

Town of Hampden

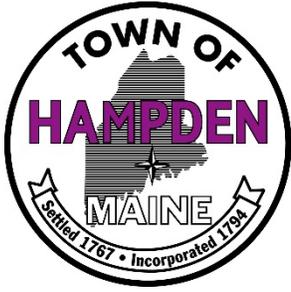
Planning Board

Wednesday, June 12, 2019, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Administrative
 - a. Minutes - May 8, 2019 regular meeting and May 21, 2019 workshop
2. New Business
 - a. R&B Development, LLC – Public Hearing for Preliminary Subdivision plan for Honey Hill Estates. Proposal for a major subdivision for a single family 23 lot cluster housing development with one new road, on a 29.3 acre parcel located on Main Road South (parcel 06-0-050-1). This property is in the Residential A and Rural districts.
 - b. Hampden Village – Re-approval of Final Subdivision Plan.
3. Old Business
 - a. Lawrence Emery – Continued deliberations for conditional use under the provisions of Section 4.2, Conditional Uses, and section 3.4.2.1.6 of the Zoning Ordinance, to allow the placement of a ham radio tower that exceeds the height limitation for accessory structures at 75 Chickadee Lane (parcel 10-0-003-32), within the Residential A district.
 - b. 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.
4. Staff Report
5. Planning Board Comment
6. Adjournment



Town of Hampden
Planning Board Meeting
Wednesday May 8, 2019

Minutes

In Attendance:

Planning Board

Peter Weatherbee
Kelley Wiltbank
Jake Armstrong
Tom Dorrity
Jennifer Austin

Staff

Karen Cullen, AICP, Town Planner

Public

Amy Young
Larry Emery
Sean Thies, representing Fiberight/CRM
Jim Kiser, representing Stearns Farm
Abutters for Emery and Stearns Farm, see sign-in sheet

The meeting was called to order at 7:01 pm by Acting Chair Peter Weatherbee; Chairman Weldon was not available to attend the meeting and Vice-Chair Davitt recently passed away.

Acting Chair Weatherbee said a few words regarding Jim Davitt's passing, noting he gave much back to his country, state, and hometown through his willingness to work and the high quality of his work which he did in a gentlemanly manner. Jim will be missed.

1. Administrative:

- a. **Motion** by Member Wiltbank to approve the minutes of the April 10, April 16 regular, and April 16 workshop meetings; second by Member Dorrity; motion carried 4/0/1 (Member Austin abstained).

2. New Business:

- a. Amy Young – Public Hearing for a conditional use under the provisions of Section 4.2, Conditional Uses, and 4.19, Day Care Provisions of the Zoning Ordinance to allow the establishment of a day care facility at the property located at 1240 Carmel Road North, (parcel 04-0-017-E), in the Rural district. Acting Chair Weatherbee opened the hearing at 7:06 pm.

Applicant Amy Young addressed the Board:

- she is licensed by the state and has been operating a day care facility in another town for about 8 years
- she and her husband are purchasing a home in Hampden and she is proposing to reopen the day care in this new location.

Speaking on behalf of the applicant: Samantha Gardner is a special ed teacher and former client of Amy's day care business. She stated Amy is very trustworthy and runs an excellent operation, as evidenced by the fact that her clients go out of their way to use her services.

The public hearing was closed at 7:09 pm.

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Discussion:

- there will be a fenced in play yard behind the house, secured to prevent access to the river, prior to opening the day care.
- currently there are no outside employees (Amy is the sole child care provider); on occasion she brings in additional help but never more than one employee.
- hours of operation as stated by Amy Young are 6:30 am to 5:30 pm Monday through Friday.
- conditions in the draft Board Order are that the play area must be fully fenced in and located at least 25' from any property line, the hours are limited to 6am to 7pm, the sign is limited to one unlit sign no more than 12 square feet, no more than one nonresident employee is allowed, and there is no parking on Carmel Road North at any time.

Motion by Member Wiltbank to approve the application for a conditional use to operate a day care facility at 1240 Carmel Road North, based upon the findings and conditions in the Board Order; second by Member Austin; motion carried 5/0/0.

- b. Lawrence Emery – Public Hearing for conditional use under the provisions of Section 4.2, Conditional Uses, and section 3.4.2.1.6 of the Zoning Ordinance, to allow the placement of a ham radio tower that exceeds the height limitation for accessory structures at 75 Chickadee Lane (parcel 10-0-003-32), within the Residential A district. Acting Chair Weatherbee opened the hearing at 7:17 pm.

Applicant Larry Emery addressed the Board:

- licensed by the FCC
- has been in the business for a long time
- proposes to install a 50 foot tall tower with two antennae on it
- this is an amateur radio support tower, not a commercial tower

Resident Don Grogan of 210 Main Road North stated he believes the services of amateur radio operators are valuable to those in the military out at sea, providing communication services to get messages to and from family members on shore.

Abutter Roland Narofsky of 56 Daisy Lane stated he doesn't want to squash Mr. Emery's hobby but is concerned about the aesthetics of the proposed tower as it impacts his back yard, and the potential for radio frequency emissions and the impact on use of electronic equipment. He also noted there are two utility manholes behind his property in the Chickadee Lane subdivision which he finds unsightly. He asked if the tower could be moved to minimize the view of it from his back yard.

Abutter and President of the Chickadee Lane HOA Virginia Manuel spoke, stating Mr. Emery approached the HOA in January and there has been communication with all residents about the proposed tower; only one resident has voiced any opposition. She noted the HOA Board will be meeting on this next week.

The public hearing was closed at 7:25 pm.

Planner Cullen gave her report:

- the zoning ordinance allows amateur radio towers to exceed the 16' height limit for accessory structures on residential properties provided the tower is set back from all property lines by at least the distance of the fall zone of the tower. In this case it meets that on all lines except the rear line which abuts the (now town owned) open space area for the development, where if the tower fell in just the right direction it could extend over the line by 5'. Given the lack of recreational amenities in the open space this would not

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pose a hazard to anyone. That said, the ordinance does require – in this case – a 50' setback.

- from an examination of aerial imagery it appears unlikely that abutters would see the base of the tower with the exception of the direct abutter to the south.
- it does appear, again from aerial imagery, that Mr. Narofsky will be able to see the tower; refer to handout showing line of sight from his back yard to the location of the proposed tower.

Discussion:

- the tower cannot be moved closer to the rear property line since it would further encroach the abutting Town property in the event of a fall (being more nonconforming to the ordinance requirement)
- trees and other vegetation could be planted on the applicant's property to block the view of at least the base of the tower from the Narofsky property
- the tower could be moved 18' northward to potentially get it behind the trees on the open space land to help hide it from the Narofsky's view
- it was noted it is very hard to hide a 50' tall tower
- if the tower is moved and vegetation is planted could hide the base
- Mr. Emery noted he is planning to install a shed and could put it between the Narofsky's and the tower
- Board members said they are not opposed to the tower but they need to find a compromise to deal with the aesthetic issues; suggested the applicant move the tower and install a shed or fence and plant vegetation.
- Mr. Emery noted there are no issues with modern day amateur radio operations in regard to impact on human health or the use of electronic devices.

Motion by Member Wiltbank to continue the deliberations to June 12, 2019; second by Member Austin; motion carried 5/0/0. Planner Cullen suggested Board members go look at the site and try to visualize the tower and antennae.

- c. Fiberight/Coastal Resources of Maine – Request for insubstantial modifications to the approved site plan under the provisions of Condition #2 of the Planning Board Order, for the property located at 348 Coldbrook Road (parcel 09-0-036), in the Industrial, Interchange, and Rural districts. Acting Chair Weatherbee noted that Chairman Weldon had previously made the determination that the proposed changes are insubstantial and therefore a public hearing is not necessary, per the condition of the Board Order for this development.

Sean Thies of CES, representing Fiberight/Coastal Resources of Maine, presented the request:

- these are minor changes to the site plan to accommodate the operations at the plant
- the proposed changes are:
 - the addition of a turn lane for vehicles to access the parking lot without getting tied up in the truck traffic waiting for the scales
 - the expansion of a sidewalk from 5' to 10'
 - a change in the surface treatment for the tank area
 - a change in surface treatment of a strip between the pavement and the odor control pad
 - a change in the configuration of the fuel storage container
 - the addition of a 10' wide gravel pad for "hot" loads – trash trucks that arrive with their contents on fire (apparently a very rare condition)
 - a change in the configuration of the ADA area at the end of the parking lot
 - modifications to the gas equipment area located adjacent to the access road.

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Planner Cullen gave her report, stating the proposed changes are minor and will not have any negative impact on the facility but will have a positive impact on the operations there. Staff recommends approval of the request.

Member Wiltbank inquired when the plant will be up and running; Sean Thies said he doesn't have full information to answer but they are running equipment now in a testing mode, with some volume of waste.

Motion by Member Wiltbank that the Planning Board finds the proposed changes to be insubstantial and to approve the requested changes as submitted; second by Member Dorrity; motion carried 5/0/0.

Planner Cullen noted the Board Order has two revisions to note the date of these plans.

- d. Stanley & Sean MacMillan – Public Hearing for Preliminary Subdivision plan. 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. Acting Chair Weatherbee opened the public hearing at 7:54 pm.

Jim Kiser, representing the applicant, presented the proposed plan:

- this is a 39 lot cluster subdivision on 27.7 acres off Main Road North
- the proposal is to have individual house lots as permitted for single family cluster developments; the lots range in size from about 11,000 to 15,000 square feet
- there are three roads, totaling about 2,500 feet in length
- the site is currently mostly open field
- Stoney Brook is the western boundary of the site
- there is also a small unnamed stream that drains to Stoney Brook
- the project requires a Tier 1 DEP permit for wetlands alterations
- with over 1 acre of disturbance for the roads, it also requires a DEP stormwater permit; they will be treating 75% of the impervious surface from the roads using five filter beds. Only large storms will result in any overflow from the beds.
- all lots meet the 50' frontage requirement
- the setbacks on the cul-de-sacs were increased to 50'
- covenants will include open space protections
- Adams Way has a 0.5% grade, less than the required 1% grade, to avoid a dip in the road; stormwater runoff will be handled with the cross-slope. DPW Director Sean Currier has indicated this is acceptable.
- access to lots 9 and 11 is via an easement on lot 9; frontage for lot 11 is on Main Road North
- sidewalks are not proposed for this subdivision, didn't think they were required
- believes snow storage on the Adams Way cul-de-sac should not be a problem because plows can "unload" before entering the cul-de-sac. Design is similar to Chickadee where it seems to work okay.
- DOT has issued the entrance permit for the subdivision
- The post office is requiring the use of cluster mailboxes for this subdivision so there will not be mailboxes along the roads.

Acting Chair Weatherbee invited comments from anyone who wished to speak on the application:

- Richard Drisko of 188 Main Road N stated he lived beside Ruth Stearns who died at age 100; she loved her field. He isn't too happy about her heirs selling the land. He

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commented that the traffic on Main Road N is heavy enough that there are dangerous spots where drivers have limited visibility; it was pointed out that the entrance to the subdivision is further north and the bit of frontage adjacent to his property will not be used for anything.

- Paul Nichols of 201 Main Road N said the idea of a cluster subdivision is to preserve open space and commented it seems most of this open space is not useable; he doesn't think this meets the intent of the cluster provisions. His main concern is whether the stormwater runoff from the development will have an adverse impact on his property, as currently the DOT stormwater gets discharged on his property. He would like to know how the construction work on Main Road N will impact his property. *[Ed. Note: we have received information that indicates the drainage on the road will be redirected and will no longer discharge onto his property; this information has been passed on to Mr. Nichols.]*
- Don Grogan of 210 Main Road N stated the new entry road is right next to his house and he would like to know if a privacy fence can be installed. He also noted the area where the backyards of lots 1 and 3 are, adjacent to his backyard, is currently under water and is a very wet area – he is concerned that filling that land for house construction will result in his backyard being adversely impacted with more water for longer periods of time.
 - Jim Kiser responded that the entire area where the entrance road is proposed is part of the buffer. Planner Cullen noted that yes, a fence and/or landscaping to screen the entry road from abutters homes is within the purview of the Board to require for approval.
 - Jim Kiser said the new road will cut off some of the stormwater runoff and direct it into the drainage system. He added he will go out and look at the area to see if there are options to prevent worsening problems.
- Erin Lachance of 25 Westbrook Terrace said her primary concern is the amount of noise from construction; there have been times when it was used as a staging area and noise started at 4:30 am and didn't stop until 9:30 pm.
 - Jim Kiser noted the construction work on Route 1A will go on for more than a year, this project will be shorter.
 - Planner Cullen noted the Board typically includes a condition on the approval limiting the hours of outdoor construction to something reasonable for both the developer and the abutters, typically 7 am to 7 pm.
- George Bernhardt of 7 Stoney Brook Road said his backyard looks into the field and asked if a fence will be installed as part of this project or if abutters have to install their own. He also noted there is a very low spot in the road at the intersection of Stoney Brook Road and Linden Street which has poor drainage.
 - Jim Kiser said there is a buffer/setback along the perimeter of the project but it is just open field. In regards to drainage, there is a mapped wetland in that area which will be left except for the road crossing.
- Cooper Antone of 17 Westbrook Terrace said lot 2 of the proposed subdivision abuts his property and he is wondering if there is any chance to purchase that lot without a house. He also noted concern with the environmental impact of the proposed wetland impacts. He also asked what the impact will be on the value of his house.
 - Jim Kiser said the plan for this subdivision is to be similar to Chickadee Lane where the houses and lots are sold as a package, but you can talk to the owner about buying a lot without a house.
 - Jim Kiser said the wetland impacts are minimal for road crossings and there won't be any environmental impact.
 - Jim Kiser said he cannot answer the question on value, but doesn't believe there were any changes in valuations of properties surrounding Chickadee Lane.

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- Debbie Pickering of 7 Westbrook Terrace commented she shares the same concerns as those already expressed; she knew Ruth Stearns and played in the field as a kid. She doesn't like the proposed development but understands it is the owners right to do it.
- Jackie Murch of 1 Stoney Brook said she's enjoyed the field for 15 years. Her husband has taken care of a portion of it adjacent to their property. While she hates to see it developed, she understands; still it seems like a lot of house lots all crammed in.
 - Jim Kiser said most of the lots in this subdivision are similar in size to those in the Westbrook Terrace neighborhood, and noted this proposal is well below the maximum density allowed.
- Judith Muhlin of 27 Westbrook Terrace echoed the loss of atmosphere of this area; she was drawn to the area by that field. She noted Route 1A is heavily used by both cars and trucks and is concerned about adding so many more homes and cars.
- Julie Lee of 23 Westbrook Terrace said her parents live in Chickadee and she recently moved here from Silicon Valley. She bought this house because of the field and losing it is a big loss. She asked what the sizes of the houses will be and how many stories. She also asked what the construction schedule is and if there is any way to keep some of the current atmosphere.
 - Jim Kiser stated the development is well below the density allowed; it fits the goals of the town regarding where growth should be located in relation to public services and utilities; the houses will be very similar to those in Chickadee, most single story, some may have full basements due to the topography; and construction is expected to begin later this summer as soon as all the approvals are granted.
- Cale Burger of 180 Main Road North, through Planner Cullen, is concerned about the proposed reduction in the buffer along his property line from 50' to 10', noting there is not much between his house and the proposed development and all of it is on his own land.
- Someone asked what the houses will cost; that is unknown at this time as it will depend on the housing market when they are built.

Jim Kiser then addressed the Board, seeking feedback on whether the board will grant the requested waivers to the size of the buffers in the various locations where sought. He stated they feel the waivers are warranted due to the adjacent lots either having woods, being large lots, or a similar type of development. Planner Cullen noted it is the responsibility of the developer to provide the required buffer on his own land and not to depend on abutting property owners to do it for him.

Planner Cullen gave her report noting Sean Currier is very concerned about the snow removal at the Adams Way cul-de-sac, noting the process to remove snow is very time consuming in addition to being difficult with no space to store snow between driveways. She noted part of the Board's responsibility is to avoid situations that will significantly increase costs for maintenance of public roads if there is an alternative. She also noted Sean Currier would like the driveway aprons to be constructed along with the roadway so the drainage system functions as designed. an alternative to that would be to include a condition on the approval that the developer is responsible for the drainage system until the certificate of occupancy is issued for the last house in the subdivision. In regards to the Woodard & Curran report (second review), she noted the Board has the option to defer to DEP the approval of the stormwater system, but the Board has the option to require additional information from the applicant to prove there will be no detrimental impact. She noted the issue of the drainage impacting the abutter at 201 Main Road North but said that may be more of a DOT issue given the reconstruction of that road.

Jim Kiser responded that they will put field basins by the driveways, and expect to construct the critical driveways with the road. He said the policy to use only solid cul-de-sacs (as opposed to those with an island in the center) has led to some of the plowing issues since they can't deposit

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snow into the center island area. He noted he can talk to the owner about losing a lot on the Adam's cul-de-sac, or using shared driveways, although his experience with those is they don't work too well, people don't like them. He asked the Board for input on the buffer waivers.

Discussion:

- Jim Kiser noted the current regulations don't require any vegetation, his interpretation of the term "buffer/setback" is that it is just a distance with no other requirement. Planner Cullen noted the Board has the authority to make planting vegetation or installing solid fencing a condition of approval, especially in areas where a reduction in the distance is sought.
- Board members looked at the proposed house locations where they are shown, on the plan and profile sheets. They noted that having an aerial view with the proposed subdivision superimposed, including house locations, would be helpful in this decision.
- Board members didn't feel they have enough information to make a determination tonight on each of the requested reductions to the 50' buffer requirement.
- The Board noted that in regards to the waiver for the grade on Adams Way, if DPW Director Currier accepts the proposed design, they will be okay with it too.
- Noted changes in any of the lots for one reason (e.g. snow removal) could change the need for a reduction in the buffer in that area.
- Planner Cullen suggested Jim Kiser should talk to Sean Currier about the possibility of using a center island cul-de-sac for Adams Way.
- Discussion on readiness of plan for preliminary plan approval tonight; it was determined that such action would be premature given the lack of information for the board to make decision on the buffer reduction requests as well as other issues such as cul-de-sac design for snow removal. It was also noted there was a lot of opposition expressed tonight and the Board takes abutter concerns seriously.

Motion by Member Dorrity to continue the public hearing to the June 12, 2019 meeting; second by Member Austin; motion carried 5/0/0.

3. Old Business – none

4. Staff report: Planner Cullen noted the next meeting is a workshop on May 21st.

5. Planning Board comment:

Discussion regarding election of a Vice-Chair to serve the remainder of Jim Davitt's term as Vice-Chair. **Motion** by Member Weatherbee to nominate and elect Member Wiltbank to serve as Vice-Chair; second by Member Armstrong; motion carried 5/0/0.

6. Adjournment: Upon **motion** by Member Wiltbank and second by Member Dorrity, the meeting was adjourned at 9:31 pm.

Planning Board Meeting – May 8, 2019

Sign-in Sheet

Name	Project you are here for
Tara Clark Saenacki	MacMillan Subdivision
Amy Young	Child Care
Chris Young	Child Care
Scott Clement	Child Care Support
George + Tricia Bevanhandt	MacMillan Subdivision
Don + Joan Grogan	Council meeting Main Rd.
Sean Thies	Coastal Resources / Fiberglass
JACKIE PARKER MURCH	Subdivision
Julie Thornton	childcare
Randy Briggs	childcare
Richard Drisko	MacMillan Subdivision
Cooper Anton	MacMillan Subdivision
Debbie Pickering	MacMillan Subdivision
Erin LaChance	MacMillan development
Judith Munlin	MacMillan development
Vikki Lee	MacMillan development
Erin Seavey	child care
Jackie Murch	MacMillan Sub
Sue Hall	MacMillan Subdiv
Paul Nichols	MacMillan dev

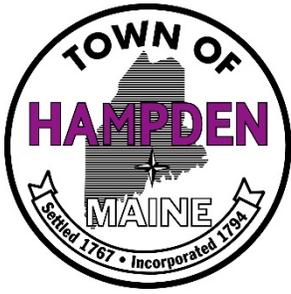
Kris Eschman
Samantha Gardner
Virginia Manuel

Lawrence F. Emery
Steph MacMillan

MacMillan Development
Amy Young

resident

resident



Town of Hampden
Planning Board Workshop
Tuesday May 21, 2019

Minutes

In Attendance:

Planning Board

Gene Weldon, Chairman
Peter Weatherbee
Jennifer Austin
Kelley Wiltbank

Staff

Karen Cullen, AICP, Town Planner

Public

none

The meeting was called to order at 6:30 pm. Planner Cullen said the topic for this meeting is a review of the proposed new Shoreland Zoning Ordinance, including both the text and the map. This is a complete replacement of the existing ordinance and will bring us into compliance with the 2015 ME DEP Guidelines. In addition, pursuant to Town Council direction, the proposed ordinance does not include any shoreland districts that are optional (e.g. local stream protection).

Key points and modifications to be made to the draft (version 9) included:

- Add a reference to Exhibit 1 to Section 3, Applicability
- Change language in Sections 8 and 9 to “Town Council” and “Town” from “legislative body” and “municipal”; also search remainder of document for other instances of this.
- Review Section 10 to determine if we need to add language regarding people who disagree with a boundary can file an application with the Board of Appeals, who make determinations on boundary locations.
- Clarify that “CEO” means “Code Enforcement Officer”
- Correct reference in Section 12.C(3) third paragraph; it should be “15Q” not “15S”
- Question on whether the word “can” is proper (as opposed to “may”) in 12.C(3)(a). [Ed. note: after reviewing the DEP Guidelines which uses the word “shall” and considering the potential use of the word “may”, the most accurate word to use is “can” since it is a directive as opposed to an option.]
- Same question in Section 12.C(4), with same answer
- Questions on the significance of the various dates in the ordinance:
 - January 1, 1989 in Section 12.C(1)(b)(i), 12.C(c)(i) and (ii) [Ed. note: the statute was amended on this date to limit expansions of structures that don't meet the required setback.]
 - March 1, 2010 in Section 12.E(1), 12.E(2), 12.E(3), 15.D(1), and 15.M(4) [Ed. note: this was the date the Shoreland Zoning Ordinance was adopted in Hampden; it was amended 8/15/2011 and 7/12/2014]
 - December 16, 1991 in Section 12.E(3) [Ed. note: there were some text and map amendments done on this date but not a wholesale change; at this time it was in the Zoning Ordinance.]
 - March 24, 1990 in Section 15.B(4) [Ed. note – this is the effective date of the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances]
- Add the date to Section 12.A (effective date of the ordinance) – this would be March 1, 2010.
- Add the abbreviations to the district descriptions in Section 13.
- Search the ordinance for the term “shall” and replace it with the correct term for each instance.

- Check the references in the table footnotes (Section 14) to ensure they are correct.
- Delete “Local Stream Protection” district from Section 15.B(2)
- Question regarding tributary streams – we do have some and the Guidelines include them throughout the ordinance.
- Question on signage (Section 15.H) – is this stricter than the zoning ordinance? *[Ed. note: the provisions in this section are stricter than the zoning ordinance, and several provisions in the Guidelines are less strict than our (land use) zoning ordinance so are not included in the shoreland zoning ordinance.]*
- To clarify language in Section 15.K, add a definition of “service corridor” to Section 17, Definitions.
- Put in the correct (official) title of the zoning ordinance in Section 15.L(2).
- Delete sentence in parentheses from Section 15.L(3)(a).
- Capitalization of “shoreland zone” *[Ed. note: corrected throughout ordinance, most instances are not to be capitalized.]*
- Capitalize Planning Board in Section 15.M(5).

The meeting was adjourned at 9:15 pm; the remainder of the draft ordinance starting at Section 15.N will be reviewed at the workshop scheduled for June 18.

Respectfully submitted by Karen Cullen, Town Planner



Town of Hampden
Land & Building Services

Report on Application

Preliminary Plan

Honey Hill Estates Cluster Subdivision

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

Project Information

Applicant: R&B Development LLC
Site Location: 238 Main Road South (across from Dorothea Dix Park); parcel 06-0-050-1
Zoning District: Residential A and Rural
Proposal: Using the cluster provisions of the zoning ordinance, subdivide this 29.3 acre property into 23 lots for single family homes. The proposal includes 12.76 acres of open space for a total of 43.6% open space. One new road is proposed, designed for public acceptance. The development will be served by public sewer and water.

This application has been reviewed by staff and Woodard and Curran.

The following table summarizes compliance with the dimensional requirements for cluster subdivisions in the Rural district. Since this proposal is for single family units, the requirements for individual lots (which are optional) apply, based on the design submitted. The subdivision includes two lots in the Residential A district which both comply with the dimensional standards (non-cluster) for that district.

	<i>Requirement</i>	<i>Requirement</i>	<i>Comments</i>
Tract	Min size	10 acres	Exceeds (29.3 acres)
	Min frontage	100 feet	Exceeds (263.9 feet)
	Min buffers/setbacks (all)	100 feet (front) and 75 feet (all others)	If you consider the two lots and the open space area within the Residential A district to be the front of the cluster development, the 100 foot requirement is met. A reduction in the depth of the required buffer/setback is requested by the applicant for Lots 4, 5, 6, 7, 8, 15, 16, and 22. The amount of reduction requested varies, see discussion below.
	Min open space	30%	Meets (43.6%)
	Max density	1.5 units per ac	Meets (0.78 units/acre) [Note the density of 1.3 listed on the subdivision plan is incorrect.]
Individ Lots	Lot size	8,000 sq ft	All lots exceed (21,485 to 36,579 sq ft)
	Frontage	50 feet	All lots exceed (82.4 to 167.1 feet)
	Front setback	20 feet	All lots should meet
	Side & rear setbacks	10 feet	All lots should meet

Staff has the following comments from our review of this preliminary subdivision plan.

Zoning Ordinance §4.6.2, dimensional requirements for cluster housing:

- Requested reduction in the tract buffer is 15' for lot 4 (to 60'), 38.3' for lot 22 (to 36.7') westerly from the tract corner and 75' (to 0') from the southeasterly corner of lot 22 northerly to the northeasterly corner of the lot, or 35' for the other lots (to 40'). See attached map showing the locations of the requested buffer reductions, shown in green.
- Requested encroachment into the buffer to allow the roadway to be within 24.7' of the tract boundary. §4.6.4.2 allows encroachment of the buffer for roads provided no portion of the roadway is within 25' of the tract boundary; this subdivision shows the roadway encroaching 0.3 feet (3.6 inches) more.
- As noted in the table above, the minimum size for individual lots in a cluster subdivision is 8,000 square feet, and the minimum frontage for these lots is 50 feet. I have done an analysis of the 21 lots within the cluster portion of this subdivision and found that
 - all of them exceed the minimum area requirement, the smallest (lot 22) by 169% and the largest (lot 11) by 357%
 - all of them exceed the minimum frontage requirement, the shortest (lot 10) by 65% and the longest (lot 12) by 234%
- I have also compared the proposed lots to the standard lot size and frontage for the Residential A district and found that
 - all of them would exceed the size requirement (18,000 sq. ft.), the smallest (lot 22) by 19% and the largest (lot 11) by 103%
 - 13 of the 21 lots in the cluster portion of the subdivision would meet or exceed the frontage requirement for a standard subdivision (125 feet), the shortest (lot 10) is 42.6 feet (34%) below the required frontage and the longest (lot 12) is 42.1 feet (34%) above the required frontage.
- What this analysis tells me is that this subdivision, while well within the requirements of a cluster subdivision, is designed with lots that are significantly larger than necessary, closer to a standard Residential A subdivision than a cluster development. Given that, I do not recommend granting the requested reductions to the buffer/setback requirement since there is plenty of space for the affected lots to still have at least 8,000 square feet outside of the required buffer area (green areas on the attached plan). In addition, nothing has been submitted that would cause me to think there is a physical (e.g. bedrock) limitation to require the roadway to be located within the buffer across from lots 2-5. Those lots could all be reduced in size to allow the road to be moved further from the tract boundary, reducing or eliminating the encroachment into the buffer.
- Lots 11 and 12 have a significant area of wetland on them, and part of the purpose of the cluster provisions is to protect wetlands from development – this design does not accomplish that goal. A reconfiguration of the lots could avoid encroachment on that wetland without impacting the number of lots in the development.
- Based on the allowable density of 1.5 units per acre, the development could have up to 43 lots (including lots 1 and 23 in the Residential A district).

§331.3, submission requirements; all items are either provided or are not applicable except for:

331.1.2, item 3 – the map survey has not been signed by the surveyor (Plisga); it is assumed this will be done on the final plan.

331.1.2, item 8 – the restrictive covenants have not yet been submitted

331.1.3, item 4 – the suggested locations of buildings have not been shown

331.3.3, item 7 – the location of trees 12” dbh are not shown – from the aerials it appears there may be some scattered throughout the property. In addition, there is a vernal pool on the property that while determined to not be a vernal pool of significance, should still be shown; it is in the open space and buffer area behind lot 22. Also note the determination of significance was done two years ago and at the time it was just under the threshold with 38 wood frog egg masses, the threshold is 40.

331.1.3, item 8 – if there is an existing culvert across the existing driveway, it should be shown, although I assume it (and the driveway) will be removed and access to the house on lot 23 will be from the new road. In addition, there is an existing septic system from the old motel, and it should be shown on the plans and properly removed following the applicable standards.

331.1.3, item 14 – the plans do not show any proposed electric or telephone utilities, including poles. Three existing poles on Main Road South are shown.

331.1.3, item 15 – no landscaping is indicated anywhere, nor are trees or other vegetation indicated to remain or be removed.

Article 500, general requirements and design standards:

§511 – there will be a condition of approval that all applicable laws and regulations (local or otherwise) must be met.

§513 – it appears that a portion of the proposed road behind the existing house (in lot 22) as well as at the cul-de-sac end are in DYB – Dixmont very stony silt loam – which has a potential for a perched high water table at 1 to 2 feet below the surface. Those areas may need to have underdrains and/or geotextiles in the road construction.

§521 – lots to be buildable; lot 11 may require wetland impact for a driveway to extend to the south side of the wetland area where the house would presumably be constructed. As noted earlier, lot 12 also has wetlands but given the size of the lot and the location of the wetland, there is space for a house to be constructed without encroaching the wetland.

§530 – drainage requirements; I’m deferring to Woodard & Curran on these, although I also note the following:

531.1 – Will stormwater leaving the site – entering the DOT system – be the same or less than the pre-development condition? If greater, does the DOT system have the capacity to handle the increase all the way to the Penobscot River? No stormwater quantity information has been provided, therefore staff cannot determine if the requirement that post-development peak discharge and runoff does not exceed pre-development conditions has been met. In addition, some of the lots are in the Dixmont soils with potential for high water table during parts of the year – if these houses are constructed with foundation drains that are connected to the stormwater system, the drainage calculations should include an allowance for this water in the stormwater system.

531.3 – if there is stormwater runoff flowing onto or through this site, has that been accounted for? If yes, how?

§532.3 – note that the detention pond at the entrance to the development will be owned and maintained by the homeowners association, per the submitted Stormwater Management document.

§523.5 – driveway aprons should be constructed with the roadway to ensure the drainage system as designed is not compromised.

§551 – layout of streets; all okay and I note:

551.3 – there is space on the cul-de-sac for a future extension if any adjacent parcels are proposed for development.

551.7 – given that the only frontage is in one spot on Main Road South, there is no opportunity for a second entrance into the development.

§553 – design and construction standards for streets; all okay except:

item 14, sidewalks are required but are not shown. I assume the requirement is a sidewalk of the prescribed width on one side of the road but that is not clear in the ordinance. I would suggest that a sidewalk on one side is an important pedestrian facility to provide a safe place for residents to walk, regardless of age.

item 16, minimum pavement curb radii is not shown

item 20, driveway aprons with culverts should be installed with the roadway

item 24, curbing – the proposed roadway does not including curbing, the Planning Board may require it

§561 – utilities; will the water and sewer systems in the development have the capacity to handle future expansion if abutting parcels are developed?

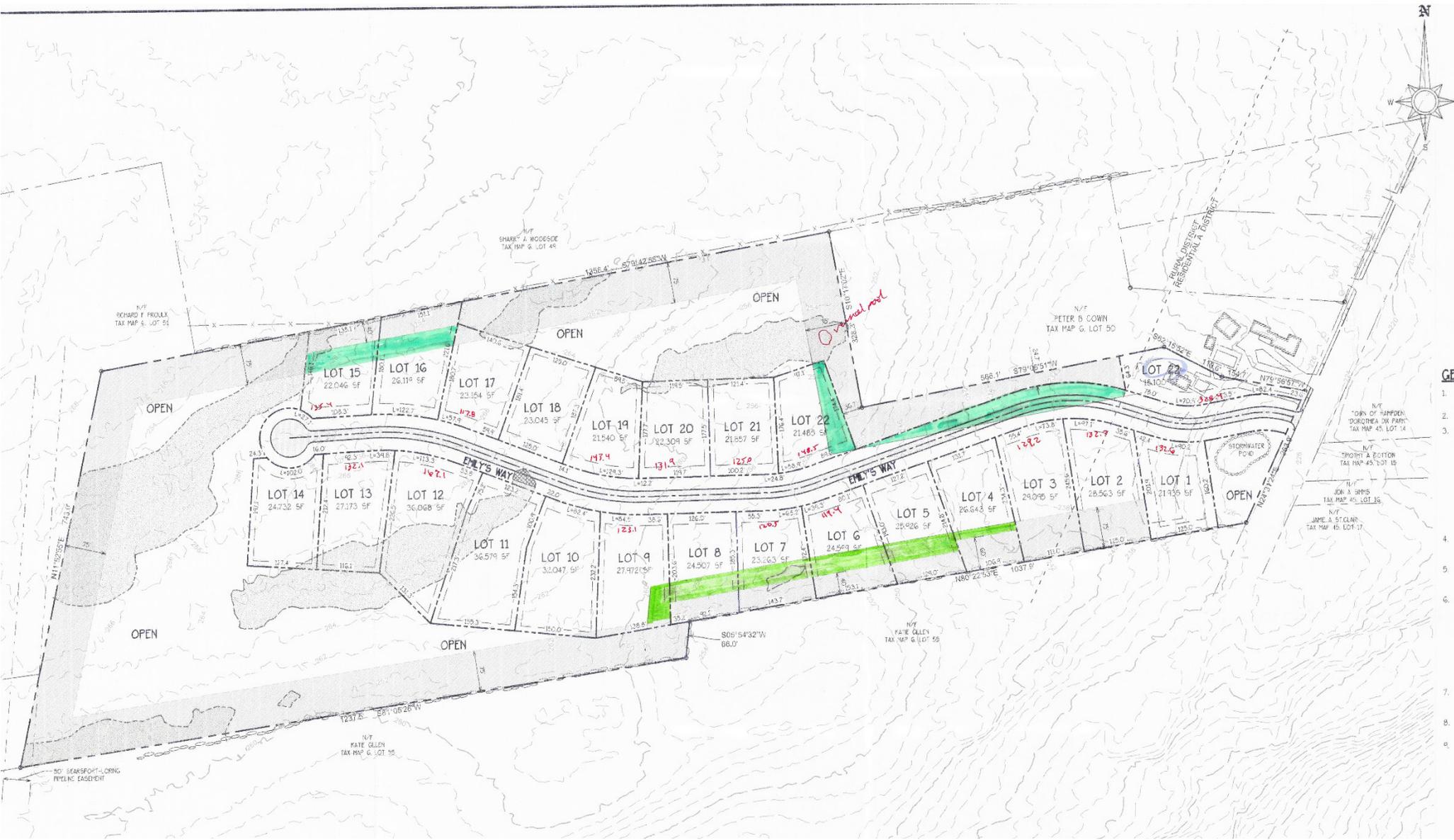
Other comments from staff (in no particular order):

1. As noted earlier, the covenants and restrictions have not been submitted. These must include provisions for the permanent protection of the open space areas in this development, including the open space at the entrance where the detention pond is located.
2. If cluster mailboxes will be used for this development, the plan should indicate where they will be located. Otherwise, gooseneck design posts should be used for all mailboxes.
3. Sheet 4-4 should be relabeled 4-5
4. Lot 22 in the Residential A district should be relabeled Lot 23
5. Add a basin or manhole in the stormwater drainage system at the intersection of the pipe leading from field basin 6 (by Lot 22) to the pipe on the south side of the road (by Lot 6)
6. Will the driveway for Lot 23 be off the new road, and the existing driveway removed? That is our assumption but it is unclear. Note that some of the lots have what appears to be a driveway location shown on the plan & profile sheets, but they are not labeled.
7. Is there any potential for the abutting lot to the north of the driveway (Peter Cowin, 06-0-050) to have access to the new road? We note that Lot 23 extends along the boundary to Main Road South, thereby cutting off potential access to the new road. Since this was discussed at the Sketch Plan phase, staff is raising the issue again here.
8. There should be a street light at the intersection of the new road and Main Road South.

9. The cul-de-sac should have a minimum of 60' diameter to be in compliance with the Town Ways Ordinance – note this is a conflict with the Subdivision Ordinance which requires a minimum of 50' for a minor road.
10. The road should be graded to a width of 26' to be in compliance with the Town Ways Ordinance. This is also a conflict with the Subdivision Ordinance, which requires 24' for a minor road (20' paved plus 2' shoulder on each side).
11. Add protection of inlets during construction activities to the plans, and ensure maintenance until the site is stabilized.
12. The April 8, 2019 letter from DACF regarding rare and exemplary botanical features states that according to the state's records, there are no rare botanical features on the site. However, they point out that this may indicate a lack of data rather than confirm the absence of such features. The application package submitted does not include a field survey to confirm the absence of rare botanical features.
13. Hydrants need to be placed at a minimum every 800 feet along the new road and provide a minimum residual 20 psi and a minimum flow of 500 gpm.
14. While this parcel was harvested in 2014-2016 and ownership was transferred during the past five years, there was no violation of the liquidation harvesting rule, thus the proposal complies with the state subdivision review criteria "lands subject to liquidation harvesting" (30-A MRSA §4404 subsection 20).
15. The application does not address the state criterion for financial and technical capacity: "The subdivider has adequate financial and technical capacity to meet the standards of this section." (30-A MRSA §4404 subsection 10).

Woodard & Curran has reviewed this plan as well, please refer to their report dated May 22, 2019. I point out, though, that in item 2 under Subdivision Ordinance, they are interpreting the ordinance to mean that construction of the road is "phase 1" and construction of the homes is "phase 2." The ordinance is not clear on this, and the norm is not to consider development phases this way for subdivisions, but rather if the subdivision was quite large, phase 1 would be the first section of infrastructure and lot sales or building construction, phase 2 would be the next section, etc. That said, as mentioned earlier in this report, it is recommended that in the event foundation drains (for at least the houses built in the areas of DYB soils with potential for perched high water tables) are connected to the stormwater system, allowances be made in the calculations to ensure the stormwater system is designed with sufficient capacity to handle that additional stormwater.

In summary, there are a number of items to be addressed before the Board will be able to take action on this preliminary plan. I would suggest that decisions on the issues related to the cluster requirement for buffering as detailed on the second page of this report are paramount to moving this application forward, as there is the potential for a redesign of the subdivision depending on how the Board handles these issues.



Excerpt of Honey Hill Estates preliminary subdivision plan

Prepared by K Cullen, Town Planner

Green highlight areas show where reductions to the required 75' buffer are requested.



May 22, 2019

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

Re: Honey Hill Estates Subdivision (Main Road South)
Preliminary Subdivision Application Peer Review

Dear Karen:

We have completed a review of the Preliminary Subdivision Application submitted for the Honey Hill Estates Project by Kiser Engineering & Development Consulting on behalf of R&B Development, LLC (Applicant) for the proposed 23-lot cluster subdivision on Main Road South (Map 6, Lot 50-1).

As requested, this review is focused on general engineering and stormwater management. We have reviewed the Application for conformance to the Town's Subdivision Ordinance and Zoning Ordinance. We provide the following comments listed below.

Subdivision Ordinance

1. Per Section 531.1 of the Subdivision Ordinance, the post-development peak discharge and runoff shall not exceed the peak discharge and runoff from the site prior to the development. Similarly, per Section 4.6.7 of the Zoning Ordinance, post-development runoff shall have the same or less of an impact as those existing in the pre-development condition. The Project will result in an increase in impervious area of approximately 0.94 acres (not including the potential development of the lots). The Applicant has proposed a wet pond to achieve the required water quality standards, along with the supporting calculations. However, it is unclear if the wet 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.
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 South. 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 South, 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. Per Section 553, 4-foot sidewalks are required for minor roads; no sidewalks are proposed for this Project.
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 75-foot buffer/setback requirement in multiple locations.

General Engineering

7. In the Application narrative, the Applicant includes overhead electric/cable/telephone in the proposed utilities; however, overhead lines and utility poles are not shown on the plans.
8. The Applicant is proposing to directly connect the outlet pipe of field basin FB-6 to the proposed storm drain. General engineering practices call for a drain manhole to be provided at this connection to provide maintenance access.



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,

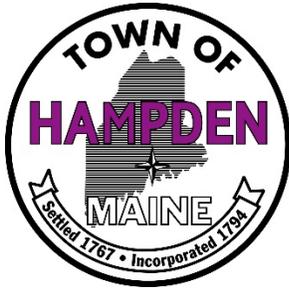
WOODARD & CURRAN

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

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

JDW/jeh

PN: 0213351.58



Town of Hampden

Town Planner

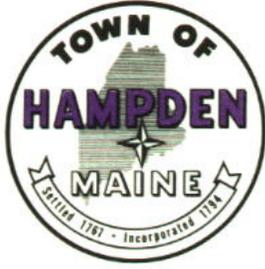
Memorandum

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: June 4, 2019
RE: Re-approval of Hampden Village

Due to circumstances beyond anyone's control, the mylar for the final subdivision plan for the Hampden Village development on Mayo Road needs to be voted on again in order to have four signatures, necessary to pass muster as a legal document in the future. As you know, Jim Davitt was one of the four members who were able to vote on this application since three members had missed at least one of the meetings where it was deliberated.

As you will see in the attached memo from the Maine Municipal Association, we have been advised that the Board take a new vote on the final plan approval, with at least one of the three Board members who had missed a meeting examining the record of the missed meeting(s) and certifying in writing that he/she has done so and therefore is eligible to vote on the application. Gene has already signed a certification; Jake and Jennifer are welcome to do so as well if they wish to vote on this plan.

The only action needed at the meeting on July 12 is for Gene or myself to explain the situation and someone to make a motion something to the effect of: "I move that since Bangor Realty Group, LLC has complied with the Board Order and has submitted a revised mylar in compliance with that Order, that the Planning Board approve the final revised mylar." Then those who voted can sign the mylar and the applicant can move forward with the project.



Memorandum

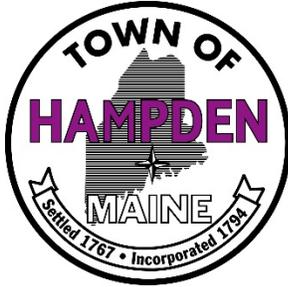
TO: Karen Cullen, Town Planner
CC: Planning Board
FROM: Paula Scott, Town Clerk
DATE: May 16, 2019
RE: Mylar signatures, conditional approval of subdivision

Michael Stultz, Staff Attorney at MMA responded to my inquiry on your behalf regarding how to proceed with the signatures on the mylars for the Hampden Village Townhomes subdivision relative to the Board Order signed on April 16th, 2019.

Attorney Stultz advises that a new Board Order, or Public Hearing are not necessary in order to move forward. He stated that upon receipt of the revised mylars, the Planning Board can simply act in one setting by stating, for the record, that the developer complied with the directives issued within the Board Order and that a majority of the Planning Board members can simply approve the subdivision and sign the mylars at the same time.

He also stated that any member not at all of the hearings pertaining to the subdivision whose signature or vote is needed for a majority, would have to simply stipulate and certify for the record that they have reviewed all of the information.

Town Planner
planner@hampdenmaine.gov



Report - Update Conditional Use

Emery – Amateur Radio Antenna

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: June 4, 2019
RE: Update on Application for installation of antenna and tower in excess of max height

The public hearing for this application was held (and closed) on May 8, 2019. The application is for a conditional use review under the provisions of Sections 4.2 and 3.4.2.1.6 of the Zoning Ordinance, to allow the installation of a ham radio tower that exceeds the height limitation for accessory structures at 75 Chickadee Lane (parcel 10-0-003-32), within the Residential A district. The proposed tower will be 50 feet high, 34 feet higher than permitted in §3.4.2.1.1.

§3.4.2.1.6 reads: "In any district, an amateur radio antenna may be permitted to exceed the maximum height for accessory structures upon the granting of a conditional use approval, provided the applicant is licensed by the Federal Communication Commission (FCC), and provided the tower is set back from all property lines of abutting properties at least the distance of the fall zone."

Concerns at the hearing included the aesthetics of the tower from nearby properties, the effect of radio frequency emissions on people, and the impact on electronic equipment (interference). Mr. Emery submitted the following information he obtained from a former radio frequency specialist after the May 8 meeting:

From the FCC: <https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety#Q5>

The below referenced bulletin contains equations to calculate the ERP or EIRP: <https://transition.fcc.gov/bureaus/oet/info/documents/bulletins/oet65/oet65.pdf>

Based on what you have told me, I suspect the amount of RF anyone would be exposed to from your transmitter is significantly lower than what they get from their TV (see page 21 of the bulletin) or cell phone.

From the FCC's FAQ's on RF Safety: Are RF emissions from amateur radio stations harmful? There are hundreds of thousands of amateur radio operators ("hams") worldwide. Amateur radio operators in the United States are licensed by the FCC. The Amateur Radio Service provides its members with the opportunity to communicate with persons all over the world and to provide valuable public service functions, such as making communications services available during disasters and emergencies. Like all FCC licensees, amateur radio operators

are required to comply with the FCC's guidelines for safe human exposure to RF fields. Under the FCC's rules, amateur operators can transmit with power levels of up to 1500 watts. However, most operators use considerably less power than this maximum. Studies by the FCC and others have shown that most amateur radio transmitters would not normally expose persons to RF levels in excess of safety limits. This is primarily due to the relatively low operating powers used by most amateurs, the intermittent transmission characteristics typically used and the relative inaccessibility of most amateur antennas. As long as appropriate distances are maintained from amateur antennas, exposure of nearby persons should be well below safety limits.

Mr. Emery also indicated via email that he has moved his storage shed to block the view of his two large propane tanks from the Daisy Lane property.

The draft Board Order included in the May meeting packet remains unchanged.



Town of Hampden
Land & Building Services

Report - Update
Preliminary Plan

Stearns Farm Cluster Subdivision

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: June 5, 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 39 lots for single family homes. The proposal includes 11.98 acres of open space for a total of 43.2% 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 to June 12, 2019. Two primary issues that were discussed remained at the end of the May 8 meeting: requested reductions in the required tract buffer for cluster housing, and snow removal at the Adam's Way cul-de-sac.

The buffer reduction requests are located in a variety of places around the perimeter of the development and are for a variety of dimensional reductions. The following lots are locations where a reduction in the depth of the required buffer/setback is requested by the applicant: Lots 1, 2, 3, 4, 9, 11, 19, 21, 23, and 39. Note that Jim Kiser's letter dated May 30, 2019, item 1, does not include lots 3 and 4, but an examination of the preliminary plan clearly shows there are reductions requested for small areas of those lots. Jim Kiser has submitted a series of aerial images showing specific portions of the subdivision, along with photos taken on the ground, rather than one overall aerial with the whole subdivision on it. Note that these images do not show the location of the required 50' buffer, in some cases it is fairly easy to ascertain where that line is, in other cases you will need to scale it (roughly 1 inch). Note also that the buffer area proposed is shown in a light hatch pattern which may be difficult to see.

The buffer at lots 19, 21, and 23, which is proposed to be 10 feet instead of the required 50', is adjacent to property owned by Cale Burger. Mr. Burger was unable to attend the hearing in May, but has sent me several emails which, summarized, state that the trees he has on his property which Jim Kiser has indicated provide sufficient buffering are "a single row of scraggly pine trees" which he is concerned could blow down in a major storm. He submitted 2 photos, attached.

The drainage along Route 1A which was brought up in the hearing by an abutter across Route 1A is being re-routed by DOT and the culvert under the road is being abandoned. Therefore the stormwater flow from the proposed subdivision will not have an impact on that abutter. (Item 2 in Jim Kiser's May 30 letter).

The area behind Mr. Grogan's lot (210 Main Road North) has been very wet this year; the plans have been revised to help with that situation, see item 3 in Jim Kiser's May 30 letter.

Hydrant locations have been addressed, see item 4 in Jim Kiser's May 30 letter.

Regarding snow removal, after a meeting with DPW Director Sean Currier, Jim Kiser, and myself, it was determined that while eliminating one lot on the cul-de-sac was preferred by the DPW, changing the design to an island cul-de-sac was also acceptable. The plans will be changed, see item 5 in Jim Kiser's May 30 letter. Note that due to an inconsistency between the Subdivision Ordinance and the Town Ways Ordinance, the minimum outside diameter of the cul-de-sac with the island should be 60 feet for the Town to accept the road as a public way.

Sean Currier has submitted an email agreeing to the requested waiver for the minimum grade on Adam's Way, see attached and item 6 of Jim Kiser's May 30 letter and 16a in his April 30 letter.

Staff has the following comments from our review of this preliminary subdivision plan. Note that I have removed from this updated report those items that have been adequately addressed to date.

§331.3, submission requirements; all items are either provided or are not applicable except for:

331.1.2, item 3 – the map survey has not been signed by the surveyor (Plisga); the applicant has indicated this will be done on the final plan. (item 4 in Jim Kiser's April 30, 2019 letter)

331.3.3, item 7 – the location of trees 12" dbh are not shown – from the aerials it appears there may be some on lots 12 and 17 and in the open space. The applicant is requesting a waiver for this. (item 7 in Jim Kiser's April 30, 2019 letter)

Article 500, general requirements and design standards:

§511 – there will be a condition of approval that all applicable laws and regulations (local or otherwise) must be met.

§530 – drainage requirements; as Woodard & Curran has stated, it is the Board's decision as to whether the proposed stormwater system is compliant with the requirement that the post-development peak runoff does not exceed the pre-development peak runoff (§531.1, item 1). Jim Kiser states in his letter dated April 30 that he has designed the stormwater system based on the town's zoning ordinance and not on the subdivision ordinance. The zoning ordinance requirements deal with stormwater quality for a project that disturbs the amount of land this subdivision (roadways only) does, while the subdivision ordinance deals with quantity. The Board should discuss this and make a decision whether it is acceptable for the stormwater system in this subdivision to be designed based on stormwater quality and not on quantity (peak discharge).

§553 – design and construction standards for streets; all okay except:

item 14, A waiver is requested for provision of sidewalks. (item 16c in Jim Kiser's April 30, 2019 letter)

item 16, minimum pavement curb radii is not shown – the applicant has indicated in his letter of April 30 that it will be 15'; the requirement is 20'. A waiver is requested for this as well. (item 16d in Jim Kiser's April 30, 2019 letter)

§560 – utility easements; the applicant has indicated the easements will be included in the final plan submission. They plan to provide a blanket easement on the open space for all utilities

located there, and easements on individual lots where necessary. (item 16k in Jim Kiser's April 30, 2019 letter)

Other comments from staff (in no particular order):

1. In lieu of underdrains, use Type C storm drains. Sean Currier will look at this prior to the meeting. (item 20 in Jim Kiser's April 30, 2019 letter)
2. We have received a letter stating the public sewer system has the necessary capacity to handle the wastewater from this development, see attached.
3. The draft covenants have been submitted but they do not address the open space areas. I have discussed this with Jim Kiser and he will work with the owners to revise the covenants to address the need for permanent protection of the open space as required in the cluster provisions of the Zoning Ordinance. Revised draft covenants have not been submitted as of June 5, 2019.

In summary, there are still some issues to be decided by the Board before taking action on this application, but in general it is in compliance with requirements for cluster developments and the majority of the subdivision design is in compliance with the Subdivision Ordinance. In addition, the application meets the applicable criteria of 30-A MRSA §4404 once the DOT entrance permit is issued and the Board makes a decision on the stormwater issue regarding quantity. Issues remaining are:

1. requested reductions in the required tract buffer (Cluster provisions)
2. stormwater system design regarding compliance with requirement that post-development discharge does not exceed pre-development discharge
3. language on the subdivision plan and in the covenants regarding permanent protection of the open space areas
4. language on the subdivision plan and for individual deeds regarding permanent protection of the tract buffer areas on all lots where the buffer is within the platted lot.

Attachments:

1. Photos submitted by abutter Burger at 180 Main Road N
2. Email with photos submitted by abutter Grogan at 210 Main Road N
3. Email from DPW Director Sean Currier regarding grade of Adam's Way
4. Letter from DW Director Sean Currier regarding sewer capacity
5. Draft Planning Board Order

Photos submitted by abutter Cal Burger; his property is 180 Main Road North and is adjacent to proposed lots 19, 21, and 23.





Karen Cullen <planner@hampdenmaine.gov>

Stearns Farm development

1 message

Grogan, Donald N (GE Power) <donald.grogan@ge.com>
To: "planner@hampdenmaine.gov" <planner@hampdenmaine.gov>

Fri, May 17, 2019 at 10:38 AM

Hi Karen,

I live at [210 Main Road North](#) and I attended the Town Meeting last week during which the proposal for a subdivision on Main Road North was discussed. During the meeting I mentioned how much water builds up adjacent to my property and I expressed my concerns regarding where this water would go if it was decided to allow building on what is currently referred to as Lot 1 on the proposed plans. I just wanted to send you these photos that I took several days ago that shows what Lot 1 looks like now. I'm not a civil engineer, but it seems like a bad spot to build on.

Best regards,

Donald Grogan

GE Energy - Bangor

Airfoil/Rotor Shops Production Control Leader

T 207 941 2509

D *560-2509

E donald.grogan@ge.com

[534 Griffin Rd](#)

[Bangor, ME 04401](#)

3 attachments



20190511_110038.jpg
3321K

20190511_110104.jpg



4255K



20190511_110108.jpg
4287K



Karen Cullen <planner@hampdenmaine.gov>

Sterns Farm - Adams Way

1 message

Sean Currier <publicworks@hampdenmaine.gov>

Tue, Jun 4, 2019 at 1:54 PM

To: Karen Cullen <planner@hampdenmaine.gov>, JIM KISER <jim@kiser-kiser.com>

Karen, please accept this as my acceptance of a 0.5% slope waiver, for Adams way only, in the proposed Sterns Farm subdivision.

Jim, please make sure the crown / profile of the road is sufficient to properly shed water to the storm drain system.

Thanks

Sean

Sean Currier
Public Works Director
Town of Hampden
106 Western Avenue
Hampden, ME 04444
(207)862-3337



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

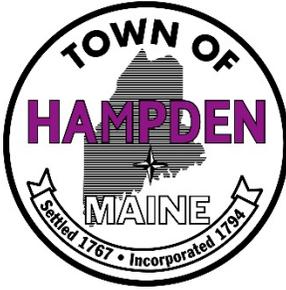
March 18, 2019

To: Jim Kiser
From: Sean Currier
Subject: Sterns Farm – Sewer Capacity

The sewer main that runs cross country from Stoneybrook Road to Coldbrook Road has sufficient capacity to accept the proposed 4,000 gallons per day from the proposed Sterns Farm development to be located off Main Road North. A Utility Connection Permit and a Sewer connection fee will need to be taken care of at the Hampden Town Office (106 Western Avenue) prior to install of any sewer service for connection to the main. Restriction and connection details may be obtained from the Public Works Director at 862-3337.

Yours truly,

Sean Currier, PWD



Town of Hampden
Planning Board Order
Stearns Farm
Preliminary Subdivision Plan

Approval Date: May 8, 2019

Project Name: Stearns Farm Subdivision

Location of Project: Off Main Road North

Assessor's Reference: 33-0-011-A and 33-0-015-A

Deed Reference: 14715/65 and 14715/69

Zoning District: Residential A

Total Acreage: 27.73 acres

Type of Use: Single family residential cluster subdivision

Number of Lots: 39

Applicant: Stanley and Sean MacMillan
471 Main Road North
Hampden, Maine 04444

Owner: Same as Applicant

Plans Prepared by: Kiser & Kiser Co.

Plans Dated: March 1, 2019, revised April 30, 2019

Application Date: March 4, 2019

Public Hearing: May 8, 2019, continued to June 12, 2019

*PB Members:*¹ Kelley Wiltbank, Peter Weatherbee, Jennifer Austin, Tom Dorrity, and Jake Armstrong

PB Action: This Preliminary Subdivision Plan is approved under Section 331 of the Hampden Subdivision Ordinance and Section 4.6 of the Zoning Ordinance.

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

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Summary Description of Application: This application is for a new 39 lot cluster subdivision for single family homes on individual lots, on three new roads with access from Main Road North. The subdivision will have public water and sewer service. There is a total of 43.2% open space in the project, primarily along Stony Brook which is the western boundary of the tract.

Findings: After the public hearing duly noticed and held, the Hampden Planning Board found that the applicable requirements in Article 500 of the Subdivision Ordinance, in 30-A MRSA §4404 (subdivision review criteria), and in Section 4.6 of the Zoning Ordinance have been met. Based on this, the Hampden Planning Board voted _____ to [approve/deny] the Preliminary Subdivision Plan for Stanley and Sean MacMillan to construct the Stearns Farm cluster subdivision as previously described.

Waivers:

1. To §4.6.2 of the Zoning Ordinance, minimum buffer/setback requirement for cluster housing development of 50 feet to various depths ranging from 10 feet to 49 feet at Lots 1, 2, 3, 4, 9, 11, 19, 21, 23, and 39, as depicted on the subdivision plan.
2. To §331.3.3, item 7 of the Subdivision Ordinance to show the location of trees that are at least 12" dbh. The proposed project will not protect any trees on the lots from removal, with the exception of those within the tract buffer/setback area as provided in Condition 1 below.
3. To §531.1, item 1 of the Subdivision Ordinance to the requirement that post-development peak stormwater runoff does not exceed the pre-development peak runoff.
4. To §553 item 3 of the Subdivision Ordinance to the minimum grade on Adams Way; it is 0.5% while the required minimum grade is 1.0% and the proposed grade is 0.5%. Given the topography and proposed construction of this portion of the road, this has been approved by the DPW Director.
5. To §553 item 14 of the Subdivision Ordinance for the provision of sidewalks; the proposed project does not include any sidewalks.
6. To §553 item 16 of the Subdivision Ordinance to show the minimum pavement curb radii is proposed to be 15' rather than the required 20'.

Conditions:

1. That the deeds for Lots 1, 2, 3, 9, 11, 15, 17, 19, 21, 23, 30, 31, and 39 include a restriction that prohibits the removal of trees and buffering vegetation within the buffer/setback area as shown on the subdivision plan.
2. That the covenants for the project include specific restrictions on the use and protection of the common open space areas as depicted on the subdivision plan in compliance with §4.6.4.3 of the Zoning Ordinance.

3. That the subdivision plan include a note indicating that the entire open space area is subject to an easement for utilities, including but not limited to water (to the Hampden Water District), sewer, and stormwater management.
4. That the cul-de-sac on Adam's Way be redesigned with an island (unpaved) in the center, which will require reconfiguration of the lots around the cul-de-sac such that the cul-de-sac complies with the minimum 65 foot diameter right-of-way.
5. That all applicable laws and regulations, local or otherwise, must be complied with. Permits issued by any state agencies must be submitted to the Planning Board and if any modifications to the April 30, 2019 plan is required, the final subdivision plan must include such modifications.

[Continued on the next page.]

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For the Hampden Planning Board:

Peter Weatherbee

Date

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.*

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