

Town of Hampden

Planning Board

Wednesday, August 12, 2020, 7:00 pm

Municipal Building Council Chambers

Agenda

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

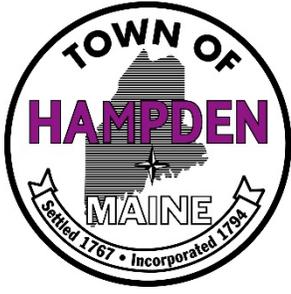
2. New Business
 - a. Emerson Luxe, LLC – Public Hearing for a Major Site Plan and Final Major Subdivision Plan for a 10 unit multi-family development on the 5 acre property located on Emerson Mill Road, parcel 08-0-056. This property is in the Rural district.

 - b. Curtin Holdings Group, LLC – Final Subdivision Plan for 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.

3. Old Business –

4. Planning Board Comment

5. Adjournment



Town of Hampden
Planning Board Meeting
Wednesday July 8, 2020

Minutes

This meeting was held via remote means (Google Meet) due to the Covid-19 Pandemic, in accordance with SP0789 / LD2167, An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency.

In Attendance:

Planning Board

Kelley Wiltbank, Chairman
Ladoiya Wells
Richard Tinsman
Brent Wells
Jennifer Austin
Jake Armstrong

Staff

Karen Cullen, Town Planner
Jessica Rickman, Recording Clerk

The meeting was called to order at 7:00 pm. Chairman Wiltbank explained that this meeting is being held remotely, with himself and Jake Armstrong 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 could likewise hear and speak to all other participants. Nobody from the public attended, either in person or remotely.

1. Administrative

- a. Minutes – June 10, 2020 regular meeting
June 16, 2020 workshop meeting

Motion: by member Richard Tinsman to approve the minutes of the June 10, 2020 regular meeting and June 16, 2020 workshop meeting, seconded by Brent Wells; motion carried 5/0/1 by roll call vote.

2. New Business

- a. Public Hearing – Proposed Amendments to various sections of the Hampden Zoning Ordinance to clarify or correct language, allow “alternate frontage lots” in all zoning districts, modify the multi-family housing provisions, modify the provisions for filling and grading of land, delete the medical marijuana provisions because they are being moved to the Marijuana Ordinance, and modify or add definitions of terms used in the ordinance.

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Kelley Wiltbank opened the public hearing at 7:03 pm. He mentioned that there was no one to speak for or against the proposed amendments via Google Meet or in the Council Chambers. Planner Cullen gave a presentation summarizing the proposed amendments. The Board did not have any questions or comments on the proposed amendments. Kelley Wiltbank closed the public hearing at 7:09 pm.

The following is a summary of the proposed amendments to the Hampden Zoning Ordinance along with the Planning Board's action on each one:

1) §3.2.1 **Multi-family** - Require half of the open space to be recreational space; and require fire suppression infrastructure

Motion: by Richard Tinsman to approve the proposed amendment to Section 3.2.1 of the Zoning Ordinance as presented in the "Proposed Zoning Amendments – Summer 2020" and forward to the Town Council with a recommendation to adopt the amendment; second by Jennifer Austin; motion carried 6/0/0 by roll call vote.

2) §3.4.2.2 **Lot size, Business & TC districts** - Eliminate a conflict in the ordinance

Motion: by Richard Tinsman to approve the proposed amendment to Section 3.4.2.2 of the Zoning Ordinance, as presented in the "Proposed Zoning Amendments – Summer 2020" and forward to the Town Council with a recommendation to adopt the amendment; second by Jennifer Austin; motion carried 6/0/0 by roll call vote.

3) §4.3 **Rural Alternate Frontage Lots** - Make section applicable to lots in any district, not just Rural. Note, these are limited to single family homes.

Motion: by Richard Tinsman to approve the proposed amendment to Section 4.3 of the Zoning Ordinance, as presented in the "Proposed Zoning Amendments – Summer 2020" and forward to the Town Council with a recommendation to adopt the amendment; second by Jennifer Austin; motion carried 5/0/1 by roll call vote, Chairman Wiltbank abstained.

4) §4.7.2 **Buffers, multi-family** - Add a requirement that any multi-family development in the Rural district must provide a class 3 buffer along each property line. (Class 3 is the most stringent.)

Motion: by Richard Tinsman to approve the proposed amendment to Section 4.7.2 of the Zoning Ordinance, as presented in the "Proposed Zoning Amendments – Summer 2020" and forward to the Town Council with a recommendation to adopt the amendment; second by Jennifer Austin; motion carried 6/0/0 by roll call vote.

5) §4.7.5.7 **Signs, commercial districts** - Add a provision addressing situations where there is a residence used for business purposes in the commercial districts.

Motion: by Richard Tinsman to approve the proposed amendment to Section 4.7.5.7 of the Zoning Ordinance, as presented in the "Proposed Zoning Amendments – Summer

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2020” and forward to the Town Council with a recommendation to adopt the amendment; second by Jennifer Austin; motion carried 6/0/0 by roll call vote.

6) §4.9.2 **Earth moving** - Revise the provisions for exemptions to ensure an exemption granted for construction associated with a building permit or a subsurface wastewater disposal permit. Also reorganize the existing provisions so erosion and sedimentation control provisions apply to ALL earth moving activities (including exempted).

Motion: by Jake Armstrong to approve the proposed amendment to Section 4.9.2 of the Zoning Ordinance, as presented in the “Proposed Zoning Amendments – Summer 2020” and forward to the Town Council with a recommendation to adopt the amendment; second by Ladoiya Wells; motion carried 6/0/0 by roll call vote.

7) §4.24 **Medical marijuana, methadone** - We are moving the medical marijuana dispensary and cultivation facility provisions to the Marijuana Ordinance, so delete them from here. Methadone clinics remain in the zoning ordinance.

Motion: by Jake Armstrong to approve the proposed amendment to Section 4.24 of the Zoning Ordinance, as presented in the “Proposed Zoning Amendments – Summer 2020” and forward to the Town Council with a recommendation to adopt the amendment; second by Ladoiya Wells; motion carried 6/0/0 by roll call vote.

8) §6.2.1 **Appeals to the BOA** - Modify the section per the advice to the town’s attorney, to clarify what can be appealed to the BOA.

Motion: by Jake Armstrong to approve the proposed amendment to Section 6.2.1 of the Zoning Ordinance, as presented in the “Proposed Zoning Amendments – Summer 2020” and forward to the Town Council with a recommendation to adopt the amendment; second by Brent Wells; motion carried 6/0/0 by roll call vote.

9) §7.2 **Definitions** - Modifications to various definitions, addition of new ones as well. Note, the addition of those related to marijuana is due to the fact that the use table (§3.1.3) still has the various marijuana uses listed, since that is where we can regulate where they are allowed in town.

Motion: by Jake Armstrong to approve the proposed amendments to Section 7.2 of the Zoning Ordinance, as presented in the “Proposed Zoning Amendments – Summer 2020” and further modified as presented by Town Planner Cullen for the definition of Road or Street so sub-paragraph b reads: “Is shown on and has been constructed in accordance with a plan of a subdivision which has been duly approved by the Hampden Planning Board and recorded in the Penobscot County Registry of Deeds and has not been vacated as a result of 23 MRSA §3032, 23 MRSA §3031, 23 MRSA §3027, or 23 MRSA §3027-A.” and forward to the Town Council with a recommendation to adopt the amendment; second by Brent Wells; motion carried 6/0/0 by roll call vote.

3. Old Business – None

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4. Town Planner Report

Karen Cullen, Town Planner mentioned that she included a project report providing the status of approved projects in the Planning Board packet and wanted to know how often the board wants to receive this. The board agreed to receive the project report quarterly.

Karen Cullen, Town Planner also mentioned that the Governor extended the Civil Emergency for another 30 days so the Planning Board can hold meetings remotely until the September meeting. She also reminded the Planning Board that they have a Workshop Meeting scheduled for July 21st at 6:30 pm.

5. Planning Board Comment

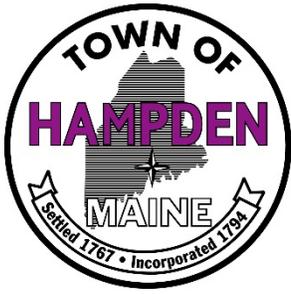
No comments

6. Adjournment

Motion: Dick Tinsman moved to adjourn the meeting at 7:35 pm, seconded by Ladoiya Wells; motion carried by roll call vote 6/0/0.

Respectfully submitted by Jessica Rickman,
CED Administrative Asst.

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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.

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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."]*

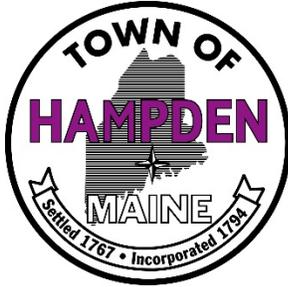
§3.6.3, duration of improvement guarantee – discussion regarding whether we have language in the improvement guarantee section dealing with expiration of the guarantee (e.g. letter of credit). *[Editor's note: added a new sentence to the end of the paragraph to read "If an improvement guarantee expires 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.

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Town Planner
planner@hampdenmaine.gov



Report
Major Site Plan & Final Subdivision Plan
Emerson Luxe

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: August 3, 2020
RE: Report on Application for a multi-family development on Emerson Mill Rd

This application is for a major site plan and a final subdivision plan for a new multi-family project on Emerson Mill Road in the Rural district. The proposal submitted shows 10 units in three buildings, two 4-unit buildings and one 2-unit building.

This parcel (08-0-056) is vacant and is adjacent to Camp G. Peirce Webber (formerly known as Camp Prentiss), a day camp run by the Bangor Area YMCA. The land slopes uphill from the entrance to the camp, the slope of the hill running perpendicular to the road. The plan shows three separate driveway entrances for the buildings; the DPW Director has worked with the applicant to figure out how to make this work given concerns about sight distance from the middle driveway. The project will be served by private wells and private on-site sewage disposal systems.

The application is in compliance with the submission requirements.

The application is in compliance with the approval standards for site plan review with the exception of the possibility of adding screening at the parking spaces closest to the road at the southernmost building – “minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned” (§4.1.6.2.4).

The application is in compliance with the submission requirements of the subdivision ordinance for a final major subdivision. It is also in compliance with the approval criteria under state law, with one exception: noting has been submitted indicating the applicant has the financial and technical capacity to complete the project; given the fact there are no public improvements (e.g. road) this is not really necessary – all risk is assumed by the developer.

Comments from other staff:

Chris Bailey, Director of Public Safety, has concerns about the amount of traffic on Emerson Mill Road, during a recent traffic study roughly 80,000 cars in a 27 day period were counted in this

area. This site is on a hill, and while the traffic can be categorized as busy, and some people do exceed the speed limit, the study that was done concluded that most traffic was not speeding during the 27 day study period. Sight distance for vehicles exiting the site is a concern, but the tree clearing proposed should provide enough sight distance for drivers to be able to react to oncoming cars from both directions.

Jason Lundstrom, Deputy Fire Chief, has submitted a letter regarding fire suppression needs (attached); at this point he is comfortable with having a condition on the approval using the same language as was used in the recent Lupine Meadow Board Order. (See draft attached).

Sean Currier, Director of Public Works, has looked at the site plan and would like the area of trees along Emerson Mill Road to be cut back a little more to ensure safe sight distance. In order to balance the need for screening the development with safe sight distance for vehicles exiting the property, I have added a condition to the Board Order stating that no occupancy permit can be granted prior to approval of the sight distances by the Director of Public Works.

Comments from Woodard & Curran are provided in a separate report, attached.

Note that Jim Kiser has addressed the comments from the initial review of this application in the letter accompanying his application. Most of our comments were addressed in revisions to the plan that was reviewed. The application in the packet is the revised version.

D/C Scott Webber
Sgt. T.D. Stewart
Sgt. Joel Small
Ofc. J.D. Burke
Ofc. Ben Eyles
Ofc. Shawn Devine
Ofc. Marc Egan
Ofc. William Miller
Ofc. David Mushrall
Ofc. Monic Christian
Ofc. Tony Lorenz



D/C Jason Lundstrom
Lt. Dan Pugsley, Jr.
FF Shaun McNally
FF Jared LeBarnes
FF Matt Roope
FF Gavin Webb
FF Ken Roy
FF Oliver Bianchi
Lt. Matt St.Pierre
CH. Joe Dunton
FF Matt Thomas
CEO Myles Block
FF Chris Liepold
FF Ed Gardella
FF Chad Spann
FF Mike Simmons

Kandy McCullough, Office Manager
Chief Christian Bailey, Director of Public Safety

POLICE

FIRE

EMS

CODE ENFORCEMENT

LOCAL HEALTH OFFICE

July 30, 2020

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

Re: Emerson Luxe Project

Dear Karen,

I spoke to Jim Kiser today and discussed the plan for fire suppression water at the Emerson Luxe project. He outlined a few options and stated that he wanted to further research them to establish which option would work best for all parties involved. I feel comfortable at this point using the same conditional language we used for the Lupine Meadow project reference the conditional approval. I explained to Jim that he would need to present a plan prior to obtaining approval from the fire department. If you have any questions or need additional information, please don't hesitate to contact me.

Sincerely,

Jason Lundstrom
Deputy Fire Chief
Hampden Fire Department



July 17, 2020

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

Re: Emerson Luxe Site Plan and Subdivision Application Peer Review

Dear Karen:

We have completed a review of the Site Plan and Subdivision Application submitted for Emerson Luxe, LLC (Applicant) by Kiser Engineering & Development Consulting, for a proposed 10-unit multi-family development on Map 8 - Lot 56 located on Emerson Mill Road. As requested, this review is focused on stormwater management. Our comments are listed below.

Zoning Ordinance Site Plan Standards (Article 4.1)

1. In accordance with Article 4.1.5, any development required to obtain approval under site plan review that proposes a cumulative land disturbance of greater than one acre must provide for stormwater management in compliance with the Maine DEP Chapter 500 Rules. The Applicant's proposed development will disturb approximately 2.6 acres of the existing property with a total new impervious area of 0.69± acres, which requires the new development to meet the Chapter 500 Basic Standard requirements. These include erosion and sediment control, inspection and maintenance, and housekeeping standards.

The Applicant has made adequate provisions for these requirements. However, inlet protection to storm drain inlets is not referenced. We recommend providing inlet protection to proposed field basins to meet this requirement.

2. Proposed grading shows the direction of runoff away from proposed improvements and utilizes the roadside ditches to convey stormwater away from the site. This should be an effective means to manage stormwater for the two southernmost buildings (Units 1-6).

The proposed grading of the northernmost building (Units 7-10) and parking lot does not appear to convey stormwater as effectively away from the development. Site grading suggests that drainage from slope above the parking lot appears to flow over the curb and onto the pavement. From there, it will either flow to the drainage structure or across the parking surface.

We recommend the Applicant review the grading in this area to ensure that proper drainage is achieved when constructed.



As requested, we also reviewed driveway spacing, location and quantity and discussed it with Sean Currier. I understand Sean has met on site with Jim Kiser and discussed sight distance issues that can be resolved with tree cutting along the Emerson Mill Road. Other than sight distance, we have no concern with the alignment, spacing and location of the driveways.

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

Sincerely,

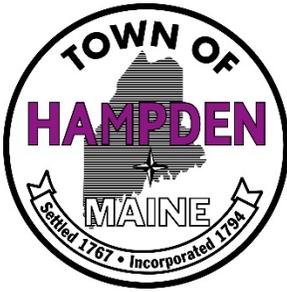
WOODARD & CURRAN

A handwritten signature in blue ink that reads "James D. Wilson".

James D. Wilson, P.E.
Senior Project Manager

JDW/slr

PN: 0213351.68



Town of Hampden

Planning Board Order
Emerson Luxe – Multi-family

Approval Date: August 12, 2020

Project Name: Emerson Luxe

Location of Project: Emerson Mill Road

Assessor's Reference: 09-0-056

Deed Reference: B15415/P22

Zoning District: Rural

Total Acreage: 5.05 acres

Type of Use: Residential

Number of Units: 10 units in 3 buildings

Applicant: Emerson Luxe, LLC
13 Francis Drive
Hampden ME 04444

Owner: Nattapong Kongsuriya
13 Francis Drive
Hampden, ME 04444

Plans Prepared by: Kiser & Kiser Co.

Plans Dated: July 29, 2020

Application Date: June 29, 2020

Public Hearing: August 12, 2020

PB Members:¹ Kelley Wiltbank, Jake Armstrong, Brent Wells, Ladoiya Wells, Richard Tinsman, Jennifer Austin, and Eugene Weldon

PB Action: _____. This Project is ____ under §4.1 of the Hampden Zoning Ordinance and §340 of the Hampden Subdivision Ordinance.

¹ Planning Board Members who were eligible to vote on this case.

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Summary Description of Application: This application is to construct two 4-unit multi-family buildings and one 2-unit building on a parcel in the Rural district, for a total of 10 units. This Board Order includes both the site plan and the subdivision applications for construction of these multi-family buildings. The 10 units will be served by four separate onsite wastewater disposal systems, and by two wells. There will be three driveway entrances to Emerson Mill Road, one for each building. All parking is outdoors in front of or to the sides of the buildings. The site is currently vacant and entirely wooded.

Findings: After the public hearing duly noticed and held, the Hampden Planning Board made the following findings as required by §4.1.6.2 of the Hampden Zoning Ordinance:

1. The proposed project has been designed to minimize the volume of cut and fill, a fair bit of grading is necessary to accommodate the development; roughly half of the wooded area will be removed for the development (2.6 acres of the 5.05 will be disturbed); there are no wetlands on the site; and the stormwater management system has been designed in accordance with the applicable requirements. The stormwater system is designed to have minimal impact on the area.
2. With proper clearing along the roadway to achieve safe sight distances for vehicles existing the three driveways, the proposed project provides for safe ingress and egress and on-site circulation for vehicles and pedestrians.
3. The proposed project will not impact scenic views from public ways, given that there are no scenic views.
4. The parking and outdoor service areas are appropriately screened from public ways and abutting residential properties, provided there is either the amount of wooded area shown on the plan or, if additional woods need to be cut to achieve safe sight distance, that landscape screening be provided to screen any buildings, parking, and dumpster areas.
5. The proposed exterior lighting does not present a hazard due to location, glare, or other conditions that negatively impact abutting property or the travelling public, given that the only outdoor lighting is building mounted fixtures typical of residential structures.
6. The proposed project minimizes unreasonable departure from the character, materials, and scale of buildings in the vicinity; the buildings are two story residential within a primarily residential area.
7. The proposed project will not involve hazardous substances that could contaminate groundwater, since it is a residential use.
8. The proposed project, if the approval conditions are met, is designed to provide adequate access for fire and service equipment, as well as for utilities and stormwater management.
9. The proposed project, if the approval conditions are met, will not exceed the capacity of public utilities or overburden any public service, since it will have its

own water supply and sewage disposal and it is a small residential development.

10. The proposal will not result in undue water or air pollution, given that it is a small residential development that will have minimal stormwater runoff all of which will be handled on-site, has no streams on it, and is not subject to flooding. The project has been graded to allow drainage from the developed areas to dissipate over undeveloped areas and ultimately flow along natural drainage paths to the roadside ditch along Emerson Mill Road and to the Souadabscook Stream.
11. The proposal will not cause unreasonable soil erosion or reduction in the land's capacity to hold water, given that adequate provisions have been made to handle stormwater runoff and potential soil erosion.
12. The proposal will not cause unreasonable congestion or unsafe conditions on the public roads given the low volume of traffic to be generated at the site.
13. The proposal conforms with the Subdivision Ordinance and is consistent with the 2010 Comprehensive Plan in that it provides multi-family rental housing (variety of housing types).
14. The proposal is not expected to adversely affect the quality or quantity of groundwater since the project includes only 10 dwelling units.
15. The proposal provides adequate stormwater management given the small amount of impervious area (0.69 acres) and the design of the site with stormwater facilities; the majority of the stormwater will be sheet flow and infiltration.
16. The proposed project complies with the criteria for multi-family development in §3.2.1 of the Zoning Ordinance.

Based on these findings, the Hampden Planning Board voted ____ to _____ the Site Plan and Final Subdivision Plan for Emerson Luxe, LLC to construct two 4-unit and one 2-unit multi-family buildings on Parcel 09-0-056 as previously described, subject to the conditions listed below.

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.

For the Hampden Planning Board:

Kelley Wiltbank, Chair

Date

Richard Tinsman

Eugene Weldon

Jake Armstrong

Brent Wells

Ladoiya Wells

Jennifer Austin

Notes:

1. *A copy of this decision is on file with the Planning Office at the Town Offices, 106 Western Avenue, Hampden, ME 04444.*
2. *This decision is subject to appeal in accordance with Article 6 of the Hampden Zoning Ordinance within 30 days after the date this decision is made by the Planning Board.*

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Town of Hampden
Land & Building Services

Report on Application

Final Plan

Honey Hill Estates Cluster Subdivision

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *kmc*
Date: August 4, 2020

Project Information

Applicant: Curtin Holdings Group LLC (formerly R&B Development LLC)
Site Location: 238 Main Road South (across from Dorothea Dix Park); parcel 06-0-050-1
Zoning District: Residential A and Rural
Proposal: Using the cluster provisions of the zoning ordinance, subdivide this 29.3 acre property into 23 lots for single family homes. The proposal includes 14.84 acres of open space for a total of 50.7% open space. One new road is proposed, designed for public acceptance. The development will be served by public water and each lot will have an on-site subsurface wastewater disposal system.

This application has been reviewed by staff and the following is a summary of comments:

- The Deputy Fire Chief has submitted a letter stating the proposed method for providing water for fire suppression is acceptable (see attached).
- The Code Enforcement Officer has submitted a memo stating the plan meets the requirements of Section 564 of the subdivision ordinance regarding private subsurface wastewater disposal systems (see attached). His letter notes that several test pits are located close to the green space buffer; per section 4.6.4.4 of the zoning ordinance, it is acceptable for septic systems to be within the common open space. It appears that the proposed covenants and restrictions for the development would not allow these systems to be placed within the "buffer/setback – green space" areas.
- The Hampden Water District has submitted a letter stating they would approve the design of the public water system, with the understanding it is for potable water only and that booster pumps may be needed for some of the homes due to inadequate pressure in the system (see attached).
- The Town Manager has reviewed and approved the improvement guarantee (see attached).
- I have reviewed the final plan and after working with Jim Kiser to address a number of things, I am reporting that with the exception of note 8 on the recording and subdivision plans (which says the development will be served by public sewer), the final plan is complete and in compliance with the subdivision ordinance and the applicable provisions of the zoning ordinance, including the cluster provisions. A revised plan will be provided before the meeting with the correction to note 8. I recommend that the Planning Board approve the final plan and Board Order as submitted.

D/C Scott Webber
Sgt. Joel Small
Ofc. Ben Eyles
Ofc. Marc Egan
Ofc. David Mushrall
Ofc. Tony Lorenz

Sgt. T.D. Stewart
Ofc. J.D. Burke
Ofc. Shawn Devine
Ofc. William Miller
Ofc. Monic Christian



D/C Jason Lundstrom
Lt. Dan Pugsley, Jr.
FF Shaun McNally
FF Jared LeBarnes
FF Matt Roope
FF Gavin Webb
FF Ken Roy
FF Oliver Bianchi

Lt. Matt St.Pierre
CH. Joe Dunton
FF Matt Thomas
CEO Myles Block
FF Chris Liepold
FF Ed Gardella
FF Chad Spann
FF Mike Simmons

Kandy McCullough, Office Manager
Chief Christian Bailey, Director of Public Safety

POLICE **FIRE** **EMS** **CODE ENFORCEMENT** **LOCAL HEALTH OFFICE**

July 30, 2020

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

Re: Honey Hill Subdivision

Dear Karen,

Jim Kiser has submitted an email indicating his plan for on site water for the Honey Hill subdivision. The plan includes a retention pond which will hold 107,000 gallons of water with a dry hydrant capable of flowing 500 gallons per minute. The plan calls for a 4' paved shoulder at the hydrant and Jim stated that the entire road area, front yards, and back land area will flow to the pond through the projects storm drain system which he believes will keep the pond full year around. I have verified that adequate water will be provided based on the plan he has proposed. The outlined plan satisfies Hampden Public Safety requirements regarding water supply for fire suppression. If you have any questions or need additional information, please don't hesitate to contact me.

Sincerely,

Jason Lundstrom
Deputy Fire Chief
Hampden Fire Department

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-8427
Fax: (207) 862-5067
email: Code@hampdenmaine.gov

Memorandum

Date: 06/30/2020

To: Karen Cullen, Town of Hampden Planner

From: Ryan Carey, Town of Hampden CEO /LPI

Re: Honey Hill Subdivision Septic Design

As requested, I have reviewed the plans submitted by Mr. Kiser regarding the change from public sewer to private subsurface waste water systems.

Mr. Kiser presented plans indicating the location of individual test pits on each of the project's 23 lots. The location of each of the pits is appropriate allowing for each system to be within the required setbacks.

Mr. Kiser also included the summary of results for each test pit with a description of each soil profile, classification, and description.

It is my opinion that Mr. Kiser has satisfied the requirements of section 564 of the Town of Hampden Subdivision Ordinance.

It should be noted that the test pits for lots 15, 16, and 6 are close to the green space buffer. The Planning Board should make a determination as to whether a septic system or its components can be placed in that buffer. Also, the structure on lots one and 23 will need to be greater than 200 feet from the public sewer utility in order to utilize a private septic system (10-144 CMR 241 2.A.6).

CC: File 06-0-050-1



7/30/2020

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

Re: Honey Hill Subdivision

Dear Karen,

The Hampden Water District has reviewed the plans presented to the Planning Board for review regarding the Honey Hill subdivision and would approve the proposed water line to serve this subdivision. We understand that this water line is for the sole purpose of supplying potable water to the residents of this subdivision and not intended for fire protection purposes. "Booster" pumps will most likely be needed at each home as the pressure will not be adequate to meet necessary requirements. Limited service agreements will be necessary from the Maine Public Utilities Commission for each of these homes regarding the lower pressure concern.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jamie Holyoke".

Jamie Holyoke
Superintendent
Hampden Water District

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
email: info@hampdenmaine.gov

August 4, 2020

Re: Improvement Guarantee for Honey Hill Estates Subdivision

To the Planning Board:

I have reviewed the Letter of Credit which will serve as the improvement guarantee for the Honey Hill Estates subdivision and I approve the form, duration, and amount of the Letter of Credit (attached).

Sincerely,

Paula A Scott
Paula Scott, Town Manager



Irrevocable Letter of Credit

Date Issued: July 23, 2020
Expiration Date: July 23, 2021

Amount: \$638,870.00

For the Account of: Curtin Holdings Group, LLC
510 Perry Rd. Suite 1
Bangor, ME 04401

Beneficiary: Town of Hampden
106 Western Ave.
Hampden, ME 04444

Paula Scott,

This letter will confirm to the Town of Hampden that Acadia Federal Credit Union has issued a loan commitment to Curtin Holdings Group, LLC for the purpose of constructing improvements associated with the Honey Hill Estates subdivision in Hampden, ME.

For the account of Curtin Holdings Group, LLC (“Developer”), Acadia Federal Credit Union (“Lender”) has established this Irrevocable Letter of Credit in favor of the Town of Hampden, Maine (“Beneficiary”) in the aggregate amount of up to \$638,870.00 (Six hundred thirty-eight thousand, eight hundred and seventy U.S. Dollars).

This Letter of Credit can be drawn upon by the Town of Hampden in the event that Curtin Holdings Group, LLC fails to complete the required infrastructure work as designed for the Honey Hill Estates project on or before July 23, 2021.

Funds shall be available to the Beneficiary upon presentation of the draft and documents described below in the itemized Terms:

- 1. This Letter of Credit authorizes the Beneficiary, by its Town Manager or designee, to draw on the Lender, up to the total amount of \$638,870.00 if in the opinion of the Beneficiary’s Code Enforcement Officer or Public Works Director, Developer fails or has failed to faithfully perform on the terms and conditions of approval related to the Honey Hills Estates project in Hampden, Maine as such performance shall be required under applicable laws, statutes, rules and

regulations, and the application, maps, plans and profiles filed by the Developer with Beneficiary.

2. Payment shall be made upon presentation to Lender's Bangor, Maine office within three (3) business days of presentation, which presentation must occur on or before the Expiration Date (July 23, 2021) or as such date may be extended hereunder, of Beneficiary's sight draft(s) drawn on the Lender referencing this Letter of Credit, signed by the Beneficiary's Town Manager or designee and accompanied by (A) This original Letter of Credit; and (B) A letter signed by said Town Manager/designee, stating the opinion that the Developer has failed to perform the plan referenced in Item 1 of this Letter of Credit. Lender hereby agrees with Beneficiary to honor Beneficiary's request for payment upon timely presentation of draft(s) and documents complying with the terms of this Letter of Credit. Beneficiary is permitted to make partial draws under this Letter of Credit up to the full amount of the Credit (\$638,870.00) as necessary to complete the infrastructure requirements. If partial draws are made, the Credit amount shall be reduced accordingly by the amount of each drawing paid by Lender hereunder. Such reduced Credit shall be noted on the Letter of Credit after each partial draw is made. In no event shall Beneficiary draw more than the originally approved \$638,870.00 or its remainder in total.
3. This Letter of Credit shall become effective on the date shown above and shall expire on July 23, 2021, unless sooner terminated by Beneficiary (by return of this Letter of Credit to Lender).
4. Except as otherwise expressly stated, this Irrevocable Letter of Credit is subject to and governed by the laws of the State of Maine, and to the most recent revision of the "Uniform Customs and Practice for Documentary Credits" published by the International Chamber of Commerce and any subsequent revisions thereof.

Please indicate your acceptance of the terms of this letter in the space provided on the enclosed copy, and return the enclosed copy of this Letter of Credit.

Respectfully Yours,
Acadia Federal Credit Union

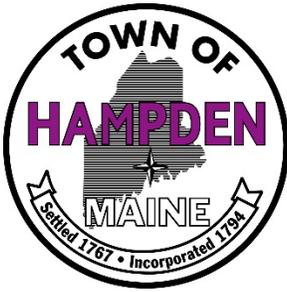
By: 
Jim Pelletier, Director of Business Development

Date: 7-22-2020

Town of Hampden, Maine

By: 
Paula Scott, Town Manager – Hampden, ME

Date: 7/29/2020



Town of Hampden
Planning Board Order
Honey Hill Estates
Final Subdivision Plan

Approval Date: August 12, 2020

Project Name: Honey Hill Estates Subdivision

Location of Project: Off Main Road South

Assessor's Reference: 06-0-050-1

Deed Reference: B14342/P220

Zoning District: Residential A and Rural

Total Acreage: 29.3 acres

Type of Use: Single family residential cluster subdivision

Number of Lots: 23

Applicant: Curtin Holdings Group, LLC
510 Perry Road, Suite 1
Bangor, Maine 04401

Owner: Same as Applicant

Plans Prepared by: Kiser & Kiser Co.

Plans Dated: June 18, 2020, revised August 4, 2020

Application Date: June 24, 2020

Public Meeting: August 12, 2020

*PB Members:*¹ Kelley Wiltbank, Richard Tinsman, Jennifer Austin, Brent Wells, Ladoiya Wells, Eugene Weldon, and Jake Armstrong

PB Action: This Final Subdivision Plan is _____ under Section 332 of the Hampden Subdivision Ordinance and Section 4.6 of the Zoning Ordinance.

¹ Planning Board Members who were appointed to vote on this case.

DRAFT

Summary Description of Application: This application is for a new 23 lot cluster subdivision for single family homes on individual lots, on a new road with access from Main Road South. The subdivision will have public water, each lot will have an on-site subsurface wastewater disposal system. There is a total of 50.7% open space in the project.

Findings: The Hampden Planning Board has found that the applicable requirements in Article 500 of the Subdivision Ordinance, in 30-A MRSA §4404 (subdivision review criteria), and in Section 4.6 of the Zoning Ordinance have been met through the previously approved Preliminary Subdivision Plan and the Final Plan and accompanying documents. Based on this, the Hampden Planning Board voted _____ to approve the Final Subdivision Plan for Curtin Holdings Group, LLC to construct the Honey Hill Estates subdivision as previously described and as shown on the Final Subdivision Plans.

Waivers – The Planning Board granted the following waivers to the Subdivision Ordinance with their approval of the Preliminary Plan on July 16, 2019:

1. To §553 item 14 of the Subdivision Ordinance for the provision of sidewalks due to the road being a dead-end road; the proposed project does not include any sidewalks.
2. To §531.1 to show that the post-development discharge rate of stormwater runoff does not exceed the pre-development discharge rate, based on the assumption that the proposed stormwater quality provisions will adequately handle the discharge rate off site.

Conditions: None

[Continued on the next page.]

For the Hampden Planning Board:

Kelley Wiltbank

Date

Richard Tinsman

Jennifer Austin

Eugene Weldon

Brent Wells

Ladoiya Wells

Jake Armstrong

Notes:

1. *A copy of this decision is on file with the Planning Office at the Town Offices, 106 Western Avenue, Hampden, ME 04444.*

DRAFT