



Town of Hampden
Planning Board Workshop
Tuesday July 21, 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

Brent Wells (remote)
Ladoiya Wells (remote)
Jennifer Austin (remote)
Richard Tinsman (remote)

Staff

Karen Cullen, AICP, Town Planner (remote)

Public

(none)

The meeting was called to order at 6:36 pm. Planner Cullen verified that all attendees could hear each other and see the shared screen with the subdivision ordinance documents.

The Board continued their review of proposed amendments to the subdivision ordinance, continuing at section 3.3, Major Subdivisions.

§3.3.1, sketch plan – Planner Cullen noted the proposed language differs from the existing language in that it is not optional for major subdivisions, and the planning board does not make any decisions on it. The purpose is for the applicant and the board to have a discussion about the proposal before significant sums of money are spent on engineering design by the applicant. The board had no comments or questions.

§3.3.2, preliminary plan – the board had no comments or questions on sections 3.3.2.1, 2, or 3, except a question whether the public hearing notices can or should be posted on the town's website and the town's Facebook page. Planner Cullen asked if section 3.3.2.4, 5, 6, and 7 should be deleted, based on discussion several months ago. After reviewing it, the board decided to keep the proposed language as written.

§3.3.2.8 was modified after discussion regarding timeframes: the 30 day timeframe was changed to 60 days, and a new item 4 was added to read "Failure of the Planning Board to take action within the 60 day timeframe will result in an automatic approval with no conditions." The reasoning for these two changes was to provide the board with sufficient time to make a decision, while ensuring that if the board fails to do so then no conditions can be attached to the automatic approval. This puts responsibility on both the applicant and the board to complete the process in a reasonable timeframe and with reasonable deliberation. *[Editor's note: upon reviewing state law, it was found that we are limited to 30 days or such other timeframe as may be mutually agreeable by the board and applicant; therefore the ordinance keeps the 30 day limit, keeps the new item 4 (with 30 days), and adds a sentence regarding a longer timeframe if agreed upon by the board and the applicant.]*

§3.3.3, final approval, recording plan. Planner Cullen asked if sections 3.3.3.3 and 4 should be deleted; the board decided to keep them as written.

There was a discussion about the advertising of lots in a subdivision for sale prior to the approval of the final plan; specifically regarding Honey Hill which had a sign installed shortly after the preliminary plan was approved and the future homes are listed for sale on the MLS. The final plan has yet to be submitted, after two 6 month extensions. *[Editor's note: Upon research, the fact that the lots are listed on MLS for sale (offered for sale) is a violation of Title 30-A §4406, paragraph 1. However, after consulting with MMA Legal Services, that advertising is consistent with case law provided any contracts for sale include a condition that the subdivision must be approved by the Planning Board prior to the sale of the lot.]*

§1.10.1 was reviewed again, and it was subsequently verified that the language is consistent with state law.

§3.4, amendments to an approved subdivision plan – Planner Cullen noted that this section is new and is meant to handle situations where a lot in a previously approved subdivision is not simply split using deeds (as an exemption to the subdivision laws). No comments or questions.

§3.5, appeals – this is the same language as in the current ordinance. No comments or questions.

§3.6, improvement guarantee. Planner Cullen noted this is different than in the current ordinance since it has several inconsistencies or contradictions within the Subdivision Ordinance and also with the Town Ways Ordinance. It was noted we need to figure out which word – approved or accepted – is the correct one for §3.6.1.3. No other comments or questions on §3.6.

§3.7, construction – Planner Cullen noted this section is new and is designed to ensure that everyone is on the same page (applicants, contractors, town staff) in regards to the construction process and inspections.

3.7.3, permitted construction times – discussion resulted in three different alternatives for this language, which Planner Cullen will email to the entire board for a straw poll on how to handle this. The three alternatives are:

- Mon – Sat 7 am to 7 pm and Sun 9 am to 5 pm;
- Mon – Sun 7 am to 7 pm; or
- Mon – Fri 7 am to 7 pm and Sat & Sun 9 am to 5 pm

§3.7.11, time for completion of improvements – discussion to add language regarding what should happen if the improvements are not installed. *[Editor's note: added a new sentence to the end of the paragraph to read "Failure to complete the improvements within the two year period, or as extended by the Board, will result in the Town declaring default and pursuing remedies through the improvement guarantee."]*

§3.7.13, as-built survey – consider adding language that no improvement guarantee will be released until the as-built plan is submitted. *[Editor's note: added a new sentence to the end of the paragraph to read "Failure to submit the as-built survey will result in the Town denying any request for public acceptance of any infrastructure within the subdivision."]*

§3.6.3, duration of improvement guarantee – discussion regarding whether we have language in the improvement guarantee section dealing with expiration of the guarantee (e.g. letter of credit). *[Editor's note: added a new sentence to the end of the paragraph to read "If an improvement guarantee expires and is not renewed, the Town will deny any request for public acceptance of any infrastructure within the subdivision."]*

Planner Cullen noted she will check into the town attorney review of the proposed subdivision ordinance. Review will continue at the August workshop meeting (August 18) with section 3.8, submission requirements.

The meeting was adjourned at 7:57 pm.