

Town of Hampden

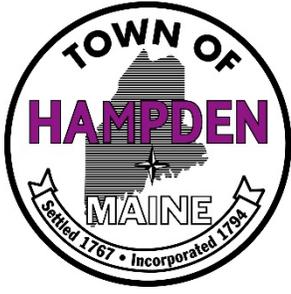
Planning Board

Wednesday, December 11, 2019, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Administrative
 - a. Minutes – Oct. 9, 2019 regular meeting and Oct. 15, 2019 workshop
(Note, there were no meetings in November.)
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.
3. New Business
 - a. Paul Phillips – Public Hearing for a Conditional Use for an expansion of a nonconforming structure located at 544 Main Road South, parcel 03-0-059, which will encroach the side setback no more than the existing house does. This property is in the Rural district.
 - b. T&M Contractors Inc. – Sketch Plan for Lupine Meadows, a multi-family development consisting of 8 dwelling units in two buildings on parcel 08-0-009 and a portion of 08-0-007-G. This property is in the Rural district.
 - c. R&B Development, LLC – Request for an extension to the approval of the Preliminary Subdivision plan for Honey Hill Estates, located on Main Road South (parcel 06-0-050-1). This subdivision is in the Residential A and Rural districts and received Planning Board approval of the Preliminary Plan on July 16, 2019, which expires on January 16, 2020.
4. Staff Report
5. Planning Board Comment
6. Adjournment



Town of Hampden
Planning Board Meeting
Wednesday October 9, 2019

Minutes

In Attendance:

Planning Board

Gene Weldon, Chairman
Jake Armstrong
Brent Wells
Ladoiya Wells
Richard Tinsman
Tom Dorrity
Jennifer Austin

Staff

Karen Cullen, AICP, Town Planner

Public

Jim Kiser
Jennifer Naross
Jeff Bacon
Nate Bacon
Trudy Bacon
Hans Albee

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

Chairman Weldon noted two regular members were absent (Peter Weatherbee and Kelley Wiltbank) and he appointed alternates Ladoiya Wells and Richard Tinsman to sit in their places.

1. Administrative

- a. **Motion** by Member Tinsman to approve the minutes of the September 11, 2019 regular meeting; second by Member Ladoiya Wells; motion carried 6/0/1. **Motion** by Member Tinsman to approve the minutes of the September 17, 2019 workshop meeting; second by Member Weldon; motion carried 3/0/4.

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.

Chair Weldon asked Jim Kiser what the applicant wants to do before they decide to reopen the public hearing. Mr. Kiser said the applicant is re-evaluating how they want to design the project and no decision has yet been made whether to do a cluster development as originally proposed or to switch to a traditional standard subdivision. After discussion about scheduling, a **Motion** was made by Member Austin to continue the public hearing for Stearns Farm to December 11, 2019; second by Member Ladoiya Wells; motion carried 7/0/0.

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- 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 property on Monroe Road, Parcel 02-0-024-2. This property is in the Rural district.

Chairman Weldon opened the public hearing at 7:10pm.

Jim Kiser summarized the Wicklow application:

- To eliminate the need for the subdivision to split off the 2.03 acre parcel in the original submission, the owner has transferred the “remaining land” 8 acres +/- to “parcel B” (02-0-024-01) which has an existing duplex on it. Now it has common ownership.
- Entire parcel is not a subdivision, just looking at this parcel as a single entity.
- Attorney has concurred that this transfer doesn’t constitute a subdivision.
- Included a letter to the board about the traffic generated by the 4 units, confirming it will have minimal impact on Monroe Road.
- Data from the existing well on the duplex lot show substantial water on this property for servicing the duplex and no issues are expected with water supply for private wells in the area.

Planner Cullen confirmed that she heard back from the town’s attorney and he concurred that the transfer of the 8-acre parcel to the duplex parcel does not constitute a subdivision. So, this is just a site plan and subdivision for the 4 unit building on the 2.03 acre parcel. According to staff reviews everything is all set to go for approval tonight.

Questions/Concerns/Comments:

Jennifer Naross Monroe road asked Jim Kiser who he spoke with at the DEP regarding approval for this whole project? She is concerned because this borders a cranberry bog. Jim Kiser said there was no conversation with DEP because this project didn’t require it, but added there were two after-the-fact permits sought from DEP for activities on the 8 acre portion of the site, which is no longer part of the application before the Planning Board. Those issues were dealt with by Jon Cullen at DEP and have been resolved.

Motion by member Ladoiya Wells to approve the Major Site Plan and Final Minor Subdivision Plan to construct a 4-unit multi-family building on the property on Monroe Road, Parcel 02-0-024, as submitted, and to approve the Board Order as presented including the findings and conditions; seconded by Brent Wells; motion carried 5/0/2.

- 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.

Planner Karen Cullen reviewed the additional modifications to the proposed Zoning Ordinance amendments which included:

- §4.6.4.4, Utilities in open space – revised language to clarify how utility areas will be measured.
- §4.6.5.6, Tract buffer – added “or alternative method” to allow an applicant to propose an alternative material, or to reduce the width of the buffer, to allow for a wall or fence instead of only vegetation.

Motion by Member Brent Wells to refer the proposed Zoning Ordinance amendments as presented to the Town Council with a recommendation for adoption; seconded by Member Richard Tinsman; motion carried by unanimous vote, 7/0/0.

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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.

Chair Weldon opened the public hearing at 7:26 pm.

Speaking on behalf of the applicant was Hans Albee from Revision Energy:

- Grid tied solar system to generates electricity, H.O. Bouchard will get a credit on their utility bills from the solar generation.
- Proposed location is in a wooded area not visible from the public way.
- Will have a separate connection from the grid that will pass through the HO Bouchard property.
- Solar array will require clearing about 1.25 acres of the woods but won't affect the grade of the land (no grade changes needed).
- The solar array will be fenced for security, the gate will have a Knox padlock for access by emergency personnel and first responders.
- The array will be a fixed system installed on metal racking; not a tracking system.

There were no comments from the public and Chair Weldon closed the Public Hearing at 7:28 pm.

Planner Karen Cullen mentioned that the applicant meets all the requirements for site plan review. She added there is only one condition that all applicable local and state permits be obtained prior to construction, mainly to cover the pending application to DEP for an amendment to the SLODA permit for the HO Bouchard trucking facility.

Motion by Member Austin to approve the Site Plan for Revision Energy for installation of a solar array on land owned by HO Bouchard as submitted, and to approve the Board Order as presented; seconded by member Brent Wells; motion carried 6/0/1.

- 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.

Chair Weldon opened the public hearing at 7:33 pm.

Scott Braley from Plymouth Engineering spoke on behalf of the applicant:

- Multi-family is a permitted use in the Residential B district
- Proposal for a 4-unit rental building
- It is located across Old County Road from another multi-family development
- During preliminary review by staff, they received a few comments on the site grading regarding stormwater management and on the sewer connection. Those issues were discussed with Public Works Director Sean Currier and have been resolved.
- Grading the site to keep as much stormwater runoff flowing towards the back of the site as possible, since there are existing drainage problems further north on Old County Road and they don't want to exacerbate those.
- Last property on Old County Road on the left going towards Bangor, other than a wooded piece that Emera owns
- Single story structure
- 2 parking spaces per unit, parking to the side of the building viewed from the road

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- Will be connected to public sewer, water, and electric utilities
- For connection to the sewer system a private pump station is required. Design plans have been submitted to Public Works Director, Sean Currier to review; applicant is fine with the proposed condition regarding this in the Board Order.

There were no comments from the public and Chair Weldon closed the Public Hearing at 7:36 pm.

Planner Karen Cullen noted the application is good to go, the Board Order includes three conditions:

- Exterior construction times will be 7am to 7pm Monday thru Saturday;
- Signage must meet the standards of the Zoning Ordinance; and
- Requirement to have the Public Works Director, Sean Currier review and approve the submitted private pump station design.

Motion by Member Ladoiya Wells to approve the Major Site Plan and Minor Subdivision Plan for Kongsuriya Investment LLC for a 4-unit multi-family building on property on Old County Road as submitted, and to approve the Board Order as presented including the findings and conditions; seconded by Member Austin; motion carried 6/0/1.

- 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.

Chair Weldon opened the public hearing at 7:41 pm

Jim Kiser spoke on behalf of the owners Jeff and Trudy Bacon:

- Adjacent to existing business zone properties
- There is no sewer to the property. To extend the sewer up Western Ave would be costly. The extension would go up Mayo road to the pump station that currently has issues.
- Plan is to put in storage units, which will fit the area well; that proposal will meet all zoning requirements
- Will be submitting a site plan for the storage units if the zone change is approved
- There will be no wastewater disposal, because there will only be a self-storage facility

There were no comments from the public and Chair Weldon closed the Public Hearing at 7:44 pm.

Planner Karen Cullen spoke on the application:

- Abutting properties include 3 residences, 2 contractors, office/retail uses, and the fuel depot for Dead River is nearby.
- This parcel is adjacent to a small cluster of nonresidential uses on Western Ave by the railroad tracks
- The Comprehensive Plan doesn't indicate this location being anticipated for business use. However, the request may still be reasonable given the existing uses.
- Once rezoned to Business, anything that is permitted in that commercial district will be permitted. If someone decides they want to tie into the sewer system, which is less than 500 feet away, then they can do that. It may not always be a self-storage facility, and other commercial uses may not be as benign as a self-storage facility.

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- A self-storage facility would be a low impact use, especially if there is adequate landscaping along Western Avenue and along the property line with the abutting residential uses. This would ensure there isn't a negative impact visually to those properties.
- The Town Council is the body that makes the decision on whether to amend the zoning map. How the Planning Board votes can dictate the required "yes" votes from Town Council. The Planning Board should consider what the Comprehensive Plan says, what the abutting uses are, and what makes sense for this location.
- The lot is 2.5 acres.

Discussion:

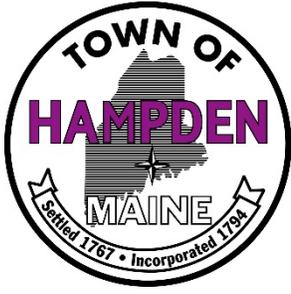
- Chair Weldon mentioned that this wasn't an anticipated growth area on the Comprehensive plan.
- Member Austin said that she thought this seems like a fine proposal, because it is contiguous with other businesses that are also relatively low impact businesses.

Motion by Member Tinsman to refer this application to Town Council with a recommendation to approve the request for rezoning the property located at 271 Western Ave, parcel 20-0-011 from Residential B to Business; seconded by Member Austin; motion carried 7/0/0.

4. Staff report: None
5. Planning Board comment: None
6. Adjournment: Upon **motion** by Member Dorrity and second by Member Brent Wells, the meeting was adjourned at 8:02 pm.

Respectfully submitted by Jessica Albee,
CED Administrative Asst.

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Town of Hampden
Planning Board Workshop
Tuesday October 15, 2019

Minutes

In Attendance:

Planning Board

Gene Weldon
Richard Tinsman
Brent Wells
Ladoiya Wells
Jennifer Austin

Staff

Karen Cullen, AICP, Town Planner

Public

None

The meeting was called to order at 6:30 pm.

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

- §2.3.5, Solid Waste – Planner Cullen gave background info; no changes made.
- §2.3.6.1, Street Layout:
 - item 2, see if there is a way to clarify or provide guidance on what “where necessary” means. It was noted that both the Public Safety and Public Works directors will review applications and their comments on any application should help guide the Board.
 - item 3, either reword to not use the term “arterial” or define “arterial”; it was noted the terminology in the current ordinance uses minor, collector, and arterial but the proposed ordinance uses lane and street since no new subdivision roads are likely to exceed the threshold for either collector or arterial streets.
 - item 7, add “or capital improvement plan” after “comprehensive plan” in the second line.
- §2.3.6.3, Roadway Design Standards:
 - item 1, after discussion about the sight distance on Main Road South, which is designated as a ME DOT Mobility Arterial, it was decided to modify the table to eliminate the middle column and modify the footnote to address new subdivision roads entering this section of Main Road South (where the speed limit is 50 mph).
 - item 2, add “and sidewalk” after the word street in the first line to clarify that the section applies to sidewalk construction as well as road construction.
 - item 2, table:
 - add a definition of “ADT” (average daily traffic)
 - discussion about sidewalks and when they should be required; consensus to modify table to exempt subdivisions in the rural district from the requirement unless required as a condition of approval by the Board, and also to leave the thresholds as proposed in the draft but add a footnote that states that the Board can condition an approval on installing a sidewalk in a previous phase when a subdivision is extended. Reference the comprehensive plan; require sidewalks in all new subdivisions within the four mile square and along Coldbrook and Old County Roads, as recommended in the comprehensive plan.
 - check the Americans with Disabilities Act to see what the sidewalk surface requirements are (paved or other).

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- Other discussions:
 - research to see if the Board can require a developer to state what his future intentions are for any “remaining land” areas in a subdivision; or require entire parcel to be designed in phases to ensure the road network is designed and constructed to the correct (future) level of standards.
 - private road surfacing – perhaps require pavement for all roads exceeding some threshold of housing units – i.e. eliminate the “pavement is optional” provision.

The meeting was adjourned at 8:10 pm.

Review will resume at §2.3.6.3 (page 15) at the next workshop meeting. Note that §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 (unknown as of 10/16/2019).

Respectfully submitted by Karen Cullen, Town Planner

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Town of Hampden
Land & Building Services

Report – Update 3

Preliminary Plan

Stearns Farm Cluster Subdivision

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: December 4, 2019

Project Information

Applicant: Stan & Sean MacMillan
Site Location: Main Road North (between Coldbrook Rd and Sunset Ave)
Zoning District: Residential A
Proposal: Using the cluster provisions of the zoning ordinance, subdivide this 27.7 acre property into 38 lots for single family homes. The proposal includes 10.9 acres of open space for a total of 39.4% open space. Three roads are proposed, designed for public acceptance. The development will be served by public sewer and water.

The public hearing for this application was opened on May 8, 2019, and continued on June 12, July 10, September 11, October 9, and to December 11, 2019. No discussion on the application took place at the July, September, or October meetings; motions were made simply to continue the hearing to another date. Revised plans have now been submitted and reviewed for the December 11 meeting. As a matter of courtesy to the abutters, postcards notifying them of this meeting have been mailed out, given the length of time since the discussions at the June meeting.

Before getting into the review of the application, I want to point out that this application was filed under the cluster provisions in effect at the time (July 2018 zoning ordinance) and the revised plan submitted for this meeting is purportedly filed under the recently amended cluster provisions (effective December 4, 2019). I believe it is appropriate for the Board to first make a determination whether they believe the application can continue to move forward under the original notification, or if the public hearing should be closed and a new public hearing notification be made. I don't believe the modifications to the design are significant enough to automatically require that, but it is a decision the Board should make, taking into account adequacy of notice.

At the end of the June 12 meeting four issues remained:

1. Requested reductions to the buffer/setback; legal opinion was sought on whether the Board has the authority to grant waivers to the requirements set forth in §4.6.2 of the zoning ordinance. The legal advice we received was that the Board did not have the authority under the then current zoning ordinance to reduce the buffer/setback. As a result, the subdivision layout was modified to comply with the requirements in the newly adopted zoning ordinance (amendments went into effect Dec. 4). In addition, our attorney advised that the Board does have the authority to require

as a condition of approval the planting of buffering vegetation in areas where the Board deems it appropriate. Please see below for my comments on compliance with the new cluster provisions.

2. To show compliance with the stormwater quantity requirement of the subdivision ordinance, the Board required an explanation in writing that the stormwater management system as designed will provide retention to meet the peak flow requirement of the ordinance.

It is my understanding, confirmed by DEP and Woodard & Curran, that when a subdivider is going to build the houses in a proposed subdivision (as is the case with this project), and the amount of impervious surface within the entire development – including the roadway and the houses and driveways – exceeds 3 acres, the project is required to meet the Flooding Standard of Chapter 500. For this project, if one assumes the amount of impervious surface per lot averages about 4,000 square feet (2,952 for the structure and 1,056 for the driveway, scaled from the plan), the total amount of impervious surface would be about 5 acres, exceeding the 3 acre threshold. Thus, compliance with the Flooding Standard of Chapter 500 will be required. And again, §531.1 of the Hampden Subdivision Ordinance requires that the post-development peak discharge is not to exceed the pre-development discharge, regardless of how much impervious surface there is. If the Flooding Standard will need to be complied with for DEP permitting, there is no sense in the Planning Board granting a waiver to this requirement.

3. The final subdivision plan and covenants for the project need to include language providing for permanent protection of the open space areas.
4. The final subdivision plan and the deeds for any affected lots need to include language providing for permanent protection of the tract buffer to ensure buffering vegetation remains in place.

The new plans (dated 11/19/2019) have been reviewed for compliance with the newly adopted cluster housing provisions and the subdivision ordinance:

1. Under §4.6.2, dimensional requirements, the applicant is seeking reductions in the buffer in several areas, in compliance with the provisions of §4.6.5. While the amount of buffer reduction is within the allowed limits set forth in §4.6.5.6, I question whether the proposal meets the requirements set forth in the second sentence of that paragraph, specifically “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.” The submission does not indicate that any housing units will be targeted for moderate income households, nor does it show any increase in buffer depth in any locations adjacent to existing developed areas. Thus, the only way that the Board can make a finding to allow the requested buffer reductions is if there will be trails within the buffer built by the developer prior to the issuance of a Certificate of Compliance. If that is not to happen then the Board does not have the authority to approve any reductions in the depth of the buffer.
2. Also under §4.6.2, dimensional requirements, all proposed lots meet the size, frontage, and setback requirements with one possible exception: Lot 7 has 30 feet of frontage on the new road and 55 feet on Main Road North. In November 2018 when the sketch plan was discussed, it was felt that a reasonable compromise might be to allow both the frontage on the new road and Main Road North to count toward the frontage requirement of 50’. If that is acceptable to the Board

now, then Lot 7 meets the requirement. At the time, that lot had no access to the new road and the question was whether it was acceptable to have less than the 125' of frontage required for a standard lot in the Residential A district.

3. Under §4.6.3, maximum number of dwelling units allowed, the requested number of units is well below the maximum allowed (1.37 du/ac proposed vs. 3 du/ac allowed). No density bonus is being sought for this project.
4. Under §4.6.4, common open space, the minimum required for this project is 2.77 acres, and the project provides well over that at 10.9 acres. I do not know whether the proposal meets the requirement of §4.6.4.3 which limits the amount of wetlands within the open space to 50% of the open space, since wetlands acreage has not been provided. At this point the proposal is not in compliance with §4.6.4.5, since it does not indicate that any amenities are to be provided within the open space. A revised draft of the covenants that includes language restricting future development in the open space areas has not been submitted, thus the proposal is not in compliance with §4.6.4.6.
5. Under §4.6.5, tract buffers, the proposal is not in compliance for the following reasons:
 - a. As discussed in item 1 above, it is questionable whether the proposal meets the requirements for reductions in buffer depth.
 - b. The proposed buffering vegetation to be planted in areas currently devoid of such vegetation is inadequate in a number of locations (§4.6.5.3), specifically between the project and abutting parcels:
 - i. 33-0-015 (by lots 1 & 3 and the open space at the road entrance)
 - ii. 33-0-014 (lot 7)
 - iii. 23-0-008 (lot 2)
 - iv. 23-0-001 (by the open space at the road entrance)
 - v. 23-0-010 (lot 2)
 - vi. 23-0-017-A (lot 2)
 - vii. 23-0-025 (lots 36 & 37)
 - viii. 23-0-024 (by the open space)
 - ix. 23-0-092-B (lots 26, 28, & 29) – the deciduous wooded line may not be adequate to screen the new development
 - x. 33-0-011 (lot 20) – the plantings should be extended across the entire boundary.
 - c. Draft language restricting vegetation removal within the buffer area is to be included in the deeds to each lot impacted by the tract buffer and needs to be submitted (§4.6.5.5); this applies to lots 1, 2, 3, 4, 7, 13, 15, 17, 19, 20, 26, 28, and 29. Similar language also needs to be included in the covenants covering the buffer area within the open space.
6. Cluster mailbox locations are not shown on the plans and need to be added per previous discussions (e.g. account for pulling out of the travel lane, snow removal, etc.).
7. The “box” cut (alternate cut section detail) locations should have underdrains installed to prevent saturated soils on the uphill side of the road in those locations. (Sean Currier)
8. There should be a stormwater easement between lots 12 and 14, where the storm drain pipe follows the property boundary. (Sean Currier)
9. There should be driveway culverts, and to accommodate those the swales (or ditches) should be lowered where necessary. (Sean Currier and Woodard & Curran)

10. The sewer manholes should be located either at the center of the road or the center of the travel lane, to minimize car tires hitting the manholes. (Sean Currier)
11. It may be sensible to move the stormwater treatment facility at the Briggs cul-de-sac further back from the road to provide more flat area for snow storage. The additional wetlands impact for this would be minimal. (Sean Currier)
12. Snow removal at the Adams cul-de-sac remains a problem; the areas provided are in the wrong locations for the plow trucks to be able to utilize. The current design provides no space between the driveways for lots 35 and 36, nor between the driveways for lots 37 and 38, and the space between the driveways for lots 36 and 37 is occupied by a storm drain and water system valve. (Sean Currier suggests eliminating either lot 35 or 36.)
13. Question whether the elimination of the cul-de-sac at the end of Stearns Farm Road is acceptable (Woodard & Curran; it's okay with DPW, I'll be getting an answer from Public Safety before the meeting).
14. Question on timing of final subdivision approval, construction of these roads, and the construction project on Route 1A – if the site will be utilized as the construction staging area for the Route 1A project, which is not set to be completed until the Spring of 2021, there may be an issue with the timing of the final subdivision approval and the construction of the roads in the subdivision. Per the subdivision ordinance, all roads are to be completed within two years of the final plan approval.
15. Woodard & Curran has stated that the comments regarding stormwater management in their previous reports on this project still stand (see their reports attached). I recommend that a condition of approval of the preliminary plan be included in any such vote to require all DEP permits to be granted and copies filed with the Town prior to granting final plan approval.

I recommend that the Board consider the following questions at the December 11 meeting and provide direction to the applicant at that time:

1. Whether the application can continue to move forward through the approval process which began in May 2019 (for the Preliminary Plan) given the amendments to the cluster provisions of the zoning ordinance (note that it is entirely inappropriate to “mix and match” the previous and current versions of the zoning ordinance), or whether the application should be withdrawn and a new one filed.
2. Whether the Board will accept a portion of the frontage on Main Road North to count towards the required 50 feet of frontage for Lot 7.



March 29, 2019

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

Re: Stearns Farm Subdivision (Main Road North)
Preliminary Subdivision Application Peer Review

Dear Karen:

We have completed a review of the Preliminary Subdivision Application submitted for Stearns Farm by Kiser Engineering & Development Consulting on behalf of Stanley and Sean MacMillan (Applicant) for a proposed 39-lot cluster subdivision on Main Road North (Map 33, Lots 11A and 15A).

As requested, this review is focused on the proposed stormwater drainage, road design, and other public infrastructure for this subdivision. We have reviewed the Application for conformance to the Town's Subdivision Ordinance and §4.6 of the Zoning Ordinance. We provide the following comments listed below.

Subdivision Ordinance

1. Per Section 531.1, the post-development peak discharge and runoff shall not exceed the peak discharge and runoff from the site prior to the development. The project will result in an increase in impervious area of approximately 1.42 acres (not including the potential development of the lots). The Applicant has proposed five grass filter bed treatment systems to achieve the required water quality standards, along with the supporting calculations. However, it is unclear if these filter beds will provide adequate storage to detain the increase in peak runoff from the proposed development. The Board may wish to request that the Applicant demonstrate proper management of peak runoff by provide the following:
 - a. Drainage calculations for the pre-development and post-development scenarios that model the peak discharges for the design storm. Section 1030 of the Ordinance defines the design storm as a storm with a frequency or recurrence interval of 25 years and a duration of 24 hours. As you know, standard of practice is to design the stormwater management system to accommodate the 2-, 10-, and 25-year 24-hour storm events as outlined in MaineDEP Chapter 500.
 - b. Watershed mapping delineates the subcatchment areas and summation points for the pre- and post-development scenarios on the new road surface. A complete mapping of subcatchment areas is not provided so it is difficult to confirm whether the Section 531.3 requirement to take into consideration the upstream discharge and runoff which must pass over or through the development site has been factored into the design.
2. Per Section 532.6, when the construction of a development is to occur in phases, the planning of the stormwater management system shall encompass the entire site which may ultimately be developed and shall not be limited to an initial or limited phase of the development. As this subdivision will result in an initial road/utility construction phase and then a future phase involving



the development of the lots, the stormwater management system should take into consideration the change in groundcover (impervious and landscaped areas) anticipated from the potential development of the lots. In other words, the Ordinance says that an Applicant should make assumptions about full build-out of the development for the purpose of stormwater management design. As noted above, a full mapping of subcatchments and/or a narrative explaining the calculation of the impervious and landscaped surfaces has not been provided so we are unsure whether this requirement has been met.

The Board may wish to confirm and then request that the Applicant revise the project's stormwater management design, as necessary, to ensure post-development peak discharge flows (including the runoff created by the potential development of the lots) do not exceed pre-development peak discharge flows. Additionally, per Section 531.2, the Applicant shall provide calculations to show proposed stormwater pipe systems are designed to pass the peak discharge of a 10-year frequency, 24-hour duration storm from the fully developed subdivision.

3. The proposed street layout provides a single entrance off Main Road North. According to Section 551.7, whenever possible, subdivisions containing fifteen (15) lots or more shall have at least two (2) street connections with existing public streets or streets on an approved Subdivision Plan. As this subdivision only has frontage on Main Road North, the Board may find an additional entrance located in close proximity to the proposed entrance on the same street may not be beneficial or desirable.
4. The Applicant's **Stormwater Management Report Maintenance Plan** suggests that public acceptance of the proposed roads is intended. For public acceptance, the roads shall be designed in accordance with Section 553, which would require:
 - a. Section 553.15.A., cul-de-sac streets with a completely paved turnaround at the enclosed end shall have a minimum right-of-way boundary radius of 50 feet. It appears this standard is met for all proposed streets. The cul-de-sacs' rights-of-way scale at 100 feet in diameter. The Board may wish to have the Applicant confirm this by indicating the right-of-way boundary radius of the cul-de-sacs on the Subdivision Plan.
 - b. Section 553.18, all changes in grade shall be connected by vertical curves such as will provide clear visibility for a distance of 200 hundred feet. The Board may require the Applicant to calculate vertical curves where changes in grade are proposed at Stations 2+00 and 4+00 on Stearns Farm Road.
5. The Applicant should note the following are required with the submission of the Final Subdivision Plan per Section 332.2:
 - a. Street cross sections at 50-foot horizontal intervals (332.2.4);
 - b. Profiles of the proposed sanitary sewer (332.2.5);
 - c. Profiles of the storm drainage system (332.2.6); and
 - d. Bearings of the proposed lot lines (332.2.8).

Zoning Ordinance Cluster Housing (Article 4.6)

6. The Applicant is requesting a waiver from Section 4.6.2 for a reduction from the 50-foot buffer/setback requirement in multiple locations.
7. Section 4.6.4.2 permits utilities within the common open space area, provided easements are established to ensure maintenance of the utility. An easement should be established for the proposed sewer connection to the existing sewer on the west side of the property.



8. The Board should provide the Applicant with clarification on what is required for access to Lots 9 and 11 as the Ordinance is not clear. The frontage requirement would be met for both if the narrow "lot" that extends to Stearns Farm Road was actually a portion of Lot 9 and Lot 11 got its frontage of Main Road North. If the strip is a sperate parcel as shown, that may not be the case.

General Engineering

9. The Applicant is proposing a road crossing with a culvert through the existing intermittent stream identified by the Wetland Report for the site by Moyse Environmental Services, Inc. This wetland impact will likely require a permit from MaineDEP pursuant of the Maine Natural Resources Protection Act (NRPA) and the Army Corps of Engineers (ACOE). The Board may wish to make their findings contingent on the Applicant providing the Board with copies of all other Agency approvals upon receipt.
10. The Applicant has provided 1-ft. contours for proposed grading and 2-ft. contours for existing grading; however, the intent is clear and proposed grades appear to tie into existing grades.
11. The filter bed outlets and culvert inlet and outlets do not appear to have BMP measures in place to prevent erosion.
12. Notes on Sheet 3 and 4 will need to be updated with Final Submission requirements met. Example: Note 4 and Note 6 (Sheet 3 of 5) and Note 10 (Sheet 4 of 5).
13. This Preliminary Application does not include details for the following items:
 - a. Catch Basin/Field Basin Inlet Protection
 - b. Catch Basin
 - c. Sewer Manhole
 - d. Water service connection and valves
 - e. Hydrant (details & locations)

We hope this information is useful to the Board in their review of this application. If you should have any questions or require any additional information, please do not hesitate to contact us.

Sincerely,

WOODARD & CURRAN

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

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

JDW/jeh

PN: 0213351.54



~~March 29, 2019~~ May 7, 2019

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

Re: Stearns Farm Subdivision (Main Road North)
Preliminary Subdivision Application Peer Review – **2nd Submission**

Dear Karen:

Due to the short timeframe for comments and to keep our feedback efficient and organized, this letter follows the format and reiterates our comments from the review of the 1st submission. We reviewed the information provided by the applicant including the letter containing a response to our comments. We take no issue with the information contained therein however some of the items require a Board determination. Below, items we have stricken through have been fully addressed by the Applicant and we do not feel require further discussion. Items highlighted in red have been addressed in the applicant's narrative but are the areas that may require a determination by the Board to establish Final Plan submission requirements.

We have completed a review of the Preliminary Subdivision Application submitted for Stearns Farm by Kiser Engineering & Development Consulting on behalf of Stanley and Sean MacMillan (Applicant) for a proposed 39-lot cluster subdivision on Main Road North (Map 33, Lots 11A and 15A).

As requested, this review is focused on the proposed stormwater drainage, road design, and other public infrastructure for this subdivision. We have reviewed the Application for conformance to the Town's Subdivision Ordinance and §4.6 of the Zoning Ordinance. We provide the following comments listed below.

Subdivision Ordinance

1. Per Section 531.1, the post-development peak discharge and runoff shall not exceed the peak discharge and runoff from the site prior to the development. The project will result in an increase in impervious area of approximately 1.42 acres (not including the potential development of the lots). The Applicant has proposed five grass filter bed treatment systems to achieve the required water quality standards, along with the supporting calculations. However, it is unclear if these filter beds will provide adequate storage to detain the increase in peak runoff from the proposed development. ***The Applicant has provided a narrative response to this item. It's the Board's determination whether the Applicant has provided sufficient information to demonstrate proper management of peak runoff. If not, some or all the following may be required:***
 - a. Drainage calculations for the pre-development and post-development scenarios that model the peak discharges for the design storm. Section 1030 of the Ordinance defines the design storm as a storm with a frequency or recurrence interval of 25 years and a duration of 24 hours. As you know, standard of practice is to design the stormwater management system to accommodate the 2-, 10-, and 25-year 24-hour storm events as outlined in MaineDEP Chapter 500.



- b. Watershed mapping delineates the subcatchment areas and summation points for the pre- and post-development scenarios on the new road surface. A complete mapping of subcatchment areas is not provided so it is difficult to confirm whether the Section 531.3 requirement to take into consideration the upstream discharge and runoff which must pass over or through the development site has been factored into the design.
2. Per Section 532.6, when the construction of a development is to occur in phases, the planning of the stormwater management system shall encompass the entire site which may ultimately be developed and shall not be limited to an initial or limited phase of the development. As this subdivision will result in an initial road/utility construction phase and then a future phase involving the development of the lots, the stormwater management system should take into consideration the change in groundcover (impervious and landscaped areas) anticipated from the potential development of the lots. In other words, the Ordinance says that an Applicant should make assumptions about full build-out of the development for the purpose of stormwater management design. As noted above, a full mapping of subcatchments and/or a narrative explaining the calculation of the impervious and landscaped surfaces has not been provided so we are unsure whether this requirement has been met.

As indicated above, the applicant's narrative addresses their approach to stormwater management. The Board may wish to discuss whether they have enough data to find that the Application provides sufficient evidence to ensure post-development peak discharge flows (including the runoff created by the potential development of the lots) do not exceed pre-development peak discharge flows. Additionally, per Section 531.2, the Applicant shall provide calculations to show proposed stormwater pipe systems are designed to pass the peak discharge of a 10-year frequency, 24-hour duration storm from the fully developed subdivision.

3. The proposed street layout provides a single entrance off Main Road North. According to Section 551.7, whenever possible, subdivisions containing fifteen (15) lots or more shall have at least two (2) street connections with existing public streets or streets on an approved Subdivision Plan. *As this subdivision only has frontage on Main Road North, the Board may find an additional entrance located in close proximity to the proposed entrance on the same street may not be beneficial or desirable which is consistent with the applicants position and feedback from the Town Planner.*
4. The Applicant's **Stormwater Management Report Maintenance Plan** suggests that public acceptance of the proposed roads is intended. For public acceptance, the roads shall be designed in accordance with Section 553, which would require:
 - a. Section 553.15.A., cul-de-sac streets with a completely paved turnaround at the enclosed end shall have a minimum right-of-way boundary radius of 50 feet. It appears this standard is met for all proposed streets. The cul-de-sacs' rights-of-way scale at 100 feet in diameter. ~~The Board may wish to have the Applicant confirm this by indicating the right-of-way boundary radius of the cul-de-sacs on the Subdivision Plan.~~
The Applicant has acknowledged this is a requirement of Final Plan.
 - b. ~~Section 553.18, all changes in grade shall be connected by vertical curves such as will provide clear visibility for a distance of 200 hundred feet. The Board may require the Applicant to calculate vertical curves where changes in grade are proposed at Stations 2+00 and 4+00 on Stearns Farm Road.~~
5. The Applicant should note the following are required with the submission of the Final Subdivision Plan per Section 332.2:



- a. Street cross sections at 50-foot horizontal intervals (332.2.4);
- b. Profiles of the proposed sanitary sewer (332.2.5);
- c. Profiles of the storm drainage system (332.2.6); and
- d. Bearings of the proposed lot lines (332.2.8).

Zoning Ordinance Cluster Housing (Article 4.6)

~~6. The Applicant is requesting a waiver from Section 4.6.2 for a reduction from the 50-foot buffer/setback requirement in multiple locations.~~

See Planner Report dated May 1, 2019.

~~7. Section 4.6.4.2 permits utilities within the common open space area, provided easements are established to ensure maintenance of the utility. An easement should be established for the proposed sewer connection to the existing sewer on the west side of the property.~~

See Planner Report dated May 1, 2019.

~~8. The Board should provide the Applicant with clarification on what is required for access to Lots 9 and 11 as the Ordinance is not clear. The frontage requirement would be met for both if the narrow "lot" that extends to Stearns Farm Road was actually a portion of Lot 9 and Lot 11 got its frontage of Main Road North. If the strip is a sperate parcel as shown, that may not be the case.~~

General Engineering

9. The Applicant is proposing a road crossing with a culvert through the existing intermittent stream identified by the Wetland Report for the site by Moyses Environmental Services, Inc. This wetland impact will likely require a permit from MaineDEP pursuant of the Maine Natural Resources Protection Act (NRPA) and the Army Corps of Engineers (ACOE). *The Board may wish to make their findings contingent on the Applicant providing the Board with copies of all other Agency approvals upon receipt.*

10. The Applicant has provided 1-ft. contours for proposed grading and 2-ft. contours for existing grading; however, the intent is clear and proposed grades appear to tie into existing grades.

~~11. The filter bed outlets and culvert inlet and outlets do not appear to have BMP measures in place to prevent erosion.~~

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13. This Preliminary Application does not include details for the following items:

- a. Catch Basin/Field Basin Inlet Protection
- ~~b. Catch Basin~~
- ~~c. Sewer Manhole~~
- d. Water service connection and valves
- e. Hydrant (details & locations)



We hope this information is useful to the Board in their review of this application. If you should have any questions or require any additional information, please do not hesitate to contact us.

Sincerely,

WOODARD & CURRAN

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

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

JDW/jeh

PN: 0213351.54



Karen Cullen <planner@hampdenmaine.gov>

FW: Stearns Farm Subdivision Peer Review

1 message

Jim Wilson <jwilson@woodardcurran.com>
To: Karen Cullen <planner@hampdenmaine.gov>
Cc: Noelle Koch <NKoch@woodardcurran.com>

Tue, Dec 3, 2019 at 3:01 PM

Karen,

Noelle completed a review of the submission materials we received on November 25th. Due to the Holiday and the short timeframe for review, we are providing our comments in an email. We can follow up with a letter at a later time if needed but wanted you to have our comments ASAP and in time for the Board.

Please call with any questions.

Jim

James D. Wilson, PE
Senior Project Manager
Woodard & Curran
Direct 207-558-4225
Cell 207-632-5078

From: Noelle Koch <NKoch@woodardcurran.com>
Sent: Tuesday, December 3, 2019 2:38 PM
To: Jim Wilson <jwilson@woodardcurran.com>
Subject: RE: Stearns Farm Subdivision Peer Review

Jim,

We have completed a review of the updated Preliminary Subdivision Application submitted for Stearns Farm Subdivision project in Hampden, Maine. As requested, this review is focused on the proposed stormwater drainage and road design for the subdivision. We have reviewed the Application for conformance to the Town's Subdivision Ordinance.

Comments from our previous reviews of the project, dated March 29, 2019 and May 7, 2019 (see attached), are still applicable and require the Board's determination. We provide the following additional comments related to the roads:

1. The updated road alignment appears to meet the Design and Construction Standards for Streets, as described in Section 553., for a major and minor roadway. However, the cul-de-sac at the end of Stearns Farm Road has been removed from the plans. The Board should review this change and determine if this configuration meets the standards and provides adequate means to turn around at the end of Stearns Farm Road. The current configuration would likely have some impact on public services (plowing, school buses, trash pickup, etc) but could also be a traffic hazard. Typically, an intersection is not a suitable turn-around.
2. Proposed driveway locations have been added to the plans and the grading has been revised to accommodate the driveways. Based on the grading, we noticed a few things that should be addressed:
 - a. On this plan, it appears the intent is to have stormwater run from the 1-foot deep drainage swales over the driveways. The Board should verify whether the applicant intends to add driveway culverts.
 - b. We recommend re-grading the ditches to achieve the 2-foot depth as shown on the typical cross section. That's a standard in the industry and is done to maintain a well-drained road bed. In this instance, it would also allow plenty of depth to provide culverts at driveways.

We hope this information is useful to you and the Board in review of this application.

Noelle Koch, E.I.

Engineer 1

Woodard & Curran

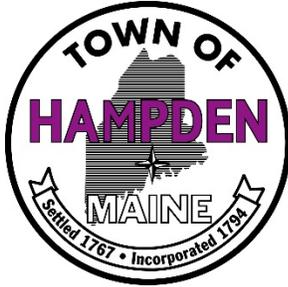
41 Hutchins Dr | Portland | ME 04102

(207) 558-3727

www.woodardcurran.com

COMMITMENT & INTEGRITY DRIVE RESULTS

Town Planner
planner@hampdenmaine.gov

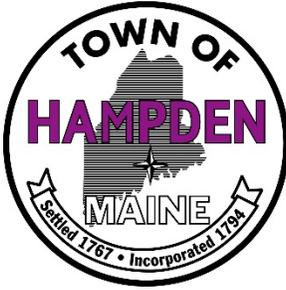


Report
Conditional Use
Phillips – 544 Main Rd S

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: December 4, 2019
RE: Report on Application for Expansion of Nonconforming Structure

This application is for a conditional use approval to allow the expansion of an existing nonconforming structure (a residence) which encroaches the side setback, under the provisions of §4.5.2.1 of the zoning ordinance. The Planning Board has the authority to grant this approval since the proposed addition to the residence will not encroach the side setback any more than the existing house does.

Staff has reviewed the proposal and the application is complete and is in compliance with all provisions of the zoning ordinance. A draft Board Order is attached.



Town of Hampden
Land & Building Services

Planning Board Order

P. Phillips – Expansion of Nonconforming
Structure

Approval Date: December 11, 2019

Project Name: Phillips Expansion

Location of Project: 544 Main Road South

Assessor's Reference: 03-0-059

Deed Reference: B11617/P184

Zoning District: Rural

Total Acreage: 10 acres

Type of Use: Single Family Residence

Building Area: 6,349 square feet total proposed; 4,700 square feet in addition

Applicant: Paul Phillips
544 Main Road South
Hampden, ME 04444

Owner: same

Plans Prepared by: NA

Plans Dated: NA

Application Date: October 24, 2019

Public Hearing: December 11, 2019

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

PB Action: _____. This Conditional Use for an expansion of a nonconforming structure is approved under Sections 4.2 and 4.5.2.1 of the Hampden Zoning Ordinance.

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

DRAFT

Summary Description of Application: This application is to construct an addition to an existing house which is nonconforming to the side setback. The existing house is 22 feet from the property line, with an encroachment of 8 feet; the addition is proposed to be constructed with the same encroachment.

Findings: After the public hearing duly noticed and held, the Hampden Planning Board made the following findings as required by Section 4.2.5 of the Hampden Zoning Ordinance:

1. The proposed project is consistent with the general purpose and intent of the zoning ordinance and will not be detrimental to the health, safety, or welfare of the neighborhood or the Town, since it is for an expansion of an existing residence and the expansion will be no more detrimental to the neighborhood than the existing nonconformity of the structure.
2. The proposed project is compatible with the existing residential uses in the neighborhood as it is also a residential use.
3. The proposed project will not create a nuisance given that it is a residential use.
4. The proposed project will not create traffic congestion nor impair pedestrian safety, given that it is a residential use and will not create an increase in traffic.
5. The proposed project provides adequate space onsite for all loading needs, given that it is a residential use and part of the addition will be a two car garage, and that there is ample space on the parcel for additional exterior parking.
6. The proposed project will have adequate provisions for wastes generated on site given that it is a residential use and does not create additional dwelling units.
7. The proposed project will not exceed the capacity of any public utility since it is an existing property with no increase in dwelling units.
8. The proposed project will not have a detrimental impact on light and air to surrounding properties since it does not encroach the side setback any more than the existing structure, and is not directly adjacent to the abutting house.
9. The proposed project will not cause any environmental impacts since it is a residential use.

Based on these findings, the Hampden Planning Board voted _____ to _____ the Conditional Use application to allow Paul Phillips to construct an addition to the existing house that will encroach the side setback no more than the existing house, as previously described and submitted.

For the Hampden Planning Board:

Eugene Weldon, Chair

Date

Kelley Wiltbank

Jennifer Austin

Jake Armstrong

Brent Wells

Ladoiya Wells

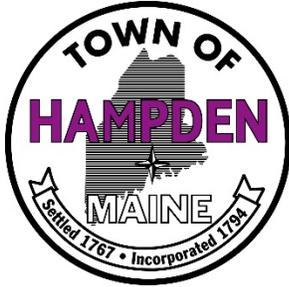
Richard Tinsman

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.*

DRAFT

Town Planner
planner@hampdenmaine.gov



Report
Sketch Plan
Lupine Meadows

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: December 11, 2019
RE: Report on Application for Sketch Plan for an 8 unit multi-family development on Western Ave.

This application is for a sketch plan for a new multi-family project on Western Ave in the Rural district. The proposal is for two 4-unit buildings at 761 Western Ave. This parcel (08-0-009) had a single family residence which has been demolished several years ago. Based on the sketch plan submitted and the application, it appears this also involves a portion of the abutting parcel to the south, 08-0-007-G. At this point I am unsure whether this requires any subdivision approval (minor, for a boundary line adjustment) or not; both parcels are in common ownership. The application submitted does not mention this.

The application narrative indicates the portion of parcel 08-0-007-G is subject to covenants, one of which is that only single family residential use is permitted on the lot. The applicant proposes locating the multi-family buildings entirely on the area within parcel 08-0-007. The additional land area is need to attain the number of units desired (eight).