

Town of Hampden

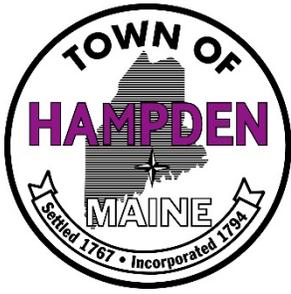
Planning Board

Wednesday, April 10, 2019, 7:00 pm

Municipal Building Council Chambers

## Agenda

1. Administrative.
  - a. Minutes – February 27, 2019
2. New Business
  - a. Andrew Connolly – Public hearing for a conditional use under the provisions of Section 4.2, Conditional Uses, and 4.25, Accessory Apartments of the Zoning Ordinance to allow the conversion of a portion of the building from office space to an accessory apartment at 256 Main Road North (parcel 24-0-001). The property is in the Residential A district.
  - b. Dysart's Inc. – Public hearing for a major site plan under the provisions of Section 4.1, Site Plan, of the Zoning Ordinance, to allow the expansion of the existing convenience store, relocation of the fuel pumps, and replacement of the underground storage tanks at 370 Coldbrook Road (parcel 09-0-041), within the Interchange district. This hearing will include a request for a Shoreland Permit under the provisions of the Shoreland Zoning Ordinance for commercial development within the General Development district.
  - c. R&B Development, LLC – Sketch Subdivision plan. Proposal for a single family 23 lot cluster housing development with one new road, on a 29 acre parcel located at 238 Main Road South (parcel 06-0-050-1). This property is in the Residential A and Rural districts.
3. Old Business
  - a. Bangor Realty Group, LLC; Hampden Village – Continuation of public hearing for a major site plan under the provisions of Section 4.1, Site Plan Review, of the Zoning Ordinance, and for a major final subdivision plan under the provisions of Section 332 of the Subdivision Ordinance. The proposal is to construct a multi-family cluster development with 30 townhome units on a 3.5 acre parcel located at 148 Mayo Road (parcel 35-0-01-A). The property is in the Residential B District.
4. Staff Report
5. Planning Board Comment
6. Adjournment



Town of Hampden

Planning Board Meeting

Wednesday February 27, 2019  
(Postponed from Feb 13, 2019 due to snow)

Minutes

In Attendance:

Planning Board

Gene Weldon, Chairman  
Kelley Wiltbank  
Peter Weatherbee  
Jim Davitt  
Jennifer Austin  
Tom Dorrity

Staff

Karen Cullen, AICP, Town Planner  
Jim Chandler, Town Manager

Public

Jim Kiser, for Hampden Village  
Curtis Marsh, for Hampden Village  
Joan Tenney and Barbara Moody, abutter

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

1. Administrative:

- a. Minutes of January 9, 2019. **Motion** by Member Weatherbee to approve the minutes as submitted; second by Member Davitt; carried 5/0/1 (Member Dorrity abstained).

2. Old Business: None

3. New Business:

- a. **Public Hearing for Major Site Plan and Major Subdivision Final Plan – Bangor Realty Group LLC for Hampden Village Townhomes.** Request for a major site plan under the provisions of Section 4.1, Site Plan Review, of the Zoning Ordinance, and for a major final subdivision plan under the provisions of Section 332 of the Subdivision Ordinance. The proposal is to construct a multi-family cluster development with 30 townhome units on a 3.5 acre parcel located at 148 Mayo Road (parcel 35-0-01-A). The property is in the Residential B District.

Chairman Weldon opened the public hearing at 7:02 pm.

Jim Kiser presented the application:

- The trees were cut last year, leaving the trees along the perimeter.
- Proposing 30 cluster units on the 3.55 acre parcel.
- There will be three 4-unit buildings and three 6-unit buildings.
- Due to issues with the sewer pump station on Mayo Road, they have revised the design to have septic systems for the three 4-unit buildings, which will be built in phase 1; the three 6-unit buildings will be built in phase 2 and will be connected to the public sewer system.
- The applicant is hoping the sewer pump station issue is resolved by the time they are ready to build phase 2.
- The applicant may be amenable to making a contribution if necessary at that time to allow them to connect to the sewer system.

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- The Hampden Water District has said it is acceptable to them for the project to be on private wells, so they are proposing four drilled wells, since each well can only serve a maximum of ten units without becoming a public water supply.
- The parking has been located to reduce the impact on abutters.
- They are providing 82 parking spaces; 60 are required, and 66 are allowed at the 110% limit of the zoning.
- They need the additional spaces for guests and for winter vacation parking – an area where people leaving for vacation during the winter can park to avoid problems with plowing the parking lots (owners need to move cars for plowing).
- They have provided traffic estimates in the application.
- They have provided building plans for the 4-unit buildings, the 6-unit will be the same but with two more units.
- They have provided a stormwater management plan in compliance with the town's post-construction stormwater ordinance.
- Noted he inadvertently switched the percentages of impervious and developed areas in the table on the Stormwater Management report in the application package; the data on the Stormwater Treatment Worksheet is correct.

Abutter comments:

- Barbara Moody spoke for her mother, Joan Tenney, who was in the audience and lives at 146 Mayo Road just south of the entrance and in front of the proposed development.
  - How much traffic will there be? Jim Kiser answered: total daily traffic = 176 vehicles; peak morning = 13, and peak afternoon = 16.
  - They would like an explanation of the buffer issues raised at the Nov. 2018 meeting (on the sketch plan). Jim Kiser answered the applicant is requesting a waiver to the buffer distance along the northern boundary; in the area where Ms. Tenney lives they are providing a setback of about 45 feet from the property line. Planner Cullen explained the buffer issue in regards to the amount of perimeter buffer allowed to be counted toward the open space requirement (30%); the proposed plan is for all of the buffer to be counted towards the open space requirement.
  - What type of housing is it? Jim Kiser answered it will be high end rental, not low income. He stated the applicants screen potential tenants to ensure they are appropriate for their developments.
- Planner Cullen spoke for an abutter, Frank Campbell, who abuts the entrance driveway on the north side (152 Mayo Rd) and was unable to attend the hearing tonight.
  - He said that ever since the access way was put in, every time it rains he gets water in his basement. Prior to the access way being there his basement was always dry. He would like to know if the drainage system for the project will correct this problem. He said he is not opposed to the development, he just wants his basement to remain dry.
  - Jim Kiser said he is not sure how water would be getting into his basement. He said they were planning to install the sewer and water lines in that area but otherwise were not planning on a ditch or anything since they did not think it was a need in that area. Planner Cullen suggested the applicant contact Mr. Campbell directly to go see what the situation is and maybe they can figure out whether there is something on their site that is causing the water problem on his property. Jim Kiser said they can do that.

Discussion on the application:

- The applicant considers the buffer requirement in the cluster provisions to be an increased distance from the property line to the buildings and is not required to include screening.
- The applicant believes that for small lots like this one (3.5 acres) the buffer requirement in the cluster provisions is excessive; for this proposed design 38% of the site is within the perimeter buffer.

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- The applicant noted that 1.35 acres of the site is within the buffer and 0.46 acres are in open space outside of the buffer, for a total of 51% of the site as open space.
- During the logging operations trees were removed from the 40 foot buffer area; they tried to prevent that but some areas within the 40 feet were logged.
- The applicant is seeking a waiver to the 40 foot distance of the required buffer on the northern boundary line, to 31 feet, to allow decks and patios for the two 4-unit buildings in that location to extend into the 40 foot area. It was noted the buildings are at the 40 foot line.
- The Board noted the purpose of a vegetated buffer is to minimize the impact on abutters.
- Waiver requests regarding the buffers are for the distance from 40 feet to 31 feet along the northern boundary and to 12 feet by the dumpster, which was located to be as far away as possible for both the tenants and the abutters.
- Town Manager Jim Chandler addressed the sewer system issue:
  - Staff doesn't feel it is appropriate for a developer to pay for maintenance of the public system in regards to this pump station and the wet weather events that cause inadequate capacity and potential overflow conditions.
  - The problem seems to stem from sump pumps in basements within this area which pump clean (ground) water into the sewer system during certain wet weather conditions, usually when the ground is frozen and we get a lot of rain.
  - We recognize that any storm event could exceed the capacity of the pump station.
  - One thought for this project was for the developer to put up an escrow account to help cover the cost for pumping during these wet weather events, while we work on identifying and correcting the inflow/infiltration (I/I) problems.
  - We are working with consultants to determine costs for doing the necessary study.
  - Staff is asking the town council on Monday to agree to address this through the establishment of an escrow account by the town to help cover the cost of these wet weather pumping events. [Ed. note: Town Council has agreed to this.]
  - Staff feels this development should be on public sewer and that the developer should not have to put up the escrow account to deal with what is an existing condition that they have not caused.
  - We will be working with the homeowners on Mayo Road to address these problems, and the Sewer Ordinance allows us to do that.
- Jim Kiser stated that the Code Enforcement Officer told them that they could use septic systems and they can have 12 units on septic on this parcel.
- Planner Cullen pointed out that in regard to sewer and water, just because another authority (the CEO or the HWD) says an alternative to connection is acceptable, that doesn't negate the zoning requirement under section 3.2.1.1 that multi-family development is to be connected to the public system if it is within 500 feet of the property boundary.
- Construction timetable is about 18 months per phase, for a 3 year buildout; depending on market conditions.

**Consensus** of the Board is that the project should be connected to both the public water and public sewer systems.

**Consensus** of the Board is that the requested reduction in the distance of the buffer from 40' to 31' along the northern boundary and 12' at the dumpster is acceptable provided the majority of the remaining buffer remains wooded, noting the importance of minimizing impacts on the abutters.

**Consensus** of the Board is that it is acceptable to allow all of the perimeter buffer to be counted toward the open space requirement of the cluster provisions.

**Consensus** of the Board is that exceeding 110% of the required parking is acceptable provided there are creative alternatives (e.g. pervious surfaces, basketball hoops). Member Austin stated this

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will need to be very creative, as she doesn't think they really need that many (82 vs 66) spaces. Chairman Weldon noted the Board needs some way to justify granting this request for so many extra parking spaces.

**Consensus** of the Board is that allowing smaller spaces than required (9x18 vs the required 9x20) is acceptable; a waiver under section 4.7.7 needs to be requested.

Discussion on the conservation easement requirement for the open space:

- Applicant feels they will not be able to find anyone to take a CE on this open space.
- Possibly do a deed restriction instead; concern about whether that would have any teeth.
- Any changes to the site will require Planning Board approval through the subdivision ordinance and the site plan regulations of the zoning ordinance.
- Can put a note on the plan (both site plan and subdivision plan) stating no additional development permitted and no structures can be placed in the open space without Planning Board approval (not eligible for minor revision or minor site plan processes).
- Idea raised to use "in lieu of" language to allow an alternative way to protect the open space area, given the realities of the difficulty of finding an entity to accept conservation easements on this type of open space.
- Concern regarding legality of this given the language of section 4.6.4.3.

**Consensus** of the Board is to allow the open space to be protected through the addition of a note on the plans (subdivision and site plan) and a deed restriction, which ties any changes to the site to a requirement for Planning Board approval, in lieu of the requirement for a conservation easement.

It was noted that the cluster provisions in the zoning ordinance should be revised to handle multi-family cluster developments differently. Two particular issues raised were adding visitor parking spaces for multi-family developments in the parking section and providing an alternative to conservation easements for the protection of open space (§4.6.4.3).

**Motion** by Member Wiltbank to table this to the next meeting, second by Member Davitt. After discussion the motion was amended to continue the public hearing to the April 10, 2019 Planning Board meeting. Members Wiltbank and Davitt agreed to this amendment and the Board voted in the affirmative 6/0/0.

**Motion** by Member Wiltbank to adjourn the regular Planning Board meeting at 9:09 pm, second by Member Dorrity; so voted 6/0/0.

Given the time, the Board decided to hold the zoning workshop meeting on March 13, 2019.

*Respectfully submitted by Karen Cullen, Town Planner*

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Town of Hampden  
Land & Building Services



Report on Application  
Conditional Use – Accessory Apt.  
A. Connolly, 256 Main Rd N

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KME*  
Date: April 3, 2019  
RE: Report on Application for Accessory Apartment

Project Information

Applicant: Andrew Connolly  
Site Location: 256 Main Road North  
Zoning District: Residential A  
Proposal: Convert a portion of the existing building from office space to an accessory apartment; there will be no exterior changes.

Staff has reviewed this application and has the following comments:

1. The application does not include the floorplan information necessary to determine compliance with §4.25.2.4, regarding the maximum size of the accessory unit, which is 40% of the living area of the single family home. If the applicant provides that information at the hearing then the Board should be able to act on the application.

I have attached an aerial view of the property which may help you to visualize it; note the property includes three parcels (all marked 20-0-001 on the aerial). This property was the location of a veterinary clinic some years ago. There is more than enough parking.

I have also attached a draft Board Order.



# 256 Main Rd N

Hampden, ME



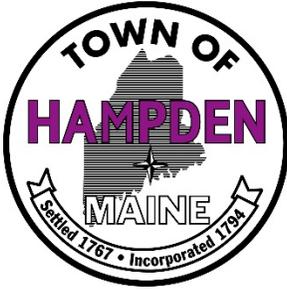
April 3, 2019

1 inch = 50 Feet

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Town of Hampden  
Land & Building Services

Planning Board Order

A. Connolly – Accessory Apartment

Approval Date: April 10, 2019

Project Name: A. Connolly Accessory Apartment

Location of Project: 256 Main Road North

Assessor's Reference: 24-0-001

Deed Reference: B14897/P30

Zoning District: Residential A

Total Acreage: 1.84 acres

Type of Use: Accessory Apartment

Building Area: \_\_\_\_\_ square feet

Applicant: Andrew Connolly  
252 Hoxie Hill Rd  
Orrington, ME 04474

Owner: Barbara Farren  
489 Main Road North  
Hampden, ME 04444

Plans Prepared by: NA

Plans Dated: NA

Application Date: February 19, 2019

Public Hearing: April 10, 2019

PB Members:<sup>1</sup> Jim Davitt, Peter Weatherbee, Kelley Wiltbank, Jennifer Austin, Tom Dorrity, and Jake Armstrong

PB Action: **Approved.** This Conditional Use is approved under Sections 4.2 and 4.25 of the Hampden Zoning 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 convert existing office space (formerly used for a veterinary clinic) to living space and an accessory apartment. The exterior of the building will remain unchanged.

*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 use of existing space within an existing structure for an accessory apartment.
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 further it provides adequate parking and circulation on the site.
5. The proposed project provides adequate space onsite for all loading needs, given that it is a residential use and there are existing driveways and parking areas.
6. The proposed project will have adequate provisions for wastes generated on site given that it is a residential use.
7. The proposed project will not exceed the capacity of any public utility since it is an existing property which is connected to the public utilities.
8. The proposed project will have no impact on light and air to surrounding properties since it is an existing structure and no additions are proposed.
9. The proposed project will not cause any environmental impacts since no new construction is proposed.
10. The proposed project complies with the standards for approval of an accessory apartment in §4.25.2 of the zoning ordinance.

Based on these findings, the Hampden Planning Board voted \_\_\_\_\_ to approve the Conditional Use to allow Andrew Connolly to convert a portion of the property to an accessory apartment as previously described.

Conditions: (none)

*For the Hampden Planning Board:*

\_\_\_\_\_  
Jim Davitt, Vice-Chair

\_\_\_\_\_  
Date

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

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

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

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

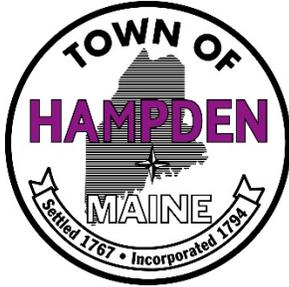
\_\_\_\_\_  
Jake Armstrong

**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.*

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Town Planner  
planner@hampdenmaine.gov

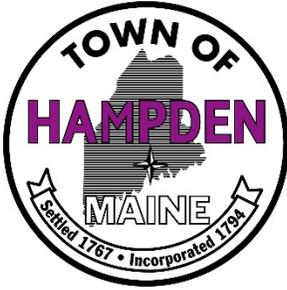


Report  
Major Site Plan  
Dysart's Inc. Expansion

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: April 3, 2019  
RE: Report on Application for Expansion of Convenience Store on Coldbrook 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 expansion of the existing convenience store, relocation of the fuel pumps, and replacement of the underground storage tanks at 370 Coldbrook Road (parcel 09-0-041), within the Interchange district. This application includes a request for a Shoreland Permit under the provisions of the Shoreland Zoning Ordinance for commercial development within the General Development district.

Staff has reviewed the proposal and the applicant has made all revisions needed. 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  
Dysart's Inc. – Store Expansion

Approval Date: April 10, 2019

Project Name: Dysart's Inc. Convenience Store Expansion

Location of Project: 370 Coldbrook Road

Assessor's Reference: 09-0-041

Deed Reference: B2605/P183 & B4168/P069

Zoning District: Interchange; Shoreland Zoning District is General Development

Total Acreage: 24 acres

Type of Use: Convenience Store with Automotive Fuel Station

Building Area: 4,275 square feet

Applicant: Dysart's Inc.  
PO Box 1689  
Bangor, ME 04402

Owner: Same as Applicant

Plans Prepared by: Plymouth Engineering, Inc.

Plans Dated: April 1, 2019 (Issue Date)

Application Date: February 25, 2019

Public Hearing: April 10, 2019

PB Members:<sup>1</sup> Jim Davitt, Peter Weatherbee, Kelley Wiltbank, Jennifer Austin, Tom Dorrity, and Jake Armstrong

PB Action: **Approved**. This Site Plan is approved under Section 4.1 of the Hampden Zoning Ordinance and under Section 14 of the Hampden Shoreland Zoning 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 an addition to the existing convenience store, relocate the fuel pumps, and replace the underground storage tanks. The existing store is 1,471 square feet and the proposed store is 4,275 square feet, an increase of 2,804 square feet. This application also requires approval by the Planning Board for a Shoreland Permit since the entire site is within the General Development District. As a pre-existing use, the only changes regarding the Shoreland Zoning Ordinance are the site modifications that extend beyond the current developed area of the site.

*Findings:* After the public hearing duly noticed and held, the Hampden Planning Board made the following findings as required by Section 4.1.6 of the Hampden Zoning Ordinance:

1. The proposed project has been designed to minimize the volume of cut and fill, the site is currently devoid of trees, there are no wetland impacts on this site, and the stormwater management system has been designed in accordance with the applicable requirements and will have minimal impact on the area.
2. The proposed project provides for safe ingress and egress and on-site circulation for vehicles and pedestrians.
3. The proposed project will not impact scenic views from public ways.
4. The outdoor service areas are appropriately screened from public ways. Although the landscaping is not in strict compliance with the Class 1 buffer requirements, it is an improvement over existing conditions.
5. The proposed exterior lighting complies with the applicable regulations of the Zoning Ordinance and does not present a hazard due to location, glare, or other conditions that negatively impact abutting property or the travelling public.
6. The proposed building addition is not an unreasonable departure from other buildings in the area.
7. The proposed project will relocate the gas pumps and will replace the underground storage tanks, all in compliance with applicable requirements, and will not pose a threat from hazardous substances that could contaminate groundwater.
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.

Based on these findings, the Hampden Planning Board voted \_\_\_\_\_ to approve the Site Plan and Shoreland Permit for Dysart's Inc. to develop the site with an addition to the existing convenience store and associated site improvements as previously described.

Waivers:

1. To §4.7.2, for the requirement for a Class I buffer along the road frontage, given that the area available is within the road right-of-way and DOT has granted permission to have some limited landscaping within that area; the proposed landscaping will be an improvement over existing conditions.

Conditions: (none)

*[Continued on the next page]*

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*For the Hampden Planning Board:*

\_\_\_\_\_  
Jim Davitt, Vice-Chair

\_\_\_\_\_  
Date

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

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

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

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

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

**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.*

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Town of Hampden  
Land & Building Services



Report on Application  
Sketch Subdivision Plan  
Day Property Dev. for Resid. Homes

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: April 3, 2019  
RE: Report on Sketch Plan Application for R&B Development, LLC

Project Information

Applicant: R&B Development, LLC  
Site Location: 238 Main Road South  
Zoning District: Residential A and Rural  
Proposal: Develop a 29 acre parcel with a 23 lot single family cluster housing development. The development includes one dead-end road and will be connected to public water and sewer services.

Staff has reviewed this Sketch plan and we have the following comments:

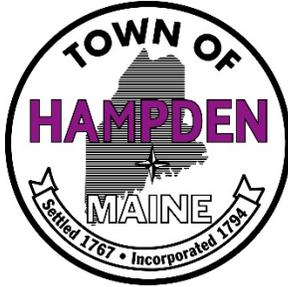
1. The configuration of the lots around the cul-de-sac will create problems with snow removal as the driveways will interfere with snow storage.
2. The location of the entrance road may be problematic for snow removal given the close proximity to the abutter's driveway. It may be advisable to ask the abutter if they would, at the applicant's expense, install a new driveway with access from the new road and close the curb cut on Main Road South.
3. The entrance will require DOT approval, they may have issues with sight distance given the curve in Main Road South to the south of the entrance.
4. While it is difficult to determine from the sketch plan submitted, it appears that a portion of lots 6, 7, 8, 9, 11, 20, and 22 will need to have deed restrictions for the portion of the lot within the perimeter buffer (75' along the tract boundaries) to protect the buffer.
5. Calculations for open space, wetlands within open space, and amount of the perimeter buffer proposed to be counted toward the open space requirement have not been submitted; the applicant is responsible for ensuring the requirements of §4.6.4.1 are met.
6. The sketch plan meets the density requirements for single family cluster, and the proposed lots meet the size requirements for individual lots per §4.6.2.

7. Connection to public water and sewer systems should not raise any issues; the sewer appears to be gravity fed into the public system.

The Board's responsibilities for, and staff recommendations for sketch plans are:

1. Classification of the proposal as a minor or major subdivision: this proposal is a major subdivision since it has 23 lots and a new road.
2. Classification of the road: the proposed road will be a minor street since it will only serve the lots abutting it within the proposed subdivision.
3. Decision as to whether a site visit is desired, and if so, to schedule a day and time for the site visit.

Town Planner  
planner@hampdenmaine.gov



## Update Memo

### Major Site Plan & Major Subdivision

### Hampden Village Townhomes

To: Planning Board  
From: Karen M. Cullen, AICP, Town Planner *KMC*  
Date: April 3, 2019  
RE: Third Update on Application for Hampden Village Townhomes on Mayo Road

Staff has reviewed the most recent submittal and we have the following comments. I have also drafted a Board Order for this version of the application, but I will leave it up to the Board whether you want to close the public hearing, deliberate, and vote on it on April 10<sup>th</sup> or require the applicant to make additional revisions to the plan prior to your vote, presumably on May 8<sup>th</sup>.

1. The revised submission provides connection to public water and sewer services for all units, as required by the Board at the 2/27 meeting.
2. The revised plan shows a reduction in parking to 78 spaces, or 12 more than the maximum allowed (66); they are seeking a waiver for this. The waiver would be to allow 130% of the amount required (60) instead of the 110% in the ordinance. The Planning Board agreed in concept to allowing more (up to 82 spaces) at the 2/27 meeting, but requested that there be some creativity with pervious surfaces or using a portion for a basketball hoop or some other amenity. The revised plan simply reduces the "overage" from 16 to 12 spaces.
3. The applicant is seeking a waiver for the size of parking spaces to allow 9x18 feet instead of the required 9x20 feet. The Board agreed to this at the 2/27 meeting. Staff notes this is not large enough to accommodate some pick-up trucks, resulting in encroachment into the pedestrian walkway.
4. The Board agreed to the reduction in buffer size and vegetation at the 2/27 meeting, provided the existing trees in the buffer along that property line remain (see condition 11 in the draft Board Order).
5. The Board agreed to allowing all of the buffer to be counted toward open space requirement, so instead of the 30% limit in the cluster provisions, this project will have 87.6% of the buffer counted toward that open space requirement (§4.6.4.1).
6. The revised submittal does not address item 2 in my 2/20 report regarding a requirement for Planning Board approval to change the form of ownership. Therefore the draft decision includes a condition addressing this concern (condition 5).
7. The revised submittal does not include a fence around the stormwater pond as recommended in item 7 in my 2/20 report, (see condition 7).

8. The terminology in the maintenance agreement for stormwater management facilities and the sample letter were not changed per item 10 of my 2/20 report.
9. No data on proposed outdoor lighting has been submitted so I cannot determine if the proposal is in compliance with the requirement of §4.1.6.5, to minimize glare and light trespass (see condition 9).
10. The revised plan shows the addition of a hydrant inside the development, but it is not in the correct location per the Public Safety department. It needs to be moved roughly 85 feet to the east, to the area where the driveway to units 9-30 intersects the driveway from Mayo Road. This spot will provide better access for fighting fires in the four buildings off that larger parking lot, and will prevent complications arising from fire hoses being run around the corner (see condition 10).
11. The revised plan does not show the perimeter (building) drains, they need to be added to the plan and need to show clearly where they discharge. Note these cannot be discharged into the sewer system, nor can floor drains. If they discharge into the stormwater pond, that may alter the calculations for sizing the pond. Also note the building permit plans typically do not show them, especially the discharge outlets.
12. It appears that the walkways are at the same height as the pavement (parking lot), which creates an unsafe condition for pedestrians in that vehicles are not physically separated from the walkway. We recommend that the walkway be raised and a curb included to provide separation. Without tire stops (which we recognize create problems with plowing and we don't recommend them for that reason), some vehicles will likely be parked to extend over the walkway, but the suggested separation will limit this to an acceptable level.
13. On sheet 3-3 (Details) – comments from DPW Director Sean Currier:
  - a. The detention berm should have a slope of 2:1, not 1:2, if the intent is to follow the DEP handbook "Maine Erosion and Sediment Control BMP's."
  - b. Note 1 under the detention berm needs to be corrected regarding material – loam may not be an appropriate material for the berm construction for the detention pond.
  - c. The hay bale barrier detail is not consistent with the DEP handbook "Maine Erosion and Sediment Control BMP's"; the use of catch basin inserts or filter sacks is recommended.
  - d. There is a misspelling of the word "mortar" in the field basin detail.
14. The pump station is located in a "peninsula" within the parking lot, which does not have either radii at the corners nor any height separation from the parking lot. Due to the drainage design of the driveway, it is likely that water will erode the edge of the peninsula and cause water to pond at the pump station, leading to the potential for water infiltration. To prevent this, the peninsula should be raised, with curbing to direct stormwater flow away from the pump station. Some re-grading of the parking area to the west of this peninsula may be needed to prevent water ponding in that corner.
15. In regards to the notes on the subdivision plan on buffer restrictions:
  - a. They need clarification as they seem to be addressing both DEP requirements (for the level spreader buffer) and town requirements. On 2/27 the Board agreed in principal to using a note on the subdivision plan to restrict development of the required open space area in lieu of a conservation easement; I believe this note is

addressing that. The terminology in the buffer restrictions is confusing; item 8 refers to “restricted buffer” while items 1-7 refer to the “buffer strip.” In addition, the “natural buffer” area shown on the plan where the level spreader is located is apparently subject to stricter restrictions from DEP. The terms and different restrictions applying to different areas of the buffer need to be clarified so future enforcement is possible without confusion.

- b. I do not recommend agreeing to item 4 of the buffer restrictions notes, to allow pruning up to 12 feet from the ground. Bare tree trunks don’t constitute a buffer. Pruning dead branches may be acceptable.
- c. I recommend that item 5 of the buffer restrictions notes be changed to require planting of replacement trees where dead or diseased tree removal results in a cleared area.
- d. I do not recommend allowing any motorized vehicles at any time of year within the buffer area, with the exception that motorized vehicles are permitted for the purpose of making repairs to or maintaining the stormwater facilities (item 6 of the buffer restriction notes).

Woodard & Curran has also completed a review of the revised plans, their report is attached. Of particular note (see W&C report):

- 1. Subdivision Ordinance, item 1, regarding stormwater management. While we have agreed to defer to DEP for the stormwater review, item b at the bottom of page 1 of the W&C report raises a good point regarding whether upstream discharge and runoff which flows through this property has been taken into consideration.
- 2. General Engineering, item 7, regarding BMPs at storm drain outlets. Note there are no foundation drains shown on this plan.
- 3. General Engineering, item 8, regarding the detention pond.
- 4. General Engineering, item 9, regarding project phasing. The revised submission makes no mention of phasing so I presume the entire project will be constructed at one time.
- 5. Sewer Ordinance, items 10 & 11, regarding the conditions under which the Planning Board can approve a private pump station – I have confirmed with Sean Currier that all the conditions have been met with one exception: the legal documents showing evidence of perpetual maintenance for the private sewer system including the pump station and force main (on the property) have not been submitted. Under §5.3.1 of the Sewer Ordinance, the Planning Board cannot approve the development until such documents have been reviewed by the Public Works Director, Town Manager, Town Attorney, and the Town’s engineering consultant.



March 29, 2019

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

Re: Mayo Road Development Final Subdivision and Site Plan Application Peer Review

Dear Karen:

We have completed a review of the Site Plan and Final Subdivision Application submitted for the Hampden Village Townhomes by Kiser Engineering and Development Consulting on behalf of Bangor Realty Group, LLC (Applicant) for a proposed 30-unit multi-family development on Mayo Road (parcel 35-0-001-A).

As requested, this review is focused on general engineering and stormwater management. Along with the Application submission materials, we have reviewed your comments in the draft report you shared with us and concur with the deficiencies identified in your report. We provide the following additional comments which includes comments related to the sewer pump station that were discussed with Sean Currier.

### **Subdivision Ordinance**

1. §531.1 – Per the Ordinance, 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 1.2 acres. The Applicant has proposed a Detention Pond to achieve the required water quality standards, along with the supporting calculations. However, it is unclear from the information provided if the pond 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.



## Zoning Ordinance Site Plan Standards (Article 4.1)

2. §4.1.5.1.4 – The Applicant has indicated that there are no wetland resources present on the parcel. No information was provided to document that effort such as dates and details of when and who performed the wetland and vernal pool study.
3. §4.1.5.1.5 – The Applicant has provided correspondence with the Maine State Historic Preservation Officer to determine if historical features are present on the project site. However, the letter provided refers to a project on Hammond Street in Hermon. The Applicant should provide confirmation that the correct parcel was discussed with the Historic Preservation Officer.
4. §4.1.5.4 – The Applicant is requesting a waiver for reductions in “other yard” setbacks and the percentage of open space within the buffer area. This is addressed in your report to the Board. The Board should also note, the Applicant is proposing clearing and grading within the buffers and setbacks, specifically for the grass filter beds and dumpster pad. The proposed grading appears as close as 5 feet from the side and rear property lines.

## Zoning Ordinance Design Standards (Article 4.7)

5. §4.7.1.6.10 – The Ordinance requires any building or facility constructed as a place of public accommodation or a dwelling unit which is designed to be handicapped accessible shall provide one handicapped parking space with a 5-foot access aisle for every 25 parking spaces required by §4.7.1.1. The Board should determine if this standard is applicable.

## General Engineering

6. The proposed parking lot layout does not provide separation between parking spaces and the pedestrian walkways. This design does not promote pedestrian and vehicular safety within the site outlined in §4.1.6.2.2.
7. The storm drain and foundation drain outlets do not appear to have BMP measures in place to prevent erosion.
8. The following comments are related to the design of the proposed Detention Pond:
  - a. Based on the pond outlet structure detail, it appears the Applicant proposes a 1-inch diameter orifice to maintain the water level within the pond and an open top (without a grate) to drain during storm events.
  - b. The detention berm detail shows the elevation of the top of the berm at 157.5 feet; however, it appears the grading plan shows the top of the berm an elevation of 158+ feet. Additionally, the pond design does not appear to include an emergency spill way for large storm events.
  - c. The Board may wish to confirm and then request that the Applicant provide calculations showing the pond and outlet control structure will be able to accommodate a design storm (25-year 24-hour storm event) without overtopping the berm of the pond and flooding the backyard and deck areas of the adjacent buildings. The Board may also wish to confirm whether it is the Applicant’s intent to leave the structure open at the top as shown which could be a safety hazard.
9. Based on the meeting minutes from the Planning Board meeting on February 27, 2019, the Applicant indicated the project will be phased. The Board may wish to request the Applicant provide a phasing plan, which clarifies how the project will be phased. As the proposed detention

pond will be servicing all phases of the project, the construction of the pond should be included within the first phase of construction.



### Sewer Ordinance (Article 5.3)

10. §5.3.1 – The Ordinance stipulates specific conditions that must exist for the Board to accept an Applicant’s proposal for connection of a private sewer via a pump station. It is not clear from the submission package which condition applies in this case.
11. §5.3.1.5 – The Ordinance requires a means by which the pump station will be maintained in perpetuity. This is not addressed in the Applicant’s submission package.
12. §5.3.1.7 – The Ordinance requires that any private pump station shall have redundant pumps, backup power systems and alarm systems. The submission package does not address backup power or alarm systems.
13. General
  - a. We noted that you could fit the equipment of this pump station into a 4-ft. structure, although this would require a deeper station to achieve the same working volume.
  - b. The proposed chain and guide rails are galvanized. We recommend stainless steel. Sean Currier agrees.
  - c. We recommend that the top of the structure be a minimum of 1 foot above the finish grade, with the surrounding area graded away from the wet well and located in a vehicle accessible area. This approach minimizes the chance for infiltration/inflow around the top of the structure.
  - d. We recommend exterior dampproofing and joint wrap of the wet well and any other sanitary sewer structures as a precaution to limit infiltration risks.

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,

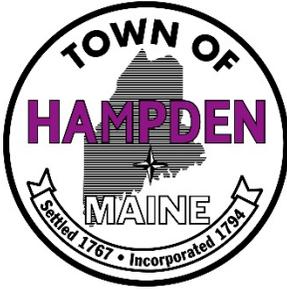
WOODARD & CURRAN

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

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

JDW/jeh

PN: 0213351.53



Town of Hampden  
Land & Building Services

## Planning Board Order Hampden Village Townhomes

Approval Date: **April 10, 2019**

Project Name: *Hampden Village Townhomes*

Location of Project: *148 Mayo Road*

Assessor's Reference: *30-0-001-A*

Deed Reference: *B14947/P261*

Zoning District: *Residential B*

Total Acreage: *3.55 acres*

Type of Use: *Residential – Multi-family Cluster*

Number of Units: *30*

Applicant: *Bangor Realty Group, LLC  
PO Box 282  
Bangor, ME 04402*

Owner: *Same as Applicant*

Plans Prepared by: *Kiser & Kiser Co.*

Plans Dated: *December 13, 2018, revised multiple times with final revisions dated  
**March 11, 2019***

Application Date: *December 19, 2018*

Public Hearing: *February 27, 2019, continued to April 10, 2019*

PB Members:<sup>1</sup> *James Davitt, Peter Weatherbee, Kelley Wiltbank, Jennifer Austin, and Tom Dorrity*

PB Action: **Approved with conditions.** *This Project is approved under §4.1, Site Plan Review and §4.6, Cluster Housing, of the Hampden Zoning Ordinance, and §332 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 a multi-family rental housing development under the cluster provisions of the Hampden Zoning Ordinance, providing a minimum of 50% of the site as permanent open space to achieve a density bonus of two units. The development will be connected to the public water and sewer systems and all infrastructure on the property will be privately owned in perpetuity.

*Findings:* After the public hearing duly noticed and held, the Hampden Planning Board made the following findings as required by Section 4.1.6 of the Hampden Zoning Ordinance and Section 332.1.8 of the Hampden Subdivision Ordinance:

1. The proposed project has been designed to minimize the volume of cut and fill; the site is currently devoid of trees except within a portion of the buffer area, having been harvested in 2018; there are no wetland impacts on this site; and the stormwater management system has been designed in accordance with the DEP requirements and is currently under review by the DEP. The stormwater system is designed to have minimal impact on the area.
2. The proposed project provides for safe ingress and egress and on-site circulation for vehicles and pedestrians, provided the walkways are elevated with curbing to prevent vehicle encroachment.
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. Although the ordinance calls for parking areas to be located to the side or rear of buildings, the alternative design of this project with the parking between the buildings, will provide better screening (by the buildings and perimeter buffer) for the abutters. The dumpster is screened with a stockade fence as well.
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, provided Condition \_\_\_ below is complied with.
6. The proposed buildings are similar in design to other buildings in nearby multi-family developments.
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, provided the fire hydrant is relocated per Condition \_\_\_ below.
9. The proposed project will not exceed the capacity of public utilities or overburden any public service, based on the Town's willingness to continue to pay the costs for recurring wet weather pumping events at the Mayo Road pump station.

10. The Planning Board finds that under the provisions of §4.6.4.1, due to the size and configuration of the tract, it is acceptable to allow more than 30% of the perimeter buffer to count toward the required open space acreage since it will provide a more desirable design. The design has 87.6% of the perimeter buffer counting toward the open space requirement.
11. The proposal will not result in undue water or air pollution, given that it is a modest sized residential development that will be connected to public water and sewer utilities, has no wetlands or streams on it, and is not subject to flooding.
12. The proposal will not cause unreasonable soil erosion or reduction in the land's capacity to hold water.
13. The proposal will not cause unreasonable congestion or unsafe conditions on the public roads given the relatively low volume of traffic to be generated at the site and the size and condition of Mayo Road, as well as the relation of the driveway entrance to Mayo Road in regards to site distances which are adequate based on the posted speed limit.
14. 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) and is located within the "Four Mile Square" which is recommended as a growth area for higher density housing.
15. The proposal will not adversely affect the quality or quantity of groundwater since there will be no groundwater removal (no wells) and the proposal is in compliance with the stormwater quality standards of Chapter 500.
16. The proposal provides adequate stormwater management given the design of the site with stormwater facilities.

Based on these findings, the Hampden Planning Board voted       /      /       to grant the requested waivers listed below and to approve the Site Plan for Hampden Village Townhomes as previously described, subject to the conditions listed below.

Waivers:

1. To the minimum size (depth) of the perimeter buffer in §4.6.2, from 40' to 12' by the dumpster and to 31' by the buildings housing units 1-8, provided the majority of the remaining buffer remains wooded (see Condition        below).
2. To the maximum amount of parking restriction in §4.7.1.2, to allow parking for guests and winter vacation parking for residents. The waiver being sought would allow 130%, rather than 110% of the number of spaces required by §4.7.1.1, or 78 spaces rather than 66 (60 spaces are required by §4.7.1.1).
3. To the minimum size of a parking space in §4.7.6.1.2, to allow spaces to be 9' x 18' instead of the required 9' x 20'.

**DRAFT**

Conditions:

1. That the applicant receive approval for all required state permits and submit such approvals to the Planning Board for the file.
2. That construction activities are limited to the hours of 7:00 am to 7:00 pm Monday through Saturday, and no construction is to take place on state recognized holidays.
3. That any signage meet the standards of the zoning ordinance.
4. That the requirements of the Post-Construction Stormwater Management Ordinance be met.
5. That any future change in ownership (e.g. to a condominium form) must be reviewed and approved by the Planning Board as an amendment to the Subdivision approval.
6. That any modification to the use of the Open Space as depicted on the subdivision plan, including the placement or construction of any structure must be reviewed and approved by the Planning Board as an amendment to the Subdivision approval.
7. That a fence be installed around the stormwater detention pond.
8. That a solid fence (e.g. stockade) be installed along the entrance driveway to provide screening for the abutting properties on either side. Said fence shall extend from Mayo Road to the property corner by the mailboxes on the southern side of the driveway, and from Mayo Road to the property corner by the dumpster on the northern side of the driveway, except that the beginning point at Mayo Road must be designed to allow adequate sight distance to provide safe egress from the abutter's driveways as well as from the project's driveway.
9. That the light on the pole near the mailboxes be shielded to prevent any light trespass into the abutting property at 146 Mayo Road.
10. That the fire hydrant be relocated per direction of the Public Safety Department.
11. That the trees remaining in the perimeter buffer along the entire length of the northern boundary (behind units 1-8) must remain.
12. That the legal documents showing evidence of perpetual maintenance for the private sewer system be submitted and reviewed and approved by the Public Works Director, the Town Manager, the Town Attorney, and the Town's engineering consultant prior to endorsement of the subdivision plan or site plan.
13. That the Planning Board will not endorse the subdivision or site plan until the following has occurred:
  - a. the application and plans have been revised in accordance with conditions 7 through 12 above;

- b. the application and plans have been revised in accordance with the direction of the Planning Board on the comments provided in the April 3, 2019 Update Memo from the Town Planner;
- c. two full sets of the entire package have been submitted and reviewed by staff; and
- d. a memo has been transmitted from staff to the Planning Board indicating that all required revisions have been made.

**DRAFT**

*For the Hampden Planning Board:*

\_\_\_\_\_  
James Davitt, Vice-Chair

\_\_\_\_\_  
Date

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

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

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

\_\_\_\_\_  
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.*