



Town of Hampden  
Planning Board Meeting  
Wednesday August 12, 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  
Jake Armstrong  
Gene Weldon  
Richard Tinsman  
Brent Wells

Staff

Karen Cullen, Town Planner  
Wanda Libbey, Recording Clerk

Public

Jim Kiser  
Dick Ryan  
Lynn Ryan  
David Field

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 – July 8, 2020 regular meeting
- b. Minutes – June 21, 2020 workshop meeting

**Motion:** by member Richard Tinsman to approve the minutes of the July 8, 2020 regular meeting and July 21, 2020 workshop meeting, seconded by Brent Wells; motion carried 4/0/1 by roll call vote, (Weldon abstaining).

2. New Business

- a. Emerson Luxe, LLC – Public Hearing opened at 7:02 pm for a Major Site Plan and Final Major Subdivision Plan for a 10-unit multi-family development on the 5-acre property located on Emerson Mill Road, parcel 08-0-056. This property is in the Rural district.

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

- 10 units in 3 buildings

- adjacent to YMCA camp
- 3 driveway entrances to maintain the rural feel of the area
- separate septic systems for each building
- two wells, one to serve 6 units and the other to serve 4 units
- fairly low traffic generation, a little less than single family residential on a per unit basis
- for stormwater design, will not require DEP application unless more than one building is constructed at one time – if phased with each building being completed prior to the start of the next one, DEP approval is not required since the amount of land disturbance at any given time would be below the DEP threshold
- the applicant has no objections to the conditions in the draft Board Order.

Abutter testimony: The residents from three abutting properties, Rhonda Gopan, Dick Ryan, Lynn Ryan, and David Field, attended the meeting and each made similar comments. None were opposed to the addition of multi-family units, but all have concerns. The following is a summary of their comments, and the written testimony is attached to these minutes Exhibit A.

- primary concerns are with traffic and the proposed three driveway entrances
  - traffic on Emerson Mill Road consistently exceeds the posted speed limit of 40 mph, which is already excessive
  - Emerson Mill Road is a major through way to I-95 and gets a lot of use by commuters; morning and evening have the most traffic
  - the roadway can be dangerous due to insufficient shoulders and a significant drop-off from the pavement to the gravel along the side of the road
  - there are numerous accidents on this stretch of road, including one last week where a telephone pole was struck and broken – this is the 4<sup>th</sup> time for this pole
  - sight distance in this area is not good and with the high speeds there is concern for the safety of the residents of the new development
  - adding more traffic will not help the situation
- stormwater runoff
  - during and after heavy rain events, the gravel in the roadside ditches gets washed down the hill to the flatter area by the YMCA camp's driveway
  - stormwater runoff runs across and down the driveway on the opposite side of the road as well
  - Hampden DPW replaces gravel in this section along the proposed development after heavy rains
- water table and impact on wells
  - Concern that two additional wells pumping enough water for 10 units will impact the groundwater in the area, causing existing wells to go dry
  - New units will nearly double the amount of water to be drawn from the aquifer in this area

Primary discussion points:

- If the DPW Director requires additional cutting along the road to achieve the required sight distance for any of the driveways, additional trees and shrubs will be planted – see condition of approval in the board order.
- The project could be redesigned with a single entrance near the YMCA camp entrance, but there is a question whether that would improve the overall situation regarding both traffic and stormwater management, since it would add impervious surface and alter the direction of stormwater runoff flow, which as currently designed moves most of the stormwater away from Emerson Mill Road.
- Fire suppression – with the condition in the draft board order, the applicant will need to provide for adequate water supply for fire suppression before a building permit is issued – this could be a dry hydrant installed nearby by the town, or one or two 6,000 gallon tanks installed on the property to store sufficient water to supplement the amount of water the fire department can bring in their trucks during a fire.
- The buildings will be constructed with fire separation walls between units as required by the building code.
- This 5 acre parcel, if divided for single family homes, could have no more than two driveways on Emerson Mill Road.
- The applicant has not investigated the potential impact of the proposed wells on the existing wells in the area.
- The speed limit is set by Maine DOT and neither the PB nor anyone else in the town can change it; DOT is the only entity with that authority. Requires studies and criteria must be met to warrant a reduction in the speed limit. Efforts have been made in the past to do this.
- Water supply – Jim Kiser looked up on the state’s website and found data indication there should be adequate water in the area to supply the proposed wells.

**Motion:** by Eugene Weldon to approve the major site plan and final subdivision for Emerson Luxe, LLC to construct the Emerson Luxe multi-family development located on Emerson Mill Road as submitted and based on the findings listed in the Board Order, with the following conditions:

1. That life safety issues be resolved prior to the issuance of a building permit, including that adequate water to the site for fire suppression be designed by the applicant and approved by the Deputy Fire Chief. The long term functionality of the fire suppression system must be provided for to ensure the project will not overburden the Public Safety Department (refer to Section 4.1.6.2.9 of the Zoning Ordinance).
2. That the Director of Public Works approve the sight distance at each of the three driveways prior to issuance of a certificate of occupancy.
3. That, in the event additional clearing along the road is required to achieve safe sight distance from any or all of the driveways, that additional landscaping or screening (including structural elements such as fences) be proposed and installed, with approval of the plans as a minor revision under Section 4.1 by the Code Enforcement Officer prior to installation.
4. That exterior construction activities are limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.

5. That prior to issuance of a building permit for a structure, the applicant must demonstrate that the wells will be sufficient to supply the dwellings without impacting neighbors.

The motion was seconded by Brent Wells; motion carried 3/2/0 by roll call vote (Wells and Tinsman voting against the motion).

- b. Curtin Holdings Group, LLC – Final Subdivision Plan for Honey Hill Estates, a major cluster subdivision consisting of 23 lots on a 29.3-acre parcel located at 238 Main Road South, parcel 06-0-050-1. This property is in the Residential A and Rural districts.

Planner Cullen noted the Board had approved the preliminary plan last year and has granted two extensions for the timeframe for submission of the final plan. She reviewed her report, concluding that the plan is ready for approval and board signatures.

Discussion regarding the location of the septic systems; Planner Cullen said the CEO had raised a question since two of the test pits are close to the boundary of the open space areas. Language in the covenants may prevent placement of the septic systems in the open space areas; suggested the applicant review those documents to ensure there is not a conflict.

The project will be served by public water and private sewage disposal (septic systems). The pressure in the water system is insufficient for water supply to some of the homes, and the Public Utilities Commission needs to will need to issue limited service agreements regarding the pressure for those homes affected. Discussion regarding how future owners will be notified of this issue including required maintenance of the booster pumps.

**Motion:** by Richard Tinsman to approve the final subdivision plan and board order, including the waivers requested, for Honey Hill Estates as submitted; second by Eugene Weldon; motion carried 5/0/0 by roll call vote.

3. Old Business – none

4. Planning Board Comment

Eugene Weldon commented that he appreciated the discussion tonight and reminded everyone that a motion can be killed on the floor by failure to second, which is perfectly acceptable.

5. Adjournment

**Motion:** by Dick Tinsman to adjourn the meeting at 8:40 pm; second by Gene Weldon; motion carried 5/0/0 by roll call vote.