6. Adjournment

**Motion** by Member Weldon moved to adjourn the meeting at 7:48 p.m., seconded by Member Austin; motion carried by roll call vote 6/0/0 in favor.

Respectfully submitted by Wanda Libbey,  
Administrative Asst.