

Town of Hampden

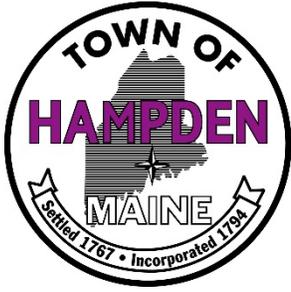
Planning Board

Wednesday, October 9, 2019, 7:00 pm

Municipal Building Council Chambers

## Agenda

1. Administrative
  - a. Minutes – Sept. 11, 2019 regular meeting and Sept. 17, 2019 workshop
2. Old Business
  - a. Stanley & Sean MacMillan – Continuation of Public Hearing for Preliminary Subdivision plan for Stearns Farm. Proposal for a major subdivision for a single family 39 lot cluster housing development with three new roads, on a 27.7 acre parcel located on Main Road North (parcels 33-0-011-A & 33-0-015-A). This property is in the Residential A district.
  - b. Nate Wicklow – Continuation of Public Hearing for a Major Site Plan and Final Subdivision for a minor subdivision to construct a 4-unit multi-family building on the property on Monroe Road, Parcel 02-0-024-2. This property is located in the Rural district.
  - c. Referral to Town Council - proposed amendments to various sections of the Hampden Zoning Ordinance to clarify or correct language, add a new use category for “agricultural diversity uses”, modify the cluster housing provisions, and add a new use category “private event venues” along with provisions to govern them.
3. New Business
  - a. ReVision Energy – Public Hearing for a Major Site Plan to install a 268.8 KWDC Solar Photovoltaic system on property owned by H.O Bouchard Inc. and Hickory Development, LLC at 349 Coldbrook Road, parcels 14-0-001-01, 15-0-012, 15-0-012-A, and 15-0-014. This site is in the Interchange and Rural districts.
  - b. Kongsuriya Investment, LLC – Public Hearing for a Major Site Plan and Final Minor Subdivision to construct a 4-unit multi-family building on a 0.54 acre parcel on Old County Road, parcel 21-0-026-A. This property is in the Residential B district.
  - c. Zoning Map Amendment – Public Hearing for a proposed change in the zoning district designation from Residential B to Business for the property located at 271 Western Ave, parcel 20-0-011. This application has been submitted by the property owner pursuant to §1.5.3.1 of the zoning ordinance.
4. Staff Report
5. Planning Board Comment
6. Adjournment



Town of Hampden  
Planning Board Meeting  
Wednesday September 11, 2019

## Minutes

In Attendance:

Planning Board

Gene Weldon, Chairman  
Kelley Wiltbank  
Jake Armstrong  
Brent Wells  
Ladoiya Wells  
Richard Tinsman  
Peter Weatherbee

Staff

Karen Cullen, AICP, Town Planner

Public

Jim Kiser  
Jennifer Naross  
Steven Narauska  
Marcel Bonenfant

The meeting was called to order at 7:00 pm.

Chairman Weldon noted two regular members were absent (Tom Dorrity and Jennifer Austin) and he appointed alternates Ladoiya Wells and Richard Tinsman to sit in their places.

1. Administrative

- a. **Motion** by Member Wiltbank to approve the minutes of the August 14, 2019 regular meeting; second by Member Brent Wells; motion carried 7/0/0. **Motion** by Member Weatherbee to approve the minutes of the August 20, 2019 workshop meeting with the modification that Gene Weldon was not at that meeting; second by Member Wiltbank; motion carried 7/0/0.

2. Old Business

- a. Stanley & Sean MacMillan – Continuation of Public Hearing for Preliminary Subdivision plan for Stearns Farm.

Chairman Weldon opened the public hearing at 7:05pm

Jim Kiser addressed the board and said that the continuation of this application will depend on the proposed amendments to the Cluster development provisions. He mentioned that if the Cluster development provisions stay the same then they will have to go with a traditional development and lose several lots. He asked for a continuation for one more month to see what the changes will be, and how they will affect the project.

**Motion:** Member Weatherbee moved to continue the Stanley & Sean MacMillan public hearing for a Preliminary Subdivision Plan for Stearns Farm until the next meeting on October 9, 2019; second by Member Wiltbank; motion carried 7/0/0.

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3. New Business

- a. Nate Wicklow – Final Subdivision for a minor subdivision to split a lot off a parcel on Monroe Road, Parcel 02-0-024. This property was divided within the last five years and thus requires approval by the Planning Board. The property is in the Rural district. *[Ed. note: this project involves two additional applications: a site plan and another subdivision which both follow this subdivision application.]*

Planner Karen Cullen addressed the Board:

- In May 2018 a building permit for a 24x24 foot garage was issued, to be located in the northeastern corner of the 10-acre parcel. Earth moving activity was necessary for the construction of the garage and as such is exempt from the provisions of §4.9, Filling and Grading of Land and Stockpiling of Materials (§4.9.2.2).
- The subdivision application to split a 2-acre lot off will create a non-buildable lot because that lot will not have the required 200 feet of frontage. This would not be an issue if the building permit had not been issued, however the earth moving activity would have then been subject to §4.9.
- The garage has not been constructed yet; the building permit will expire May 15, 2020, at which point the garage must be complete. If it isn't, then the site would be in violation of §4.9.
- In consultation with the Town's attorney we have determined the Planning Board cannot approve the subdivision to split off the 2-acre lot since it would be creating a lot with a building permit without the required frontage.

Planner Karen Cullen then went through possible options for the applicant to move forward with the development of the proposed 4-unit structure:

- Revise the site plan to include the entire 10-acre parcel. Eliminate the proposed lot lines, show the entire parcel, the entire wetland, and given the condition of the property, the areas where excavation has occurred and where it will occur, and where the stockpiles are.
- Also revise the second subdivision application to eliminate the proposed lot lines. Again, the entire 10-acre lot should be shown on the plan, with the entire wetland (to comply with statute approval criteria).

Jim Kiser, representing the applicant, suggested another alternative, to add a turn-around to the "right-of-way" to get 200' frontage, but not build a road.

After further discussion, it was determined that the board did not have enough comfort to move forward with this application.

**Motion:** Member Tinsman made a motion to table the application for the minor subdivision to have the applicant redesign and bring back to the board. Second by Member Weatherbee; motion carried 7/0/0.

- b. Nate Wicklow – Public Hearing for a Major Site Plan and Final Subdivision for a minor subdivision to construct a 4-unit multi-family building on a 2 acre portion of the property on Monroe Road, Parcel 02-0-024. This property is located in the Rural district.

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Chairman Weldon opened the public hearing at 7:44pm.

Jim Kiser addressed the Board; mentioning that the first decision affects this part of the project, but still went on to explain the application.

- 4-unit single story building on 2-acre lot
- Access to Monroe road
- Single driveway from the road will split to serve each of the 4 apartments
- Parking is 1 space in garage and 1 space in driveway for each unit.
- Providing grading on site
- Two onsite wastewater disposal systems, the one on the Winterport side of the driveway is already installed (under a previous permit for a duplex)
- There is a 2 unit building on the abutting property (also owned by Nate Wicklow); occupancy available shortly
- Stormwater will run off most of the parking area and will drain back and around building to the wetland area.

Opposition/Questions/Concerns?

Marcel Bonenfant who works for Jennifer Naross of 168 Monroe Road addressed the Board.

- Recommended that the Board take a trip to visit the site because of the activity that has been going on.
- 4 unit building to be built right in front of Jennifer Naross's property
- This will create more traffic
- More drainage. Has a study been done?
- Will affect the Bog
- Will this affect her well? The Bog keeps the wells going and is concerned that 4 units with 16 people will impact the amount of groundwater available to the wells.
- Rental unit in front of property will affect property value
- Will this affect the springs?
- A 4 plex will not go with the neighborhood

Steve Narauska

- Did the applicant get approval for a gravel pit? Everyday gravel is being hauled out of there. There is a huge pile of gravel out there. They have destroyed a beautiful piece of land. Trucks have been in and out since last year, appears to be working as a gravel pit.

Jim Kiser addressed the abutters questions/concerns

- There are no numbers on the well quality or depth. Large portion of the land is mapped as a sand and gravel aquifer. Yields are such that the Water District looked at using this area as water source. They can get water quality by drilling. Ground water is quite prevalent and would be surprised if 4 families at a rate of 180 gallons a day would make a dent in available water in this area.
- The proposed building will be behind trees that are remaining on the property, doesn't think building will be visible. The trees on the Wicklow property will provide a good screening.

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- No proposed culvert at driveway since there is no ditch along Monroe Rd. Stormwater will recharge the aquifer. DEP has looked at the site and required two permit-by-rule applications. The project only disturbs 9 tenths of an acre of land, net impervious of 3 tenths of an acre will not have a big impact on the land.
- The project will be 2 duplexes put together, not a multi-story multifamily development. It will match the new duplex next door.
- Traffic is extremely low for apartments 6 or 7 trips a day compared to single family at 10.
- Value of property is subjective, little evidence of property values affected subdivisions vs. multi-families.

Discussion:

Member Wiltbank asked how much land is disturbed. Jim Kiser said that it was over an acre of disturbed land but under the 5-acre DEP threshold. A permit had to be filed for stormwater within a year's period which included erosion control measures etc. Jim Kiser was unaware of how many acres was disturbed in the excavation area. To be able to put a garage out there a lot of material would have to be moved. Chair Weldon asked how many permits had been issued? Jim Kiser said he only knew of one permit for the stormwater. Planner Karen Cullen said DEP told her there were two permits by rule, both after the fact, one for stormwater and one for a wetland violation. There was about 5,000 sq. ft of wetland that was filled in by one of the stockpiles. Member Tinsman asked what kind of garage was it going to be? Jim Kiser wasn't aware of the type of garage to be built. Jim Kiser mentioned this was not part of the application in front of us. At this time we are looking at a 2 acre parcel out front, not the entire parcel.

The site plan is ready to go but can't go forward without the Subdivision approval to create the 2 acre parcel.

**Motion:** Member Tinsman moved to continue this public hearing to Oct. 9<sup>th</sup>, 2019 at 7:00pm; second by Member Wiltbank; motion carried 7/0/0.

- c. Public Hearing to consider proposed amendments to various sections of the Hampden Zoning Ordinance to clarify or correct language, add a new use category for "agricultural diversity uses", modify the cluster housing provisions, and add a new use category "private event venues" along with provisions to govern them.

Chairman Weldon opened the public hearing at 8:29pm.

Planner Karen Cullen went over the proposed revisions to the private event venue after discussing with a citizen at the August 20<sup>th</sup> Workshop meeting.

- Revised hours for smaller properties in the rural district.
- Revised footnote to require that all activities and attendees vacate the property by one hour after the closing time that is listed in the table in the proposed amendment.
- Don't count events that are held between 9am and 5pm (for example business/corporate meetings) against the limit that's in the table.

Public Comments:

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Jim Kiser, 15 Constitution Ave:

- Commends the board for looking at the Cluster development provisions
- Questioned how we will measure the amount of space within the open space area used for utilities.
- Commented that the requirement that amenities must be provided in open space is increasing the developer's costs which get passed on to consumers, increasing the price of lots. Do we really want to do this in the town?
- Tract buffers – It will be expensive to plant buffers when you have a field. Would fencing or something like that be equal? Or if you have an abutter that agrees not to require a buffer then do you still need one? Possible to get a waiver from the property owner that would be on the land and would follow it on a deed?

[Ed. Note: Jim Kiser left the meeting at this point.]

Discussion:

- Member Tinsman mentioned applicants should calculate the open space area used for utilities themselves then bring it to the board. He surmised Jim Kiser is looking for more guidance. Planner Karen Cullen said with linear types of things including water/sewer lines, if there is easement involved then the entire area of the easement should be included. If there isn't an easement, just a pipe going across the open space, then it would probably be a 10 ft corridor centered over the pipe line. For stormwater facilities like a pond, it should be on outside edge of the facility.
- Cluster Development amenities – The idea is that with smaller private outdoor spaces (i.e. backyard) for each dwelling unit, there should be centralized outdoor spaces with amenities like playgrounds for the residents to use. Member Tinsman asked what type of amenities are we talking about? Chair Weldon and Planner Karen Cullen said walking trails, playgrounds, gazebos, a community garden, etc. Something that would be maintained for the enjoyment of the residents but not necessarily involving a building, but a community building would also be fine.
- Tract Buffer – The Board discussed the tract buffers in detail, specifically the idea of allowing a fence or other option instead of vegetation (trees and shrubs). Planner Karen Cullen mentioned including language in the ordinance that allows the Planning Board to waive a provision. It was decided to modify provision 4.6.5.6 to reduce the depths of the buffer or propose alternative material and reference 4.7.2.4.1. The last item to discuss would be to give an allowance for no buffers if an abutter waived the buffer requirement. Planner Karen Cullen suggested staying away from doing this because the owner of the land at this time should not make it so that a future abutter has no buffer. The Board's consensus is to leave that one alone.

Chairman Weldon closed the public hearing at 9:00pm.

**Motion:** Made by Member Wiltbank to review the minor changes done to the Zoning Ordinance amendments at the workshop next week prior to sending to Town Council for adoption. Seconded by Brent Wells; motion carried 7-0-0.

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- d. Public Hearing to consider a proposal to repeal and replace the Hampden Shoreland Zoning Ordinance to eliminate inconsistencies with the Maine Department of Environmental Protection's Guidelines for Shoreland Zoning Ordinances.

Chairman Weldon opened the public hearing at 9:01 pm.

Chairman Weldon noted there was no one in the audience and closed the public hearing at 9:01 pm

Planner Karen Cullen said that nothing has changed since the last time the Planning Board looked at this. Her memo details all the changes. The most significant change is eliminating the need for Shoreland Zones for minor streams (also called local streams) including Sucker Brook, Reeds Brook, and a couple unnamed brooks. There are also several wetlands on the map that shouldn't have been included in the Shoreland Zone in the first place; those areas are covered under the Natural Resources Protection Act. The main reasons to rewrite this ordinance is to bring our Shoreland Zoning Ordinance into compliance with the State's 2015 guidelines and to no longer regulate areas that are listed as optional under those guidelines.

**Motion:** Made by Member Brent Wells to send the Shoreland Zoning Ordinance amendments to Town Council with a recommendation to repeal the current ordinance and adopt this proposed ordinance to replace it. Seconded by Member Ladoiya Wells; motion carried 7-0-0.

#### 4. Staff report

Two applications have been submitted for the October meeting:

- A ground mounted solar array at the H.O. Bouchard trucking property
- A 4-unit multi-family building on Old County Road on an existing parcel in the Residential B district on the Bangor end of the road.

The meeting next Tuesday (6:30pm) is a Workshop to continue our review of the proposed Subdivision Ordinance and modification of the Zoning Ordinance amendments as discussed tonight.

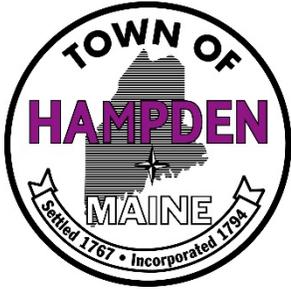
#### 5. Planning Board comment:

Chair Weldon mentioned that he appreciates everyone's patience tonight, it is never easy when we get information at the last minute. Everyone handled it well, and he appreciates everyone's help getting through it.

6. Adjournment: Upon **motion** by Member Weatherbee and second by Member Ladoiya Wells, the meeting was adjourned at 9:10pm.

Respectfully submitted by Jessica Albee,  
CED Administrative Asst.

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Town of Hampden  
Planning Board Workshop  
Tuesday September 17, 2019

## Minutes

In Attendance:

Planning Board  
Kelley Wiltbank  
Richard Tinsman  
Gene Weldon

Staff  
Karen Cullen, AICP, Town Planner

Public  
None

The meeting was called to order at 6:30 pm. It was noted that there is not a quorum present, however those in attendance thought it best to continue the discussions regardless, noting that no decisions would be made tonight.

The first topic was a review of the changes made to the zoning amendments for cluster housing after the public hearing held on September 11<sup>th</sup>. Since no quorum was present, this item will appear on the October 9, 2019 Planning Board agenda for a vote to refer the miscellaneous zoning ordinance amendments to Town Council for their consideration.

Key points were:

- §4.6.4.4; utilities in the open space – language regarding how the utility areas are to be measured was added and those in attendance agreed with the added language.
- §4.6.5.6; Planning Board option to approve reduction in buffer – language discussed at the public hearing allowed a reduction in the depth of the buffer, additional language was added to also allow an alternative material or method. Those in attendance thought the word “method” was a better choice.

The Board then continued review of the subdivision ordinance, which is being rewritten in its entirety. Points discussed included:

- §2.2.3, Historic or archeological resources – add “in accordance with state or federal laws as applicable, and §3.8.3.2 or 3.8.4.2 of this ordinance, as applicable” to the end of the sentence.
- §2.2.5, public access to the shoreline – delete the word “should” in the second line.
- §2.2.6, topography – after discussion about earth moving activity on sites proposed for subdivision, delete “insofar as is practical” in the first line and delete “In no case can” in the second line. It was noted that modifications to §4.9 of the zoning ordinance may be needed to address significant earth moving operations. It was also noted that for subdivisions there is a two year timeframe for the completion of the infrastructure construction which should limit the amount of earth moving activity on a site which is proposed as incidental to the construction of the infrastructure.
- §2.3.1, electric and communication utilities – after discussion about the practicality and expense of burying utilities underground, delete “and excessively expensive” from the end of the last sentence. It was noted that the applicant is responsible for providing information to the Board in regards to why underground placement is impractical, and that can be based on anything from ledge to increased cost of housing.

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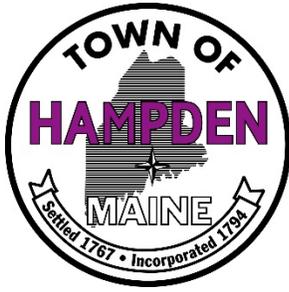
- §2.3.2.2, private water supply
  - item 2 – the two sentences in this item are dealing with different things, so split into separate items.
  - item 4 – delete “Because they are difficult to maintain in a sanitary condition” since the reasoning behind the requirement is not necessary.
  - item 6 – change “include” to “provide for” in the first line.
  - item 6 – in the second to last sentence, add “if located onsite” after “infrastructure”, and change “the” Homeowners Association to “a” Homeowners Association.
- §2.3.3.1, items 3 and 4 – reword to be similar to the language for water in §2.3.2.1 item 4, but first discuss with Sean Currier to ensure proper wording.
- §2.3.3.2 item 1 – change “engineering consultant” to Engineer” and add a definition of Town Engineer similar to that of Town Planner.

The meeting was adjourned at 8:30 pm.

Review will resume at §2.3.5 at the next workshop meeting, and §2.3.4, stormwater management, will be addressed at the next workshop meeting when the DPW Director and an engineer (possibly from DEP) well versed in stormwater management are available to attend.

*Respectfully submitted by Karen Cullen, Town Planner*

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Town of Hampden

Town Planner

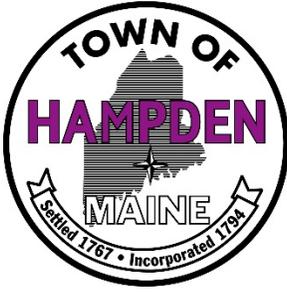
## Memorandum

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: October 2, 2019  
RE: Wicklow Multi-family Proposal on Monroe Road

We have received a written request to withdraw the subdivision application to split one lot off of Parcel 02-0-024. Instead, the applicant has indicated they are transferring the approximately 8 acre so-called “remaining land” portion of the parcel to the abutting parcel 02-0-024-01. Therefore, the applications for the site plan and subdivision for the 4-unit building can move forward with minor modifications to what had been submitted for the September meeting. While the Assessor has not yet received documentation from the Registry of Deeds regarding the land transfer, she has told me the parcel number for the 2.03 acre area where the 4-unit is proposed to be constructed will retain the parcel number 02-0-024. For clarity sake, the Planning Board approval should be clear that the multi-family building is approved for parcel 02-0-024, not “a portion of” that parcel as currently noted on the plans dated September 26, 2019 (note #2 on each plan).

I received notification this morning from the applicant that the deed has been recorded, and after reviewing that deed I have sent it to the town attorney for clarification as to whether it has in fact combined the 8 acre area with the abutting parcel 02-0-024-01. In addition, I noticed that the boundary dimensions differ slightly from those indicated on the plans from Jim Kiser. And, Jim Kiser’s letter dated September 26, 2019 states that the owner of parcel 02-0-024-01 is “BNA Properties, Inc.” but I have no proof that is the case – the most recent deed recorded for that parcel at the registry is to Wicklow Home Builders Inc. Until we have resolution on these issues, I do not recommend granting approval – if you were to grant approval with conditions it could easily lead to confusion in the future.

Other than that, at this time both the site plan and subdivision applications are complete and are in compliance with the applicable ordinances. No waivers are being sought. A draft Board Order is attached, which references the newly recorded deed and does not include any conditions regarding the issues described above. I believe it would be acceptable to complete and close the public hearing, since the issues remaining will not alter the proposed construction of the 4-unit building and associated site improvements.



Town of Hampden

## Planning Board Order

### Wicklow Multi-family – Monroe Rd

**Approval Date:** October 9, 2019

**Project Name:** Wicklow Multi-family – Monroe Rd

**Location of Project:** 169 Monroe Road

**Assessor's Reference:** 02-0-024 (in its entirety after an 8 acre portion is transferred to the adjacent parcel 02-0-024-01)

**Deed Reference:** B15297/P252

**Zoning District:** Rural

**Total Acreage:** 2.03 acres

**Type of Use:** Residential

**Number of Units:** 4

**Applicant:** Wicklow Home Builders, Inc.  
PO Box 245  
Bangor, ME 04402

**Owner:** Wicklow Property Holdings, LLC  
PO Box 345  
Bangor, ME 04402

**Plans Prepared by:** Kiser & Kiser Co.

**Plans Dated:** July 1, 2019, revised August 26, 2019, revised September 26, 2019

**Application Date:** July 10, 2019

**Public Hearing:** September 11, 2019, continued to October 9, 2019

**PB Members:<sup>1</sup>** Eugene Weldon, Peter Weatherbee, Kelley Wiltbank, Jake Armstrong, Brent Wells, Ladoiya Wells, and Richard Tinsman

**PB Action:** Approved. This Project is approved under §4.1 of the Hampden Zoning Ordinance and §340 of the Hampden Subdivision Ordinance.

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<sup>1</sup> Planning Board Members who were eligible to vote on this case.

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*Summary Description of Application:* This application is to construct one 4-unit multi-family building on a parcel in the Rural district. This Board Order includes both the site plan and the minor subdivision applications for construction of this multi-family building. The units will be served by two separate onsite wastewater disposal systems, and by a single well. There will be a single driveway entrance to Monroe Road, and each unit will have a single car garage with additional parking in the driveways in front of the building.

*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, modest grading is necessary to accommodate the building and parking; only small areas of existing trees will be removed for the development; the toe of the slope behind the proposed building is 15 feet from the edge of the wetland which extends onto the abutting parcel, and is not subject to NRPA permitting; 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; furthermore given the nature of the soils and the presence of the wetland any impacts are expected to be minimal, on-site or off-site.
2. The proposed project provides for safe ingress and egress and on-site circulation for vehicles and pedestrians, given the small size of the project and adequate sight distances on Monroe Road.
3. The proposed project will not impact scenic views from public ways, since there are no scenic views in this location.
4. The parking and outdoor service areas are appropriately screened from public ways and abutting residential properties, given that parking will be inside of garages and the existing trees along Monroe Road will be retained.
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 minimized unreasonable departure from the character, materials, and scale of buildings in the vicinity; the building is similar in design to the adjacent duplex and is residential within a primarily residential area. The Board notes that this area of Monroe Road is also the location of extensive gravel excavation operations which have been in existence for many years (pre-1991).
7. The proposed project will not involve hazardous substances that could contaminate groundwater, since it is a residential use.

8. The proposed project is designed to provide adequate access for fire and service equipment, as well as for utilities and stormwater management.
9. The proposed project 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, will have little or no impact on the wetland, has no streams on it, and is not subject to flooding.
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 will not adversely affect the quality or quantity of groundwater since the project includes only 4 dwelling units and data from the well on the adjacent property indicates a rate of 20 gpm for a 320' deep well.
15. The proposal provides adequate stormwater management given the small amount of impervious area and the design of the site with stormwater facilities.
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 approve the Site Plan for Wicklow Home Builders to construct a 4-unit multi-family building on Parcel 02-0-024 as previously described, subject to the conditions listed below.

Conditions:

1. That exterior construction activities are limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.
2. That any signage must meet the standards of the zoning ordinance.

*For the Hampden Planning Board:*

\_\_\_\_\_  
Eugene Weldon, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Peter Weatherbee

\_\_\_\_\_  
Kelley Wiltbank

\_\_\_\_\_  
Jake Armstrong

\_\_\_\_\_  
Brent Wells

\_\_\_\_\_  
Ladoiya Wells

\_\_\_\_\_  
Richard Tinsman

**Notes:**

1. *A copy of this decision is on file with the Community & Economic Development 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

The Town of Hampden Hereby Ordains  
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions are Underlined

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**Amend §2.5, Parcels in More Than One District.**

To correct an error in wording, switch the words “use” and “parcel” in the second sentence:

“...any portion of such a ~~use~~ parcel of land shall be...in which said ~~parcel~~ use is located...”

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**Amend §3.1.3, Use Table**

Add a new category called A-ACC - Uses Accessory to Agricultural/Recreational Uses, with the following item:

A-ACC-1: agricultural diversity uses

- C (conditional use) in the Rural and Residential B districts
- N (not permitted) in the Residential A, Seasonal, Rural Business, Business, Business B, Town Center, Commercial Service, Waterfront, Interchange, Industrial Park, Industrial, and Industrial 2 districts

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**Amend §3.2.1.5, in Multi-family development**

To allow flexibility in design, add language to the end of the sentence:

- 3.2.1.5 All parking areas for multi-family dwellings must be located to the side or rear of the building unless the Planning Board makes a finding that a different location would be beneficial to the abutters.

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**Amend §3.4.1, Table of Dimensional Requirements**

Add a footnote to the table for “Max Gross Density” to read:

For single family and two-family structures, which are to be treated as a single unit; for multi-family development refer to §3.4.2.2.

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**Amend §3.4.2.2, Multi-family developments, item 3 to read:**

3. In the Residential B district, the other yard setback requirement is increased by 2 feet per unit over 4 units, counted and measured by each building.

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**Amend §4.1.5.2, Minor Site Plans**

Correct a reference in the first sentence to read:

4.1.5.2 Minor site plans shall include all of the information required by §4.1.4.1 with the following exceptions, and waivers may be granted as provided in ~~§4.1.4.3~~ §4.1.5.4.

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**Amend §4.5.1, Nonconformities, General**

Add a new item 4 to read:

4.5.1.4 When a nonconformity is created by action of a public body for a taking by eminent domain or a conveyance in lieu thereof, the nonconformity is considered to be legal and is allowed to continue subject to the provisions of this §4.5.

and amend §4.5.5.4 to read:

4.5.5.4 Reduction in lot size. Except as expressly provided in this ordinance ~~or for a taking by eminent domain or a conveyance in lieu thereof~~, no lot shall be reduced in size...

**Amend §4.6, Cluster Housing**

To provide for better design of cluster housing developments that will minimize impacts on abutting property owners, the following revisions to this section are proposed.

**4.6. Cluster Housing** - In order to promote the health and general welfare of the community and to preserve and make available open space for recreation, agriculture, and conservation, the Planning Board may grant a developer permission to vary ~~lot size~~ the dimensional requirements of §3.4 in districts in which cluster development is allowed, thus leaving a substantial area free of building ~~lots~~ sites to become permanent open space. To promote creative designs that will enhance the natural features of the site, individual building lots are not permitted except for single family developments, when such lots are optional.

**4.6.1. Uses Allowed**

- 4.6.1.1 Residential uses as allowed in the Table of Uses for the district in which it is being proposed and subject to §3.2.1 for cluster projects that include multi-family;
- 4.6.1.2 Uses accessory to residential uses as allowed in the Table of Uses;
- 4.6.1.3 Ancillary recreational uses and recreational facilities;
- 4.6.1.4 Agriculture, conservation, and wildlife uses;
- 4.6.1.5 Infrastructure elements such as stormwater or wastewater management facilities that require location within the open space area due to site and engineering considerations; and
- 4.6.1.6 Ancillary maintenance facilities for the overall development (e.g. garage for groundskeeping equipment).

*Amend §4.6.2, Dimensional Requirements by increasing the tract size, splitting setback and buffer requirements, and adding a footnote for setbacks of accessory structures, and another regarding frontage under individual lot requirements. In addition, the open space requirement has moved and changed. See table on next page.*

<b>4.6.2 Dimensional Requirements</b>				
	<i>Rural</i>	<i>Res A</i>	<i>Res B</i>	<i>Town Center</i>
Tract requirements:				
min size (acre)	<del>10</del> <u>20</u>	<del>2</del> <u>5</u>	<del>2</del> <u>5</u>	<del>0</del> <u>2</u>
min frontage (feet)	100	50	50	50
<del>min buffers/setbacks (feet):</del>				
<del>front</del>	<del>100</del>	<del>50</del>	<del>50</del>	<del>100</del>
<del>all others</del>	<del>75</del>	<del>50</del>	<del>40</del>	<del>40</del>
<u>minimum setbacks &amp; buffers (feet):</u>				
<u>setback (front/all others)<sup>1</sup>:</u>	<u>100/75</u>	<u>50/50</u>	<u>50/40</u>	<u>100/40</u>
<u>buffer (front/all others)</u>	<u>85/60</u>	<u>40/40</u>	<u>40/30</u>	<u>80/30</u>
<del>min open space (% of tract)</del>	<del>30</del>	<del>30</del>	<del>30</del>	<del>30</del>
max density (dwelling units/acre):				
single or two family	1.5	3	4	4
multi-family	2	NA	8	8
Individual lot requirements <sup>2</sup> :				
lot size (sq ft)	8,000	8,000	7,000	5,000
Frontage <sup>3</sup> (feet)	50	50	40	35
front setback (feet)	20	20	15	15
other setbacks (feet)	10	10	8	5
Footnotes:				
1. <u>Accessory structures must be setback from the tract boundary a minimum of 30 feet in all cases.</u> 2. <u>Only applicable in developments where there are individual lots proposed for each residential structure, restricted to single family developments.</u> 3. <u>The frontage for lots on a cul-de-sac where the roads are proposed to be publicly owned must be a minimum of 75' unless there are designated areas reserved for snow storage within the cul-de-sac area.</u>				

**4.6.3. Maximum Number of Dwelling Units Allowed** - The maximum number of dwelling units permitted within a cluster development shall be determined as follows:

4.6.3.1 Base units: Using the maximum density from §4.6.2 and the acreage of the tract, calculate the base number of dwelling units. For proposals with both single/two family and multi-family unit types, first calculate the percentage of the acreage used for each type of development of the total developed acreage, then apply those percentages to the total tract acreage, then apply the densities from §4.6.2 to those acreage figures, then add the resulting number of units together to arrive at the base number of units for the entire development.

4.6.3.2 Bonus Units:

1. For dedication of more than 30% of the tract in permanent open space: 5% or
2. For dedication of more than 50% of the tract in permanent open space: 10%; and
3. For provision of public access to trails in the open space that connect to existing trails on abutting properties: 5%; and
4. For provision of at least 10% of the dwelling units reserved for households with 80% or less of the median household income for the most recent period for the town of Hampden as reported by the US Census Bureau: 5%. When this bonus is used, the developer is required to create a homeowner’s association or similar permanent organization that is charged with the responsibility of enforcing the income limits on these units, which can be done “in-house” or contracted out. For developments where the units will be sold to the occupants (as opposed to leasing or renting), the income limits apply at the time of purchase of the unit and not to future income of the property owner. The homeowner’s association is required to submit a report showing proof of compliance with the income limits for affected units on an annual basis.

**4.6.4 Common Open Space**

- 4.6.4.1 Every cluster development must provide open space for the explicit purpose of providing recreational amenities and undeveloped land for permanent protection and the use and enjoyment of the residents now and in the future. This open space is exclusive of the tract buffer.
- 4.6.4.2 The amount of open space required is based on the number of dwelling units in the project and the zoning district in which it is located, as provided below.

	Open Space Acreage Required Per Unit		
	<u>SF Individual lots</u>	<u>SF without lots</u>	<u>Multi-family</u>
<u>Rural</u>	<u>0.2</u>	<u>0.3</u>	<u>0.25</u>
<u>Residential A</u>	<u>0.08</u>	<u>0.1</u>	<u>NA</u>
<u>Residential B</u>	<u>0.045</u>	<u>0.07</u>	<u>0.05</u>
<u>Town Center</u>	<u>0.08</u>	<u>0.09</u>	<u>0.05</u>

- 4.6.4.3 ~~Area: A maximum of 50% of the required open space may be wetland that counts toward the common open space requirement; applicants are encouraged to include additional wetland area in the open space for long term protection of the resource.~~ wetlands. Additional wetlands may be included in the protected open space area to ensure permanent protection of these important resource areas, but they will not be counted toward the open space requirement for the development. A maximum of 30% of the common open space acreage may be within the perimeter buffer, unless the Planning Board finds that due to the unique physical characteristics of the tract a higher percentage would provide a more desirable design.
- 4.6.4.4 ~~Utilities: stormwater drainage, water supply, or on-site sewage disposal systems, whether shared or not, are permitted within the common open space area. A maximum of 30% of the required open space area may be occupied by water supply, sewage disposal, or stormwater management facilities.~~

Linear elements are to be measured as follows: if it is within an easement, the entire area of the easement is counted, and if it is not within an easement, a corridor ten feet wide centered on the linear element (pipe) is counted. For non-linear elements (e.g. stormwater pond or septic system including leach field), the area measured by the outermost boundary of the element is counted (e.g. the toe of a slope for a stormwater pond surrounded by a berm). If needed, easements must be established to ensure maintenance of the utility. Roads may be located within the tract buffer provided no portion is closer than 25 feet to the tract boundary and the amount of roadway within the buffer is minimized. The intent is to allow flexibility to account for tract configuration and the location of natural features on the site.

- 4.6.4.5 Amenities: Every cluster development must include at least one recreational amenity within the open space area, such as but not limited to a walking trail, playground, picnic area, ballfield, court, or gazebo. Amenities may be open to the general public and should serve the needs of the residents of the development (e.g. it is more sensible for a cluster development marketed toward older residents to have walking trails as opposed to ball fields).
- 4.6.4.6 Ownership and restriction of future development: common open space areas may must be owned by the homeowners association for the development, the Town of Hampden, a land trust, or another similar organization that will provide permanent protection. In all cases, such protection must be enhanced by either a permanent deed restriction which includes language to require Planning Board approval for alteration or removal of the deed restriction or a conservation easement must be recorded and referenced on the plans and applicable deeds to prohibit future subdivision of the common open space and to prohibit any development other than accessory structures for permitted recreational uses, infrastructure elements, or maintenance facilities.
- 4.6.4.7 Location: in so far as possible, the common open space areas should be contiguous within the development and should connect to open space on adjacent parcels. Small areas of fragmented open space will not be counted toward the open space requirement.
- 4.6.4.8 Maintenance: the developer is responsible for the maintenance of the common open space and any amenities or utilities within the open space until such time as a homeowners association or other entity is established and the maintenance responsibility is transferred to them.
- 4.6.4.9 Rules Governing Home-Owners Associations or Open Space Trusts - If a homeowners association or open space trust specifically and only for the development is formed, it shall be governed according to the following regulations:
1. The organization shall be formed by the developer and be operating, with financial subsidization by the developer if necessary, before the sale of any lots within the development.
  2. Membership in the organization is mandatory for all purchasers of homes therein and their successors.
  3. The organization shall be responsible for maintenance, insurance, and taxes for common open space and any improvements within the open space.
  4. The members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with procedures established by them.
  5. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.

#### **4.6.5, Tract Buffers**

- 4.6.5.1 All cluster housing developments are required to provide a buffer along all tract boundaries per the table in §4.6.2.

- 4.6.5.2 Any existing vegetation which provides a dense buffer must be retained.
- 4.6.5.3 Any area of the required buffer area which has no existing buffering vegetation must be planted with trees or shrubs to provide a dense buffer, per the standards in §4.7.2.4.2.
- 4.6.5.4 Notwithstanding the above, roads and associated utilities (water or sewer lines, electric or communications cables, or other linear utilities) may be located within the tract buffer provided no portion of the physical improvement, easement, or right-of-way is located within 25 feet of the tract boundary and the encroachment area is minimized. The remaining buffer in these locations must have permanent dense vegetation, whether existing or planted or both. However, an entrance road may be located in any portion of the tract buffer when either the Hampden DPW or Maine DOT requires such a location for the intersection with the existing public road, from the intersection into the site to the shortest distance necessary to move the road out of the buffer. The intent of this provision is to allow flexibility to account for tract configuration and the location of natural features on the site.
- 4.6.5.5 The required buffer area must be protected from development and from removal of vegetation by deed restrictions covering the entire buffer area. For cluster developments with individual lots for single family homes, the deed for each lot that has buffer located on the lot must include such a restriction to prevent the property owner from removing buffer vegetation. In such cases, the required minimum lot size for individual lots per §4.6.2 must be outside of the buffer area. The Homeowner's Association or equivalent is responsible for enforcement of these deed restrictions. The Town's Code Enforcement Officer has the authority to enforce this requirement.
- 4.6.5.6 Notwithstanding the above requirements, the Planning Board has the option, upon the written request of the applicant, to approve an alternative method (e.g. fence vs. dense vegetation) or to reduce the depth of the buffer up to a maximum of 50 percent of the requirement for a distance along the boundary up to a maximum of 20 percent of the total length of the perimeter buffer (i.e. the entire perimeter of the tract, not just the boundary line in question). The Board must make a finding that such a change in method or reduction in depth would result in a design that would provide some public benefit, such as but not limited to additional housing units targeted for moderate income households, or more land included in the common open space and specifically designated for trails within the buffer that will be built by the developer prior to issuance of the Certificate of Compliance, or an increase in the buffer depth in other locations of the proposed development adjacent to existing developed areas.

**4.6.6 Private Road Cluster Housing Development.** When an applicant proposes a single family cluster housing development with individual lots that will have all roads and infrastructure privately owned and maintained, the following provisions apply.

- 4.6.6.1 The development must comply with the minimum Tract Requirements in §4.6.2 and no reductions to the buffer requirements per §4.6.5.6 are allowed.
- 4.6.6.2 The development must provide a minimum number of housing units of no less than 1 dwelling unit per acre in the Rural district, 2 dwelling units per acre in the Residential A district, and 3 dwelling units per acre in the Residential B and Town Center districts.
- 4.6.6.3 The following open space provisions are not applicable: §4.6.4.2, 4.6.4.3, and 4.6.4.4.
- 4.6.6.4 All roads, stormwater management facilities, sewer infrastructure, water supply infrastructure for both potable and fire suppression purposes, recreational amenities, and any other similar infrastructure must be owned and maintained in perpetuity by the developer, property owner, homeowners association, or their successors.
- 4.6.6.5 The development may be designed with individual lots that are less than required in §4.6.2 under

Individual Lot Requirements, and with any amount of open space provided a minimum of 10% of the tract is designated as open space exclusive of the tract buffer.

4.6.6.6 Language stating the roads and other infrastructure within the cluster subdivision are to remain private in perpetuity must appear on the final subdivision plan to be recorded at the Registry of Deeds, in the deeds to parcels containing the infrastructure, and in the homeowners association documents.

#### **Amend §4.7.1.1, table of parking requirements**

Add to the comments box for Residential use:

Multi-family development may add a maximum of 0.25 parking space per unit for guest parking.

#### **Amend §4.7.5.3.9, political signs, to read:**

9. Political Signs – Signs bearing political messages relating to an election, primary or referendum may be placed per 23 MRSA §1913-A and Maine DOT Department Regulations, ~~as follows:~~
  1. ~~May be erected on private property outside the Right of Way limits of public ways at any time prior to an election, primary or referendum, limited in size to a maximum surface area of 50 square feet:~~
  2. ~~May be erected within the Right of Way limits of public ways no sooner than six weeks prior to an election, primary or referendum and must be removed no later than one week following that date of the election, primary or referendum. Provided, however, that political signs may not be located within the right of way limits of any Controlled Access Highway (Route 202 from I 395 to Western Avenue) or within any right of way of the Interstate Highway System.~~

#### **Amend §4.25, Accessory Apartments**

4.25 Accessory Apartments. Notwithstanding the minimum lot size requirements of this Zoning Ordinance, construction of an accessory apartment is allowed upon the granting of a Conditional Use Permit either within or attached to a new or existing detached single-family dwelling or within or attached to a new or existing detached accessory structure subject to the requirements below: It should be noted that properties within any zoning district that allows two-family dwellings by right have the option of considering a second unit that is within the single family house to be a two-family dwelling as opposed to an accessory apartment.

#### **Amend §7.2, Definitions**

Agricultural Diversity Uses: activities that are intended to diversify and supplement income generated on properties that are principally used for agriculture, and that are accessory uses to the principle agricultural uses of the property, including but not limited to farm-stay vacations, public events for education and enjoyment that directly relate to agricultural products, services, or experiences (e.g. horse show or competition, sheep shearing event).

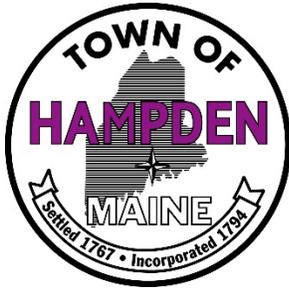
Buffer: An area of land along with buffering vegetation (existing or planted), berms, walls, or fences, that is located along the boundaries a property to mitigate visual and sound impacts of a land use on the uses on abutting properties.

~~Buffer strip: An undisturbed area or belt of land that is covered with trees or other vegetation.~~

*Buffering vegetation:* Shrubs or trees which provide a screen that is opaque or nearly opaque year-round from the ground to a height of at least ten feet at maturity. Where existing vegetation is present which is not opaque year-round, but where the depth of the vegetated area is large enough to provide a similar effect, such vegetation will be considered consistent with this definition.

*Multi-family development:* A development that consists of three or more dwelling units in one or more buildings on a single parcel of land. This includes developments with two or more two-family buildings on a single parcel, except for those that can meet the provisions of §3.4.2.12.

Town of Hampden  
Land & Building Services



Report on Application  
Site Plan  
ReVision Energy

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: September 24, 2019

Project Information

Applicant: ReVision Energy; Property Owner is H.O. Bouchard and Hickory Dev. LLC  
Site Location: 349 Coldbrook Rd; Map 14 Lot 1-01 and Map 15 Lots 12, and 12-A  
Zoning District: Interchange  
Proposal: Install a 1.25 acre 268.8 kWDC ground mounted solar array in the wooded area adjacent to the existing trucking facility, behind existing houses on Coldbrook Rd.

This application for a new solar array is a major site plan requiring a public hearing before the Planning Board. The proposed array consists of 768 panels in six rows mounted on pole foundations which will be driven into the ground with minimal soil disturbance. The site is currently wooded and will be cleared, stumps removed, and seeded with a grass or wildlife mixture. The existing topography will generally remain the same; minor changes may occur as a result of the tree harvesting. This will result in negligible changes to the existing drainage patterns and no stormwater management plans are needed. MDEP erosion control best practices will be observed during construction. The wooded area surrounding the array will remain intact.

The proposed array is located 325.5 feet from Coldbrook Road, with roughly 80 to 160 feet of wooded area to remain which will buffer the array. I do not believe the proposed array will have any impact on the public or on any abutters, based on the aspect of the array, the wooded buffer, and the distance to existing houses.

A chain link fence will be installed around the array, with a locked gate which will include a Knox padlock which will allow access to public safety personnel. A gravel access drive is proposed from the parking lot to the gate, in the northwestern corner of the array.

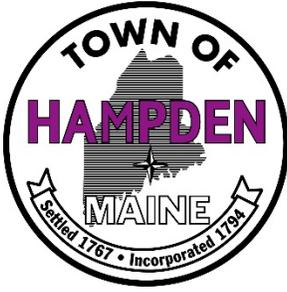
H.O. Bouchard and Hickory Development LLC own numerous parcels in this area, including those impacted by this proposed array. Compliance with setbacks is considered from the outer boundaries of the parcels that it will be located on. See attached aerial.

Under Section 4.1.5.1, submission requirements, all applicable items have been provided.

Under Section 4.1.6.2, site plan objectives, all items have been met or are not applicable.

The site plan has been reviewed by Public Safety and the Public Works Director and their comments have been addressed.

Based on the above, I recommend approval of the site plan as submitted. A draft Board Order is attached.



Town of Hampden  
Land & Building Services

Planning Board Order  
ReVision Energy Solar Array

*Approval Date:* October 9, 2019

*Project Name:* ReVision Energy Solar Array

*Location of Project:* 349 Coldbrook Rd

*Assessor's Reference:* 14-0-001-01, 15-0-012, and 15-0-012-A

*Deed Reference:* 3147/317, 14456/313, and 6506/30

*Zoning District:* Interchange

*Total Acreage:* Total site is about 13.3 acres and the solar arrays will occupy 1.25 acres

*Type of Use:* Solar Array; 268.8 kW (DC) power generation

*Building Area:* none

*Applicant:* ReVision Energy, Brian Byrne  
91 West Main Street  
Liberty, ME 04949

*Owner:* H.O Bouchard Inc. and Hickory Development, LLC  
349 Coldbrook Road  
Hampden, ME 04444

*Plans Prepared by:* ReVision Energy

*Plans Dated:* July 25, 2019

*Application Date:* September 5, 2019

*Public Hearing:* October 9, 2019

*PB Members:*<sup>1</sup> Eugene Weldon, Peter Weatherbee, Kelley Wiltbank, Jennifer Austin, Jake Armstrong, Brent Wells, and Tom Dorrity

*PB Action:* Approved. This Site Plan is approved under Section 4.1 of the Hampden Zoning Ordinance.

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<sup>1</sup> Planning Board Members who were appointed to vote on this case.

DRAFT

*Summary Description of Application:* This application is to install a solar array for the purpose of generating 268.8 kW (DC) of electrical power. The application is for six rows of photovoltaic panels mounted on poles with no grade changes in a wooded area which will be cleared and planted with grasses or other short vegetation. The array will be enclosed in a chain link fence with access via a gravel driveway from the existing parking lot at the trucking facility, with a Knox box for access by public safety personnel.

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

1. The proposed project meets the provisions of all applicable regulations and ordinances of the Town of Hampden and meets the intent of the comprehensive plan.
2. The proposed project will not impact the environment due to grading, tree removal, wetland impacts, soil erosion, stormwater flow, or pollution.
3. The proposed project provides for vehicular safety; the public will not access the site.
4. The proposed project will minimize obstruction of scenic views since it will be screened by a wooded area.
5. The proposed project does not include parking, storage, or other service areas, nor lighting, nor buildings, nor will there be any hazardous substances, thus items 4 through 7 under §4.1.6.2 are not applicable.
6. The proposed project includes a Knox box to allow access to the site for public safety personnel and service equipment, and there are minimal impacts to stormwater drainage.
7. The proposed project will have no impact on public utilities and will not overburden public services including Public Safety.

Based on these findings, the Hampden Planning Board voted \_\_\_\_\_ to approve the Site Plan for ReVision Energy to install a solar array on the property at 349 Coldbrook Road to generate up to 268.8 kW DC as previously described.

*Conditions:*

1. That all applicable state and local permits be obtained prior to construction, including specifically the major amendment to the Site Location of Development permit from Maine DEP.

*For the Hampden Planning Board:*

\_\_\_\_\_  
Eugene Weldon, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Peter Weatherbee

\_\_\_\_\_  
Kelley Wiltbank

\_\_\_\_\_  
Jennifer Austin

\_\_\_\_\_  
Jake Armstrong

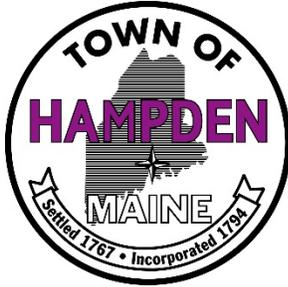
\_\_\_\_\_  
Brent Wells

\_\_\_\_\_  
Tom Dorrity

**Notes:**

1. *A copy of this decision is on file with the Land & Building Services 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.*

Town Planner  
planner@hampdenmaine.gov

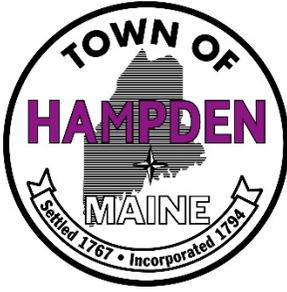


Report  
Major Site Plan  
Kongsuriya

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: October 2, 2019  
RE: Report on Application for 4-Unit Multi-family on Old County Road

This application is for a major site plan under the provisions of Section 4.1, Site Plan, of the Zoning Ordinance, to allow the construction of a 4-unit multi-family building on an undeveloped parcel on Old County Road, across the street from Riverview apartments at 411 Old County Rd.

Staff has reviewed the proposal and the applicant has made all revisions needed from our preliminary review. The application is complete and is in compliance with all provisions of the zoning ordinance. A draft Board Order is attached.



Town of Hampden

Planning Board Order  
Kongsuriya Multi-family – Old Co. Rd

Approval Date: October 9, 2019

Project Name: Kongsuriya Multi-family – Old County Rd

Location of Project: Old County Road

Assessor's Reference: 21-0-026-A

Deed Reference: B15273/P316

Zoning District: Residential B

Total Acreage: 0.54 acres

Type of Use: Residential

Number of Units: 4

Applicant: Kongsuriya Investment, LLC  
13 Frances Drive  
Hampden, ME 04444

Owner: Same

Plans Prepared by: Plymouth Engineering, Inc.

Plans Dated: September 6, 2019, revised September 26, 2019

Application Date: September 9, 2019

Public Hearing: October 9, 2019

PB Members:<sup>1</sup> Eugene Weldon, Peter Weatherbee, Kelley Wiltbank, Jake Armstrong, Brent Wells, Tom Dorrity, and Jennifer Austin

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

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<sup>1</sup> Planning Board Members who were eligible to vote on this case.

DRAFT

*Summary Description of Application:* This application is to construct one 4-unit multi-family building on a parcel in the Residential B district. This Board Order includes both the site plan and the minor subdivision applications for construction of this multi-family building. The units will be served by public water and sewer service. There will be a single driveway entrance to Old County Road, and each unit will have a two parking spaces in front of the building.

*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, minor grading is necessary to accommodate the building and parking; only one significant tree will be removed for the development; there are no known wetlands on or adjacent to 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, with roughly 85% of the runoff flowing to the back corner where it should infiltrate and 15% flowing into the existing drainage system on Old County Road.
2. The proposed project provides for safe ingress and egress and on-site circulation for vehicles and pedestrians, given the small size of the project, and adequate sight distances on Old County Road. It has been noted the driveway into this site is slightly offset from the driveway into a 9 unit multi-family development across the road, but with the low traffic generation from either development, safety issues are not a concern.
3. The proposed project will not impact scenic views from public ways, since there are no scenic views in this location.
4. The parking and outdoor service areas are appropriately screened from public ways given that a buffer will be planted adjacent to the parking area by Old County Road.
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 minimized unreasonable departure from the character, materials, and scale of buildings in the vicinity; while the building is a single story and most of the homes in that area are two-story, the building's design is clearly residential within a 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 is designed to provide adequate access for fire and service equipment, as well as for utilities and stormwater management.

9. The proposed project will not exceed the capacity of public utilities or overburden any public service, since it is a small (4-unit) 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, the site has no streams on it, and is not subject to flooding.
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 will not adversely affect the quality or quantity of groundwater since the project includes only 4 dwelling units so minimal impervious surfaces.
15. The proposal provides adequate stormwater management given the small amount of impervious area and the design of the site with stormwater facilities.
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 approve the Site Plan for Kongsuriya Investments, LLC to construct a 4-unit multi-family building on Parcel 21-0-026-A as previously described, subject to the conditions listed below.

Conditions:

1. That exterior construction activities are limited to the hours of 7:00 am to 7:00 pm Monday through Saturday.
2. That any signage must meet the standards of the zoning ordinance.
3. That, if needed for connection into the public sewer system, a pump station be designed for the location noted on the site plan, with the design to be submitted to and approved by the DPW Director prior to the issuance of a building permit.

*For the Hampden Planning Board:*

\_\_\_\_\_  
Eugene Weldon, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Peter Weatherbee

\_\_\_\_\_  
Kelley Wiltbank

\_\_\_\_\_  
Jake Armstrong

\_\_\_\_\_  
Brent Wells

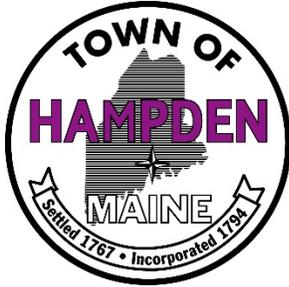
\_\_\_\_\_  
Tom Dorrity

\_\_\_\_\_  
Jennifer Austin

**Notes:**

1. *A copy of this decision is on file with the Community & Economic Development 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.*

Town Planner  
planner@hampdenmaine.gov



Report  
Zoning Map Amendment  
271 Western Ave  
Residential B to Business

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: September 23, 2019  
RE: Report on Application for Rezoning of 271 Western Ave

This application is for a zoning map amendment to change the zoning district of the subject property from Residential B to Business. The property is 2.5 acres and the proposed use is self-storage units.

Abutting properties include three residences, two contractors, office, and retail uses, and the fuel depot (Dead River) is nearby as well. The attached materials provide additional information.

The Planning Board will hold a public hearing on the proposed zoning map amendment, and then the board needs to make a recommendation to town council for adoption as proposed, adoption with modification, or denial.



File #: \_\_\_\_\_

Land & Building Services

106 Western Ave.  
Hampden, ME 04444  
207-862-4500  
www.hampdenmaine.gov

# Application for Zoning District (Map) Amendment

APPLICANT

Name of Applicant (primary contact): Jeffrey Bacon Agent: Jim Kiser  
Company: \_\_\_\_\_ Kiser & Kiser Co  
Mailing Address: 450 Back Winterport Rd, Hampden, ME 04444 PO Box 282, Hampden, ME 04444  
Phone: 745-0920 Cell: Agent: 862-4700  
Email Address: trudyb@tds.net jim@kiser-kiser.com

OWNER

Name of Owner: Same  
Mailing Address: \_\_\_\_\_  
Daytime phone: \_\_\_\_\_

PROPOSAL

Location of Property: 271 Western Ave  
Assessor's Tax Map/Parcel Number(s): TM 29, Lot 11  
Current Zoning District: Res B Proposed Zoning District: Business  
Acreage of area proposed to be rezoned: 2.5 ac

If the area of the proposed map amendment does not align with current tax map parcel boundaries, provide a written description of the area: Same as tax map

Proposed development (reason why the map amendment is proposed):

The area does not have access to sewer for Res B development; therefore, less intense wastewater use is better option. Business district abuts the property.

Benefit to the Town if the proposed map amendment is adopted:

Commercial use similar to area, tax advantage, school costs avoided.

*Attach a map showing the approximate area of the proposed map amendment in relation to the surrounding area, including current zoning districts.*

Town of Hampden  
RECEIVED

SEP 12 2019

Planning & Zoning  
Office

SIGN

Applicant's signature: [Signature]  
Owner's signature: \_\_\_\_\_  
Date: 9-11-19

**Official Use Only:**

Application Fee: \$ 650 Date Paid: 9-12-2019 Check #: 4041  
Public Notice Fee: \$ \_\_\_\_\_ Date Paid: \_\_\_\_\_ Check #: \_\_\_\_\_ Date of Public Hearing: \_\_\_\_\_  
Decision of Planning Board: \_\_\_\_\_



Hampden Planning Board/Council  
c/o Karen Cullen  
106 Western Ave  
Hampden, ME 04444

**Rezoning, 271 Western Ave**

Dear Board/Council

On behalf of Jeffrey Bacon, we are requesting a rezoning of 271 Western Ave from Residential B to Business district. This property is located adjacent to the existing antique shop at the railroad crossing on Western Ave and across from the former bottle redemption center. These two properties are currently zoned Business due to long term commercial activity in that area. In addition, several properties in close proximity to this site are in the Commercial Services district.

This portion of town does not have sewer service, which ends at Mayo Road approximately 350' to the east of the properties easterly boundary. To extend sewer to this site would be cost prohibitive for development on this lot. In addition, to develop this into a residential development, subsurface wastewater disposal would restrict the site due to the system's size requirements and the State's minimum lot size law.

The home on the property has been removed as training for the Hampden Public Safety department. The owner is looking to develop a commercial business, specifically self-storage units, on the property that will require little or no wastewater generation. This use would, by ordinance, require a buffer along the easterly property line to mitigate impacts to abutting residential district/use. This use would also provide little demand on town services while providing a sound tax base for the town. This use is currently in high demand with minimal availability in the central service area of town.

We look forward to working with the town to amend the zoning for this property; however, if you have any questions prior to meetings, please contact us at your convenience.

Best regards,

James R. Kiser, PE  
Kiser & Kiser Co.

Enc.

C: Jeffrey Bacon



# Bacon Property

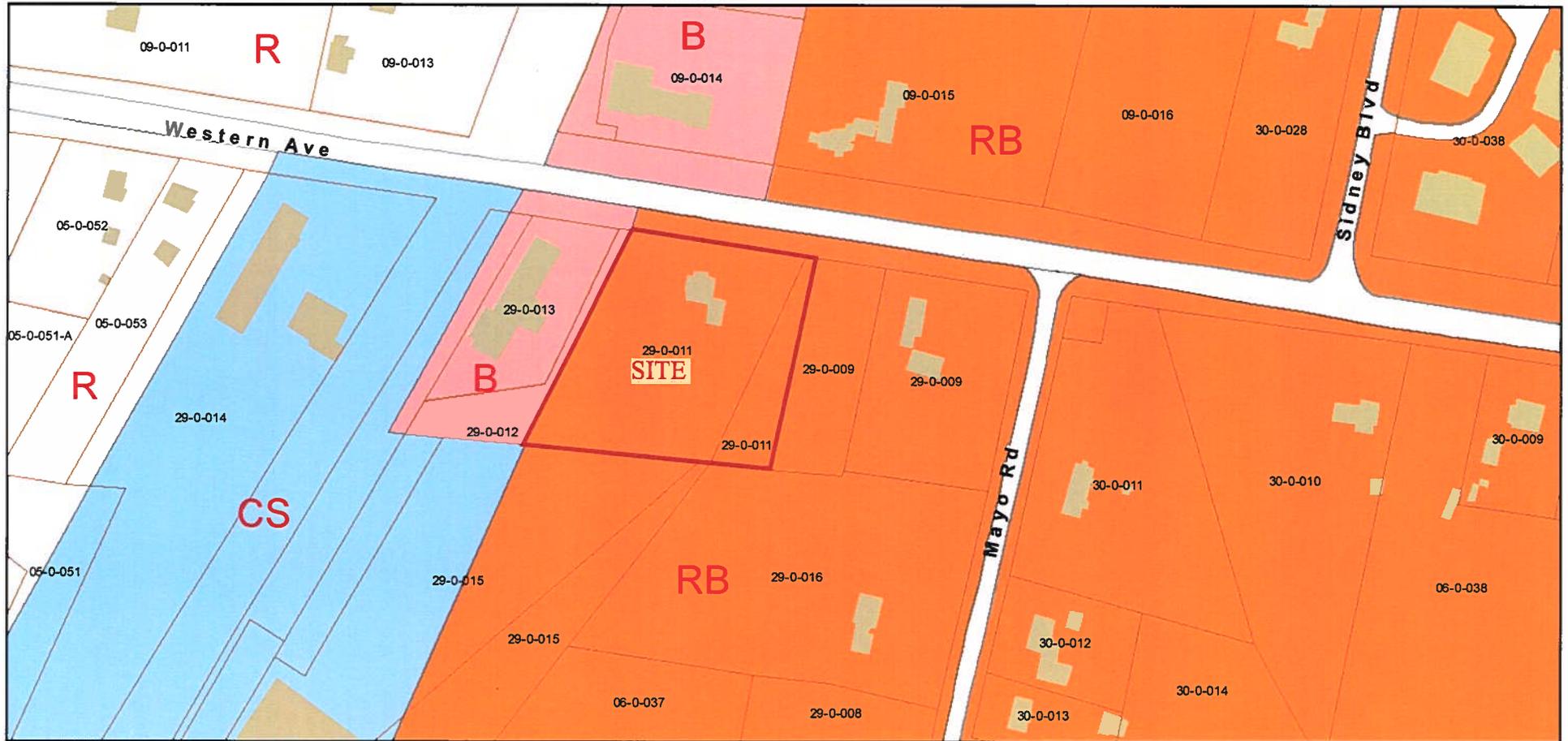
271 Western Ave

1 inch = 200 Feet



September 10, 2019

www.cai-tech.com



Street Names	Rural
Parcel Lines - No Ortho	Business
Buildings	Commercial Service
Residential B	

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

**QUITCLAIM DEED  
WITH COVENANT**

**PCM REAL ESTATE LLC**, a South Carolina Limited Liability Company with a principal place of business at Gilbert, County of Lexington and State of South Carolina, for consideration paid, grants to **JEFFREY BACON and TRUDY BACON**, both of Hampden, County of Penobscot, and State of Maine, with **QUITCLAIM COVENANT**, as Joint Tenants, a certain lot or parcel of land, with any buildings or improvements thereon, situated in Hampden, County of Penobscot, and State of Maine, bounded and described as follows, to wit:

**Parcel One:** A certain lot or parcel of land with the buildings thereon situated in Hampden, County of Penobscot, State of Maine, on the Southwesterly side of the County Road running Westerly from Hampden Upper Corner and now designated Route #9, bounded and described as follows: Beginning at a point on the Southwesterly side of said Route #9, said point being 20 Feet Southeasterly measuring along the Southwesterly side of said Route #9 from the most Easterly corner of that parcel of land conveyed by Percy E. Severance to General Mills, Inc., dated October 25, 1947, recorded in Penobscot County Registry of Deeds at Volume 1279, Page 220, and said point of beginning, being the most Easterly corner of a certain parcel of land conveyed by said Percy E. Severance to Kenneth T. Newcomb by Deed dated May 2, 1958, to be recorded in Penobscot County Registry of Deeds, thence Southwesterly along the generally Easterly line of land conveyed to said Kenneth T. Newcomb by Deed dated May 2, 1958, 330 Feet, more or less, to an iron stake; thence Easterly in the generally Southerly line of land conveyed to Percy E. Severance by Orrin W. Dunton by Deed dated November 15, 1927, recorded in said Registry in Volume 1079, Page 39, 243 Feet, more or less, to an iron stake; thence Northeasterly 330 Feet to an iron stake in the Southwesterly line of said Route #9; thence Westerly along the generally Southwesterly line of said Route #9, 243 Feet to the point of beginning.

This conveyance is subject to the following:

- a. Easement to Hampden-Newburg Light and Power Co. Recording in Volume 1607, Page 100;
- b. State of Maine Notice of Layout and Taking recorded in Volume 1633, Page 275; and
- c. Easement to Bangor Hydro-Electric Co. recorded in Volume 2716, Page 255.

**Parcel Two:** A certain lot or parcel of land situated in the Town of Hampden, County of Penobscot and State of Maine, bounded and described as follows: Beginning at the Northeast corner of land, now or formerly owned by Finely C. Gardner, said point located on the Southerly sideline of Route #9 as laid out by the State Highway Commission and shown on Plan File #10-106 for State Highway Route #210 commonly known as Route #9, said point of beginning also located North 64 Degrees 09' West 254.9 Feet from an iron rod at the intersection of said Southerly line of the new highway right-of-way and the Westerly line of the Mayo Road, so called; thence Easterly by and along the Southerly line of said Route #9, South 64 Degrees 09' East 142 Feet; thence South 31 Degrees 49' West 299.2 Feet to a point on the Northerly line of land now or formerly of Robert L. Wass; thence Westerly by and along said Northerly line of land now or formerly of Robert L. Wass, North 63 Degrees 55' West 77.6 Feet to an iron rod; said iron rod being at the Easterly corer of land conveyed by Robert L. Wass and Natalie R. Wass to Green Valley Lumber Company by Deed dated October 31, 1973, and recorded in the Penobscot County Registry of Deeds in Volume 2416, Page 173; thence North 43 Degrees 28' East 311.9 Feet to the point of beginning, containing 13,660 Square Feet.

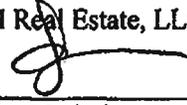
Reference meridian is based on Bangor Aroostook Railroad right-of-way shown on right-of-way plan through Town of Hampden.

1. The lien of taxes and assessments for the current year and subsequent years;
2. Matters that would be shown by an accurate survey and inspection of the property;
3. All covenants, restrictions, conditions, easements, reservations, rights-of-way, and other matters of record, to the extent valid, subsisting and enforceable;
4. Zoning requirements, statues, rules, orders, restrictions, regulations and ordinances of governmental agencies or their instrumentalities relating to the property, the buildings located thereon, their construction and uses, in force on the date hereof (if any such exist);
5. All roads and legal highways;
6. Rights of parties in possession; and
7. Any licenses, permits, authorizations or similar items (if any) in connection with the conduct of any activity upon the property.

Being the same premises as described in a deed from JPMorgan Chase Bank, National Association to PCM Real Estate LLC, dated August 23, 2017 and recorded in Book 14639, Page 258, in the Penobscot County Registry of Deeds.

In witness whereof, PCM Real Estate LLC, by Luz Bouleris, its Manager has caused this instrument to be executed this 2 day of November, 2017.

  
Witness

PCM Real Estate, LLC  
By:   
Luz Bouleris

~~STATE OF MAINE~~ <sup>South Carolina</sup>  
COUNTY OF Richland, ss

November 2, 2017.

Personally appeared the above named Luz Bouleris, Manager of PCM Real Estate, LLC and acknowledged the foregoing instrument to be her free act and deed in said capacity and the free act and deed of PCM Real Estate LLC.

Before me,

  
Notary Public

Elliot D. Hays  
(Print Name and Affix Seal)



Maine Real Estate  
Transfer Tax Paid

Susan F. Bulay, Register  
Penobscot County, Maine

