



Town of Hampden  
Planning Board Workshop  
Tuesday August 18, 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 (in person)  
Brent Wells (remote)  
Jennifer Austin (remote)  
Ladoiya Wells (remote)  
Jake Armstrong (in person)

#### Staff

Karen Cullen, AICP, Town Planner (remote)  
Wanda Libbey, Admin Assistant

#### Public

(none)

The meeting was called to order at 6:31 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 3.8, Submission Requirements.

§3.8.1, sketch plan – Planner Cullen noted the purpose is for the applicant and the board to have a discussion about the proposal before engineering design is done, so only generalized information is needed. The board had no comments or questions.

§3.8.2, recording plan – Planner Cullen noted this is the plan that is recorded at the registry of deeds and it should not include engineering information such as road construction details. She noted that she has added a new item 15 to address private streets, to ensure that it is clear in the future that a private street is not eligible for town acceptance unless it is reconstructed to the standards for public streets. There were no comments or questions.

§3.8.3, minor subdivision plan – Planner Cullen noted the new organization for submission requirements, broken down into four sections: application (form), state and federal permits, location map, and subdivision plan. Under §3.8.3.4, subdivision plan, she noted that item 3 is new, requiring that the entire tract being subdivided must be shown. She added that it is not necessary to survey all the boundaries, and will add language to that effect. [Ed. note: language added is: "Tract boundaries that are not near the proposed new lots do not need to be surveyed, but need to be shown based on the most accurate information available (e.g. from the deed description).]

§3.8.4, major subdivision preliminary plan – Planner Cullen noted that similar to the previous section, this has been broken down into seven sections: application (package), state and federal permits, location map, subdivision plan, infrastructure design plans, stormwater management & erosion control plan, and additional information. She noted that she has added a new item 4 (and renumbered subsequent items) under §3.8.4.1, to address legal documents for private roads. Under §3.8.4.5, it was noted that item 7 calls for the vertical clearance for proposed overhead lines (e.g. electric wires) is to be shown on the plans,

but typically only electric poles are shown. Planner Cullen said it is the electric utility that determines the actual design, so it may not make sense to include that. She also noted that the existing ordinance (and the proposed ordinance) requires electric and communication utilities to be placed underground, although developers rarely do. This language will be modified. *[Ed Note: item 7 has been revised to deal with underground utilities and a new item 8 has been added to deal with above ground utilities.]* Planner Cullen noted that §3.8.4.7 is to deal with situations where the Planning Board needs additional information in order to be able to make an informed decision in determining whether an application meets the criteria for approval.

Article 4, approval criteria – Planner Cullen noted that the current ordinance doesn't provide these criteria, it makes a rather oblique reference to the criteria in the statute. The board agreed it makes sense to include them in our ordinance to ensure both applicants and board members understand these are what the subdivision is measured against in determining whether it will be approved. A suggestion was made to add language to the end of the first paragraph stating these are from the statute, with the appropriate citation. *[Ed. note: added "These criteria are as required in Title30-A M.R.S.A §4404, with the exception of §4.22, Private Streets.]*

A suggestion was made to add footnotes throughout the ordinance to provide an explanation of the reason why a particular date is noted. For example, in §4.22.5, the date of July 6, 2016 is the date the amendments to the subdivision ordinance dealing with private streets became effective.

Article 5, waivers – Planner Cullen said this is much more detailed than the current ordinance, to provide the board with solid information when an applicant wants a waiver. It was decided to change "supermajority" to "two-thirds" in §5.2, and to change "at least four members" to "a simple majority" in §5.3. The board appreciated the new language, since it clearly puts the burden of proof on the applicant to show that requested waivers to the design standards are necessary and a design change would not alleviate the need for the waiver.

Article 6, enforcement – there were no comments or questions on this article.

Article 7, definitions – Planner Cullen pointed out that the definition of a minor subdivision is different from the existing ordinance, which states that any subdivision of less than 5 lots is a major subdivision; the proposed ordinance sets that threshold at 10 lots. The board agreed with this change. There was a question why there is a definition of Town Planner, and after discussion it was decided to add definitions of other staff positions such as CEO. The purpose of these definitions is to provide clarity for these positions in the event the town ever decides to contract such services out instead of having a town employee.

Appendix A will be typical cross sections for the various roadway types, which have not yet been prepared.

Appendix B is the definition of "subdivision"- the definition in Article 7 references statutes, and this appendix give a layman's guide to how to determine if a parcel division constitutes a subdivision under the statute. Appendix B also includes the definition copied from statute as of August 2019. The board thought this was a good way to handle it, given the complexities of the statute.

This completed the review of the proposed subdivision ordinance. Planner Cullen said she will make the final edits and will send out a new copy of the ordinance to board members in the September meeting packet. Members can review it and we can discuss it once more in either a regular meeting (if time allows) or in a workshop meeting in October. After that it will go to public hearing with the Planning Board, and then public hearing with the Town Council who is the body that adopts it. Board members expressed their appreciation for the work put into this, adding that it is a significant improvement over the current ordinance.

Planner Cullen noted that the Town Council will be holding a public hearing on the proposed zoning amendments on September 8, and encouraged members to participate in that hearing to express their reasons for the various amendments, especially those regarding multi-family developments.

The meeting was adjourned at 8:15 pm.

*Respectfully submitted by Karen Cullen, Town Planner*