

Town of Hampden

Planning Board

Tuesday, July 16, 2019, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Old Business
 - a. R&B Development, LLC – Continuation of 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.
2. Planning Board Comment
3. Adjournment



Town of Hampden
Land & Building Services

Report on Application

Preliminary Plan – 2nd Submission

Honey Hill Estates Cluster Subdivision

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: July 2, 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.

The revised plans (dated June 24, 2019) for this application have been reviewed by staff.

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; they are not included in calculations for the cluster development but they are part of the subdivision to be approved.

	Requirement	Requirement	Comments
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)	Meets. 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' requirement is met. The required 75' along all other tract boundaries is met, see discussion below.
	Min open space	30%	Meets (31.0%)
	Max density	1.5 units per ac	Meets (0.74 units/acre) [Note the density of 1.5 listed on the subdivision plan is incorrect.]
Individ Lots	Lot size	8,000 sq ft	All lots exceed (17,618 to 26,119 sq ft)
	Frontage	50 feet	All lots exceed (52.0 to apx. 180.0 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 revised preliminary subdivision plan.

Zoning Ordinance §4.6.2, dimensional requirements for cluster housing:

- The entire buffer as required (75') is now shown on the plans, with 11 lots including a portion of the buffer area within the platted lot. These areas are shown as “buffer/setback green space” on the revised subdivision plan. Affected lots are: 2 through 8, 15, 16, and 22. As noted on the subdivision plan, the restrictions on these “buffer/setback green space” areas allow more activity than is allowed in the “buffer/setback natural” areas. In all cases, there is a minimum of 30' of “buffer setback natural” area between the tract boundary and any area of increased activity (either the lot line or the “buffer/setback green space” area).
- Requested encroachment into the buffer to allow the roadway right-of-way 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; with the road centered in the 66' right-of-way this design is in compliance with the provision.

§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); this will be done on the final plan.

331.1.2, item 8 – the restrictive covenants have not been submitted, they will be with the final plan.

331.3.3, item 7 – the location of trees 12” dbh are not shown – a waiver is requested to this requirement.

331.1.3, item 8 – there is no existing culvert across the existing driveway. There is an existing septic system from the old motel which should be shown on the plans and properly removed following the applicable standards.

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.

§521 – lots to be buildable; lots 11 and 12 have been reconfigured to avoid wetland impacts to the greatest extent practical.

§530 – drainage requirements; see letter in the revised submission addressing this. I note two things: first, the second paragraph in Jim’s letter alludes to minor and private street subdivision not needing to comply with the stormwater requirements – this subdivision doesn’t fall into either of those categories. Second, while I appreciate the letter and explanation, I don’t think it answers the question the Board had, which was whether the stormwater system as designed will handle the peak flow to the extent that it will not create problems in the DOT system. In addition, it is my understanding, confirmed by DEP and Woodard & Curran, that when a subdivider is going to build the houses in a proposed subdivision, and the amount of impervious surface within the entire development – including the roadway and the houses and driveways – exceeds 3 acres, the project is required to meet the Flooding Standard of Chapter 500. For this project, if one assumes the amount of impervious surface per lot averages 2,230 square feet (1,600 for the structure and 720 for the driveway), the total amount of impervious surface would not exceed the 3 acre threshold. Nevertheless, §531.1 of the Hampden Subdivision Ordinance requires that the post-

development peak discharge is not to exceed the pre-development discharge, regardless of how much impervious surface there is. It is up to the Planning Board to determine whether it is reasonable to grant a waiver to this requirement, and that depends on whether the Board is satisfied that the stormwater system as designed will not create any downstream problems once the runoff leaves the site.

§523.5 – driveway aprons should be constructed with the roadway to ensure the drainage system as designed is not compromised. The revised plan shows the location of some of the driveways (sheet 2-5) but there are locations on lots 8 through 21 (sheet 3-5) where driveway culverts will be needed and none are shown on that sheet. The DPW Director is requesting that all driveway culverts be installed with the road construction.

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

item 14, sidewalks are required but are not shown. I still suggest that a sidewalk on one side is an important pedestrian facility to provide a safe place for residents to walk, regardless of age. The Board has not discussed this yet, presumably the applicant is seeking a waiver to the requirement based on past practice of not providing sidewalks within subdivisions.

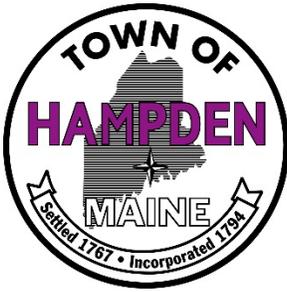
item 16, minimum pavement curb radii is not shown.

§561 – utilities; will the water and sewer systems in the development have the capacity to handle future expansion if abutting parcels are developed? I don't believe this has been addressed yet.

Other comments from staff (in no particular order):

1. As noted earlier, the covenants and restrictions have not been submitted, although there are notes on the subdivision plan regarding the buffer/setback area. 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. FB8 by lot 23 should be relabeled FB11.
3. The potential for the abutting lot to the north of the driveway (Peter Cowin, 06-0-050) to have access to the new road was mentioned at the June 12 meeting; has there been any resolution to this question?
4. A water supply for fire suppression must be provided and must provide a minimum flow of 500 gpm for 1 hour at a residual pressure of 20 psi, or an alternative means of protecting property from fire must be provided.
5. 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).
6. The cluster mailbox is to be maintained – including snow and ice removal – by the HOA and not the Town.

In summary, there are a few issues remaining to be resolved before the Board can act on this application. Per §331.2, item 7, the Board is "to take action to give preliminary approval, with or without modifications, or to disapprove such Preliminary Plan." I have prepared a draft Board Order in the event the Board is ready to take action on this preliminary plan application at the meeting.



Town of Hampden
Planning Board Order
Honey Hill Estates
Preliminary Subdivision Plan

Approval Date: July 16, 2019

Project Name: Honey Hill Estates Subdivision

Location of Project: Off Main Road South

Assessor's Reference: 06-0-050-1

Deed Reference: B14342/P220

Zoning District: Residential A and Rural

Total Acreage: 29.3 acres

Type of Use: Single family residential cluster subdivision

Number of Lots: 23

Applicant: R&B Development, LLC
107 Main Road
Holden, Maine 04429

Owner: Same as Applicant

Plans Prepared by: Kiser & Kiser Co.

Plans Dated: April 26 1, 2019, revised June 24, 2019

Application Date: April 29, 2019

Public Hearing: June 12, 2019, continued to July 10 and July 16, 2019

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

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 23 lot cluster subdivision for single family homes on individual lots, on a new road with access from Main Road South. The subdivision will have public water and sewer service. There is a total of 31.0% open space in the project.

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 can be met provided the conditions below are complied with. Based on this, the Hampden Planning Board voted _____ to grant the requested waivers listed below and to approve the Preliminary Subdivision Plan for R&B Development LLC to construct the Honey Hill Estates cluster subdivision as previously described and as shown on the subdivision plans, subject to the conditions below.

Waivers:

1. 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.
2. To §553 item 14 of the Subdivision Ordinance for the provision of sidewalks; the proposed project does not include any sidewalks.

Conditions:

1. That the deeds for Lots 2, 3, 4, 5, 6, 7, 8, 15, 16, and 22 include a restriction that prohibits the removal of trees and buffering vegetation within the buffer/setback area as shown on the subdivision plan as “buffer/setback natural”.
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 either 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; or that specific easements for these utilities be created within the open space area as needed.
4. That the minimum pavement curb radii must be 20 feet, in compliance with §553 item 16 of the Subdivision Ordinance.
5. That the stormwater management system be shown to comply with §531.1 of the Subdivision Ordinance, that post-development peak stormwater runoff does not exceed the pre-development peak runoff.

6. That where necessary to ensure the stormwater drainage system is constructed according to the plans, driveway culverts and driveway aprons must be installed during road construction at each lot where needed.
7. That a water supply for fire suppression be provided which provides a minimum flow of 500 gpm for one hour at a residual pressure of 20 psi or an alternative fire protection system be provided which is approved by the Hampden Public Safety Department. Furthermore, if a water supply is provided for the subdivision, that the Homeowner's Association must be responsible for the maintenance of the facility with periodic testing by the Hampden Public Safety Department.
8. That documentation showing that the subdivider has the financial and technical capacity to meet the standards of 30-A MRSA §4404 be submitted with the final subdivision plan.
9. That the cluster mailbox must be maintained, including snow and ice removal, by the Homeowner's Association.
10. That the existing septic system for the former motel be removed and disposed on in compliance with applicable standards.
11. 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 plan reviewed for this decision is required, the final subdivision plan must include such modifications.
12. That all documents required by the Subdivision Ordinance for Final Plan review be submitted within six months of this Board Order, in accordance with the ordinance.

[Continued on the next page.]

For the Hampden Planning Board:

Kelley Wiltbank

Date

Peter Weatherbee

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.*

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