

Town of Hampden

Planning Board

Wednesday, September 9, 2020, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Administrative

- a. Minutes – August 12, 2020 regular meeting
- b. Minutes – August 18, 2020 workshop meeting

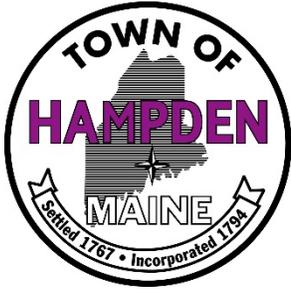
2. New Business

- a. Tozier – public hearing for conditional use application to establish a Customary Home Occupation to run a retail shop for the sale of products made on the property, located at 940 Kennebec Road, parcel 01-0-063. This property is in the Rural district.
- b. Helms – public hearing to subdivide one parcel within a previously approved subdivision to create one new buildable lot from 23 Murphy Lane, parcel 25-0-005-A. This property is in the Residential A district.
- c. DLM Professional Center – public hearing for a major site plan to add 4 new commercial buildings to the commercial property at 588 Main Road North, parcel 19-0-037. This property is in the Business district.
- d. Martin Capewell – pre-application of a conditional use review for a change in use from an existing nonconforming use to another nonconforming use on property located at 125 Mayo Road, parcel 06-0-036, in the Residential B district.

3. Old Business –

4. Planning Board Comment

5. Adjournment



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

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- 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 4th 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

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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.

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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.

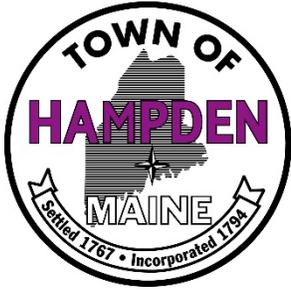
3. Old Business – none

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.



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,

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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.

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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

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MEMORANDUM

TO: Hampden Planning Board

CC: Karen Cullen, AICP, Town Planner
Ben Smith, AICP, Principle, North Star Planning

From: Sarah DelGizzo, Planner, North Star Planning 

RE: Conditional Use Review – My Maine Farmhouse, Julie Tozier

Date: September 2, 2020

The following comments are based the applicant's submission dated July 20, 2020.
The contents of the submission include:

- Application for Conditional Use Review
- Aerial Google photograph of 940 Kennebec Rd.
- Site Plan dated July 19, 2020
- Abutter distances dated July 20, 2020
- Sketch Plan dated August 27, 2020
- Description of the use submitted August 28, 2020

Summary

Project Overview: This application is for a Condition Use Review for a Customary Home Occupation (B-ACC-3) entitled My Maine Farmhouse for Julie Tozier. The proposal is to construct a 14' x 28' (392 sq. Ft) building 10' from the applicant's home. The proposed project is to be used as a physical shop for the applicant's existing online shop.

Site: 010-063; 940 Kennebec Road

Zoning: Rural

Recommendations

- The Planning Board should find the Conditional Use Application complete.
- This application meets the standards for a Customary Home Occupation.

Conditional Uses Approval Standards

4.2.5.1 The proposal **is** consistent with the general purpose and intent of this Ordinance and it will not be detrimental to the health, safety or welfare of the neighborhood or the Town.

4.2.5.2 The proposal **is** compatible with existing uses and development patterns in the neighborhood.

4.2.5.3 The proposal **will not** create a nuisance to the neighborhood due to impacts such as noise, odors, dust, gas, fumes, smoke, light or other emissions, and the proposed use will be operated in compliance with the performance standards set forth in §4.4 of this Ordinance.

4.2.5.4 The proposal **will not** create undue traffic congestion nor unduly impair pedestrian safety, and provides safe vehicular and pedestrian circulation within the site.

4.2.5.5 The proposal **ensures adequate space** onsite for loading and unloading of goods, products, materials, and equipment incidental to the normal operation of the establishment or use.

4.2.5.6 The proposed use **will** provide adequate and safe provision for the collection, storage, and disposal of all wastes generated or stored on the site.

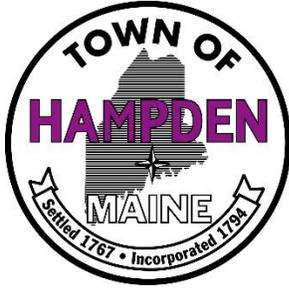
4.2.5.7 The proposal **will not** exceed the capacity of any public utility (e.g. sewage disposal, water supply, stormwater management system, solid waste disposal, roads, etc.) to such an extent that the proposed use or any existing use will be unduly subject to hazards affecting health, safety, or the general welfare.

4.2.5.8 The proposed use **will not** deny light and air to surrounding properties.

4.2.5.9 The proposal **minimizes environmental impacts** including erosion, siltation, changes to ground and/or surface water levels (quantity), or changes to ground or surface water quality.

4.2.5.10 The proposed use **will not** have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

4.2.5.11 The applicant **has adequate financial and technical capacity** to meet the requirements of this Ordinance and any conditions imposed by the planning board.



Town of Hampden
Land & Building Services
Report on Application

VanAken Subdivision Amendment
Subdivision of Lot #4 (Helms Lot)

To: Planning Board
From: Ben Smith, AICP, North Star Planning *BWS*
Date: September 1, 2020
RE: Report on Application, Helms Amendment to VanAken Subdivision

Project Information

Applicant: Ralph Helms III
Site Location: 23 Murphy Lane; Tax Map 25, Lot 5A
Zoning District: Residential A Zone
Proposal: To create a new lot within an existing residential subdivision.

Submission:

Comments below are based on the following submission materials:

- Application for Subdivision Review, dated July 30, 2020;
- Original VanAken Subdivision Plan, signed by the Hampden Planning Board November 1973; and
- Subdivision Amendment of Lot #4 – VanAken Subdivision 1973, a 1-sheet plan dated July 11, 2020, prepared by Hugh Gilman, PLS.

Summary

The application is for the creation of a new .73 acre lot in the VanAken Subdivision, though the division of subdivision lot #4. Because this application is for an amendment to a previously approved subdivision, the scope of the Planning Board review should be limited to elements of the subdivision that are proposed to be changed.

General Planner Comments

A Common Area is shown on the plan over a portion of the new lot, presumably to benefit the remaining Lot #4 property labeled as “Remaining Land of Ralph & Sandra Helms”. A plan note indicates “Common Area to be used in common for access, vehicle access, utilities and shared use of well. Maintenance agreements to be agreed upon privately.”

- Planner recommends draft easement language for access/vehicular access and utilities be submitted for Planning Board review.
- The applicant should submit information on the existing well, including water quality information and flow rates, to show that this well will be an adequate supply for multiple dwelling units. Alternatively, the applicant should show a new well location on the new lot.

Comments on General Requirements and Design Standards

- General Requirements.
 - The proposal to create a new lot conforms with the requirements of the Residential A district, and the character of the land and soils is such that it would support building activities on this new lot.
- Lots.
 - The lot has meets the requirement for 125-feet of frontage on Murphy Lane. The applicant should indicate the angle between the front lot line and the side line with the remaining lot #4 and explain the rationale for not maintaining a lot line perpendicular to the Murphy Lane right of way, or provide a waiver request from this standard.
- Drainage Requirements.
 - The proposal to create a new lot in this subdivision will not impact existing drainage flow or the quantity of stormwater runoff for the subdivision.
 - No new stormwater infrastructure is proposed.
- Street Standards.
 - This lot will has frontage and access via Murphy Lane. No upgrades to Murphy Lane are required for one additional house lot.
 - No new roads are proposed as part of this application.
- Utilities.
 - The new lot will be served by public sewer and a private well.

MEMORANDUM

TO: Hampden Planning Board

CC: Karen Cullen, AICP, Town Planner
Ben Smith, AICP, Principle, North Star Planning

From: Sarah DelGizzo, Planner, North Star Planning 

RE: Major Site Plan Review – DLM Professional Center, Debbie Moody & Jim Kiser

Date: September 2, 2020

The following comments are based the applicant's submission dated July 21, 2020.

The contents of the submission include:

- Site Plan Application dated July 21, 2020
- Woodard & Curran Peer Review dated August 14, 2020
- Site Plan dated July 20, 2020 (Sheet 1-3)
- Grading & Drainage Plan dated July 20, 2020 (Sheet 2-3)
- Details dated July 20, 2020 (Sheet 3-3)
- Site Plan Application dated August 30, 2020
- Site Plan set dated August 29, 2020

Overview:

This application is for a Major Site Plan Review in the Business district proposed by DLM Rental LLC. The proposal is to construct four (4) 36' X 80' (2,880 SF per building) office buildings, two (2) parking areas, and a 1,000' drive.

Site: 588 Main Road North, Hampden (TM 19, lot 37).

Zoning: Business District

Submission Requirements:

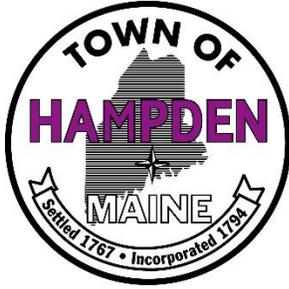
1. Applicant should include a signature block on the Site Plan.
2. Site Layout:
 - a. Applicant shows location for snow storage on site. Location closest to Main Road North is very close to Stormwater Treatment Filter Basin 2. Applicant should explain how they will protect the Filter Basin from excess snowmelt run-off including sand and salt.

- b. Parking stalls, per § 4.7.1 shall measure, at a minimum 9' X 20'. Site Plan shows 9' X 18'.
 - i. *Applicant response: "Parking stalls are in accordance with standard practices and the planning board has approved parking at the 18' depth. If a waiver is required, we are requesting one."*
 - c. Improved parking areas near existing commercial building on Main Road North must meet standards of § 4.7.1 as determined in § 4.7.1.7.
 - i. *Applicant response: "The parking for the existing building along Main Road North is proposed as a significant improvement to the property. The town has approved the change of use of that building with the parking that was existing at the time and the owner prefers to improve the parking and general appearance of the building and front yard. The amount of parking is more than existing now and is over 75% of the requirement for the building size. We are requesting that the board approve this level of parking at the front of the lot. The total parking on the property will meet the ordinance."*
 - d. Applicant should add crosswalk striping from parking area to sidewalk at the access drive near Main Road North.
 - e. Applicant should consider tying sidewalk in front of the commercial building to the sidewalks on Main Road North.
 - f. Applicant should consider adding a hammerhead bump-out in front parking areas to allow for vehicles to exit spaces easier.
 - g. Buffering and landscaping should meet the standards of § 4.7.2. Applicant shows adequate buffering with remaining tree cover on lot sides and rear of lot but should address buffering between parking areas and Main Road North. § 4.7.2.5 requires all off-street parking areas containing five or more spaces and all outdoor off-street loading areas must provide a buffer on each property line abutting any residential district or any public or private street or way.
3. Grading and Drainage Plan:
- a. Project is subject to Chapter 500 DEP stormwater permit. Applicant to submit permit.
 - b. Applicant should review and address comments from Woodard & Curran Peer Review (August 14, 2020-attached).
4. Utility and Open Space Plan:
- a. Applicant should show a paved or concrete dumpster pad and enclosure around dumpster. Applicant should consider a dumpster for rubbish as well as one for recycling.
 - b. Applicant should demonstrate adequate turning radius for trash pickup at dumpster pad.

- c. Applicant should demonstrate adequate turning radius and building access for fire truck and emergency vehicles.
 - d. The Fire department should review turn-around area and design to ensure adequate space for emergency access.
- 5. Landscaping Plan:
 - a. Applicant should consider additional landscaping at the front of the office buildings.
- 6. Floor Plan:
 - a. Applicant should include a basic floor plan including general layouts and showing building elevations. Applicant should explain if proposed buildings will have flat or pitched roofs.
 - i. *Applicant response: "This is a speculative building program with each building proposed for office space that will be customized by the tenant. The expectation for marketing is to have two units in each building and they will initially be constructed as a shell unless leased prior to construction. Elevations are not yet developed or required."*
 - ii. *Applicant response: "The building height is an item that is addressed as part of the building permit process with the Code Officer. These buildings are single story professional buildings so height will not be an issue."*
- 7. General Engineering Comments (Woodard & Curran Peer Review):
 - a. The Applicant will be required to obtain a Wastewater Disposal Permit in accordance with the Sewer Ordinance. The Applicant will need to demonstrate the ability to meet Requirements for Extending Sanitary Sewer Systems because the proposed sewer appears to be a private sewer extension subject to Sewer Ordinance 5.3.
 - i. *Applicant Response: "The project sewer is designed as a service with laterals to remain private. If further information is required for connection to the system, it will be provided to the public works director prior to construction of the system."*
 - b. The Site Plan shows the proposed sewer service pipe connecting to the existing 24-inch Hampden sewer main at a point along the sewer main pipe. We recommend tying the proposed sewer service into the existing sewer main through a manhole for ease of access and maintenance. The Site Plan and Details should show this proposed connection.
 - i. *Applicant Response: "As noted above the sewer is considered a service with a 6" service entering a 24" pipe. Service connection is appropriate for this condition."*

Approval Standards:

1. The proposed use does minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and the threat of air and water pollution.
2. The proposed use does maximize pedestrian and vehicular safety both on the site and entering and exiting the site. *MEDOT driveway permit required.*
3. The proposed use does minimize obstruction of scenic views from publicly accessible locations.
4. The proposed use does 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.
5. The proposed use does minimize glare and light trespass from headlights, outdoor lighting, or signage lighting.
6. The proposed use does minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.
7. The proposed use does prevent contamination of groundwater from operations on the premises involving the use, storage, handling, or containment of hazardous substances.
8. Ensure adequate access to each structure for fire and service equipment and adequate provisions for utilities and stormwater drainage.
9. Ensure that no project will exceed the capacity of any public utility (e.g. sewage disposal, water supply, stormwater management system, solid waste disposal, roads, etc.) or will overburden any public service (e.g. public safety, schools, municipal recreation, etc.).



Town of Hampden
Land & Building Services
Report on Application
Conditional Use Review
Agricultural Solutions, LLC

To: Planning Board
From: Ben Smith, AICP, North Star Planning
Date: September 2, 2020
RE: Agricultural Solutions, LLC – Conditional Use Review, non-conforming use change of use

Project Information

Applicant: Agricultural Solutions, LLC – Martin Capewell
Site Location: 125 Mayo Road; Tax Map 6, Lot 36
Zoning District: Residential B Zone
Proposal: Proposed change in use from one non-conforming use to another non-conforming use

Submission:

Comments below are based on the following submission materials:

- Application for Conditional Use Review, dated August 13, 2020

Summary

This application is on the Planning Board agenda as a pre-application item for discussion/informational purposes.

The site currently has a structure of about 37,000 square feet that is currently used for the storage of documents. This is a legally existing non-conforming use in the Residential B zoning district. The applicant is proposing to change this use to the warehousing and distribution of farm products and supplies.

Based on information supplied by the applicant, the initial determination by town staff is that this is a change of use from one non-conforming use to another non-conforming use, which requires Conditional Use approval from the Planning Board.

According to Section 4.5.4.5 of the Zoning Ordinance,

A legally nonconforming uses may be converted to another nonconforming use upon approval as a conditional use by the Planning Board, provided the Board determines that such change in use will not be substantially more detrimental to the neighborhood than the existing nonconforming use. No use which is more intense in terms of density or type of use than the nonconforming use in existence at the time of application can be approved. The Board may consider issues such as but not limited to traffic, noise, odors, lights, and hours of operation in determining whether the proposed use is more detrimental than the existing use.

It is up to the applicant to provide more detailed information on the current use, including activities and amount of employees on site and truck traffic generated by the current use, and more information on the proposed use, relative to occupancy and truck traffic, in order for staff and potentially the Planning Board to make the following determinations:

1. Whether or not the existing use and the proposed use are the same; and
2. Whether or not the proposed use, even if it is the same, will have more impact on the surrounding neighborhood than the current use.

If the use is the same and will be carried out at the same intensity as the existing use, then Planning Board Conditional Use is not required.

If the use is determined to be different, or if the use is the same but that use is proposed at a more intense or impactful level, the project will require Planning Board review.