



Town of Hampden

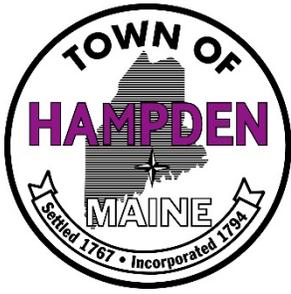
Planning Board

Wednesday, June 13, 2018, 7:00 pm

Municipal Building Council Chambers

Agenda

1. Administrative.
 - a. Minutes – May 9 and May 15, 2018
2. Old Business – None.
3. New Business
 - a. Jones conditional use- John Jones proposes to convert the residential structure into a 2-unit assisted living facility/group home for adults with intellectual disabilities, classified by the Town of Hampden as a Nursing Home. No exterior alterations are proposed and the home will retain its existing appearance. The property is located at 569 Back Winterport Road, parcel 02-0-086. This property is in the Rural Zoning District.
 - b. Southstreet minor revision - Southstreet Development Company, LLC proposes an amendment to an approved site plan in order to install a sign sized in excess of 110% of the Commercial Service zoning district standards, which requires a waiver to be approved by the Planning Board. The sign is for the Tradewinds convenience store and gas station at the corner of Coldbrook Road and US Route 202, Tax Map 33, Lot 11-B. This property is in the Commercial Service Zoning District.
 - c. Planning Board Bylaws
 - d. Stormwater Management Presentation
4. Staff Report
5. Planning Board Comment
6. Adjournment



Town of Hampden
Planning Board Meeting
Wednesday May 9, 2017, 7:00 pm
Council Chambers

Minutes

In Attendance:

Planning Board

Gene Weldon
Kelley Wiltbank
Jennifer Austin
Jim Davitt
Peter Weatherbee

Staff

Karen Cullen, AICP, Town Planner
Myles Block, Code Enforcement Officer

Public

Darlene & Corey Webb
Jim Kiser

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

1. Administrative

a. Minutes

- i. **Motion** by Member Wiltbank to approve the minutes for April 11 and April 23, 2018 as submitted, second by Member Davitt; carried 5/0/0.
- ii. **Motion** by Member Weatherbee to approve the revised minutes for March 21, 2018 as submitted, second by Member Wiltbank; carried 5/0/0.

2. Old business: None

3. Public Hearing – Proposed Amendments to the Zoning Ordinance. Chairman Weldon read the public hearing notice into the record. He summarized activity to date, the town planner started drafting amendments last fall with goal of creating a more user-friendly ordinance and updating outdated sections, the Planning Board started reviewing the draft amendments late December 2017, and continued for nine meetings ending in April 2018. Chairman Weldon then summarized the procedure for tonight's hearing, and noted it will be continued to Tuesday May 15. He then opened the public hearing at 7:06 pm.

Planner Cullen noted the table of amendments and table of contents have been reformatted.

Article 2: Planner Cullen noted the list of districts has been reorganized and the two village commercial districts have been combined into a new town center district, noting there is no change to the boundaries at this time. In addition, the "purpose" statements for the districts have been moved from Article 3 to Article 2. She noted that in regards to the town center district, the intent is to start the work on the town center plan and rezoning this summer, and during that process the boundaries will likely change, and the uses and dimensional requirements will also be reviewed for potential changes.

Chairman Weldon asked if there were any public comments. Jim Kiser asked if the end of Dewey Street would be rezoned to something other than Residential A; the answer was that would be examined during the town center project.

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Planner Cullen noted she had a couple of further changes in the language in §2.5, the section should be titled “Parcels in more than one zoning district” to simplify it, and change “...in which said parcel is located...” to “...in which said use is located...” in the second sentence. Also, she said the examples given under this section are confusing and incorrect, and should simply be deleted.

Motion by Member Wiltbank to approve the proposed amendments to Article 2 as submitted, with the changes to §2.5 as described by Planner Cullen; second by Member Davitt; motion carried by roll call vote 5/0/0.

Article 3: Planner Cullen stated this is where the most significant changes are taking place to make the ordinance easier to use. Those changes are:

- Reworked uses into table format
- Assigned allowance designation (permitted, conditional use, or not permitted) for each use and each district, based on current ordinance but with some modifications to uses allowed where it made sense given the district and similar uses allowed
- Moved special requirements and reworked as needed
- Added a section on temporary uses
- Reworked dimensional standards into table format and added special provisions section, which was just moving the existing provisions from individual district sections.

Planner Cullen noted several additional modifications should be made to the proposed amendments:

- Delete §§3.2.1.6, 3.2.1.7, and 2.3.1.8 because they are also covered in §3.4.2.2, items 2 and 3.
- Corrections to fix transcribing errors in the use table:
 - change the old “S” (site plan review required) which is now “P” (permitted by right).
 - cluster development is supposed to be cluster housing (B-5).
 - home business (B-ACC-2) is supposed to be P, not N, in the Interchange district – this is because there are still residential uses in this district.
 - home based contractor (B-ACC-4) is supposed to be N, not C, in the Town Center district – this is because outdoor storage of materials and equipment is not appropriate in this district.
 - place of worship (F-1) is supposed to be P, not C, in the Business, Business B, and Commercial Service districts.
 - retail marijuana (G-3 & 4 and I-6, 7, & 8): change the terminology to “adult use” marijuana
 - restaurant, drive-in or drive-through (G-17) is supposed to be N, not C, in the Industrial 2 district.
 - retail sales as an accessory use (I-4) is supposed to be C, not N, in the Industrial 2 district.
- Agriculture in the Residential A and B districts – the current ordinance does not include agriculture in the list of uses (by right or conditional) and we had added that as an allowed use earlier in our review. However, there are no known agricultural operations in the Residential A district and it is recommended to make this a N in the table (prohibited). There is a large farm in the Residential B district, which is currently a pre-existing nonconforming use and it is recommended to allow agriculture in this district. The Board felt the ordinance should remain as it currently is for this (prohibited), and the possibility of changing it in the Residential B district should be taken up in the future.

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- Corrections to terminology for multi-family to make consistent throughout ordinance.
- §3.4.2.1, item 6, regarding the height of an amateur radio antenna – the Town Attorney has advised that if there is legitimate concern about safety and the proximity of tall antenna structures in the Residential A and B zones, because the smaller lot sizes in those zones create concerns for property damage or personal injury, then including a requirement that the antenna structure be located such that it falls on the applicant's property would be reasonable. Planner Cullen suggested adding a provision to require the tower to be set back such that if it falls it remains on the applicant's property.
- §§3.4.2.1, 2, and 4, regarding setbacks for accessory structures – the Town Attorney noted that the wording is unclear, instead of saying “may be located within ‘x’ feet of” it should read “may be located no closer than ‘x’ feet to” so nobody can argue the structure can be an inch from the property line.

Chairman Weldon asked if there were any comments from the public. Corey Webb stated he and his wife are interested in opening a doggie daycare in the business park on Route 202 and simply wanted to confirm that the use would be allowed with the zoning amendments being made. Planner Cullen said that kennel is in the use table as a conditional use in the Industrial Park district where the business park is located.

Motion by Member Davitt to approve the proposed amendments to Article 3 as submitted, with the following changes: strike the language in §3.2.1.6, 3.2.1.7, and 3.2.1.8; correct the transcribing errors in the Use Table; leave agriculture in the Residential A and B districts as prohibited; add to the end of §3.4.2.1, item 6 “and provided the tower is set back from all property lines at least the distance of the fall zone for the tower.”; and change the language of §§3.4.2.1, 3.4.2.2, and 3.4.2.4 to read “...may be located no closer than ‘x’ feet to the side or rear property line.”; second by Member Wiltbank; motion carried by roll call vote 5/0/0.

Section 4.1, Site Plan Review: Planner Cullen noted the changes from the current ordinance:

- Created three tier system for review to streamline approval process for small projects
- Created a new staff review committee for middle tier
- Removed language regarding deadlines which are administrative and should be covered in Planning Board rules
- Kept same submission requirements for plan, added requirement for a narrative and language for traffic impact assessment for projects generating 100 peak hour trips
- Changed the objectives the permit granting authority (Planning Board or Staff Review Committee) uses to determine if a plan can be approved, simplifying and adding flexibility to the objectives but still covering the same issues as in the current ordinance
- Added sections for denial, appeal, lapse, and fees (which just allows the town to collect reasonable fees for administration and technical review; no changes to the fees which are covered by the Fees Ordinance are proposed).

Planner Cullen then noted several additional changes recommended by herself or the Town Attorney:

- §4.1.3, applicability: add a new sentence after the first sentence to read: “Site Plan review is not required for agricultural uses or structures which do not involve customers or the general public visiting the site on a regular basis, nor for accessory agricultural structures such as seasonal farm stands which do involve customers.” This would establish in the ordinance what

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past practice has been. If this change is made, then delete §4.1.3.2, item 8 since it would be contradictory.

- §4.1.3.2 item 7 and §4.1.3.3 item 6, regarding projects subject to site plan review: change “development area” to “disturbed area” to keep terminology consistent.
- §4.1.8, appeals of decisions on site plans: the Town Attorney advises that all appeals go directly to the Board of Appeals. Recommend changing the item to read: “A decision of the Code Enforcement Officer, Staff Review Committee, or the Planning Board may be appealed to the Board of Appeals, pursuant to §6.2.1.”

Chairman Weldon asked if there were any comments from the public. Jim Kiser said he thought the proposed wording for the traffic impact might create inconsistencies with what is required by DOT. Member Davitt suggested just saying we want “whatever DOT wants”. CEO Block said we simply want to make sure we get information on traffic, since the Board needs to consider the safety of a proposed development in regards to traffic entering and existing the site. Member Wiltbank said he was concerned about changing the language tonight without any time to consider the consequences of the modification. The board directed Planner Cullen to review this language and suggest a change for the continued hearing on Tuesday.

Motion by Member Austin to approve the proposed amendments to §4.1 as submitted, with the following changes: add to §4.1.3 “Site Plan review is not required for agricultural uses or structures which do not involve customers or the general public visiting the site on a regular basis, nor for accessory agricultural structures such as seasonal farm stands which do involve customers.”; delete §4.1.3.2, item 8; change “development area” to “disturbed area” in §4.1.3.2, item 7, and §4.1.3.3, item 6; change §4.1.8 to read: “A decision of the Code Enforcement Officer, Staff Review Committee, or the Planning Board may be appealed to the Board of Appeals, pursuant to §6.2.1.”; and to revisit the submission requirements for a traffic impact assessment (§4.1.5.1 item 13) at the continued public hearing on Tuesday; second by Member Davitt; motion carried by roll call vote 5/0/0.

§4.2, Conditional Uses: Planner Cullen said this section has been largely replaced, with the addition of a purpose statement, separated the applicability and procedural provisions, revised the submission requirements to be clear on what is needed for review, reworked the approval standards, and made some editorial changes to the conditions section. There were no comments on this section from the board or the public.

Motion by Member Davitt to approve the proposed amendments to §4.2 as submitted; second by Member Austin; motion carried by roll call vote 5/0/0.

§4.5, Nonconformities: Planner Cullen said the proposed modifications from the current ordinance are to clarify the provisions and remove language related to shoreland zoning. She noted the following substantive changes:

- §4.5.4, Nonconforming Uses:
 - The period of time when a nonconforming use can be reestablished changed from one to two years
 - A provision was added to the reconstruction paragraph to exempt time spent dealing with legal or insurance issues from the time period for getting a building permit for the reconstruction.

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- The change of use section was revised by removing the criteria the planning board considers in granting a conditional use approval and the review process since they are already in §4.2, conditional uses.
- §4.5.5, Nonconforming Lots:
 - Clarification that the provisions apply to all lots, whether vacant or not
 - Added provisions to deal with situations where there are two or more principal structures (e.g. houses) on a single lot, and when there are two or more contiguous lots in single ownership when one or more are nonconforming.

There were no comments on this section from the board or the public.

Motion by Member Wiltbank to approve the proposed amendments to §4.5 as submitted; second by Member Davitt; motion carried by roll call vote 5/0/0.

§4.6, Cluster Housing: Planner Cullen stated this section has been completely revised, primarily to consolidate all of the cluster provisions in the ordinance into this one section. The revisions include:

- Added list of uses allowed within a cluster housing development
- Created a table of dimensional standards:
 - Added minimum tract size, current ordinance specifies for rural district only and that size (20 acres) remained the same
 - Added minimum dimensions for the overall tract for frontage and buffers/setbacks
 - Open space requirement remains 30%
 - Maximum density for single family cluster developments:
 - Rural district stayed at 1.5 units/acre
 - Residential A changed from 3.146 to 3
 - Residential B changed from 3.146 to 4
 - Town Center set at 4
 - Maximum density for multi-family cluster developments:
 - Not applicable in the rural or Residential A districts (multi-family development is not a permitted use in the Residential A district, and multi-family development in the Rural district requires public water and sewer if available within 500’).
 - 8 units/acre for the Residential B and town center districts (currently 8 in the Residential B district)
 - Set dimensional standards for individual lots within a cluster development, only applicable (and is optional) for single family developments, most standards are lower than current standards to allow more flexibility in design.
- Clarified how the number of units are calculated for a cluster development and added additional provisions for density bonuses (added bonuses for providing public access to trails and for providing some units at costs affordable to people with lower incomes (80% of median household income, which translates to \$70,426 annual income).
- Revised the common open space section to reorganize and clarify, and added provisions to:
 - Restrict the amount of land in open space that can be wetland (50%) or in the required perimeter buffer (30%)
 - Allow utilities (including septic systems) to be located in the open space areas
 - Require open space to be contiguous (i.e. many small areas of open space that have no connection with each other are not allowed)

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- Deleted the sections on single family and multi-family clusters since these provisions are all included in the revisions or are not needed

Chairman Weldon asked if there were any comments from the public. Jim Kiser said the proposed amendments will make cluster development easier, but suggested the tract sizes should be reduced to 10 acres in the Rural district, and 3 acres in the other three districts. Planner Cullen supported the reduction in the Rural district, noting that 10 acres is a common tract size for cluster housing. After discussion the board directed Planner Cullen to review this and bring recommended changes to the continued hearing next Tuesday.

***Motion** by Member Weatherbee to approve the proposed amendments to §4.6 as submitted, except to revisit the minimum tract size at the continued hearing; second by Member Austin; motion carried by roll call vote 5/0/0.*

§4.7, Design Standards: Planner Cullen said this section has been reorganized and includes the following sections:

- **Parking:** reformatted listing of number of spaces requirement into a table, added a maximum number allowed, and reworded some provisions to clarify meaning (most provisions remain same as current).
- **Buffers and Landscaping:** added a purpose statement, clarified applicability and how applied when there is existing vegetation. Otherwise the provisions are the same as in current ordinance, some have been moved from special district regulations in the individual district sections of article 3.
- **Lighting:** this is a new section to provide standards on outdoor lighting for nonresidential and multi-family residential developments. The current ordinance requires lighting information to be provided with a site plan but there are no standards against which to measure it by.
- **Architectural Design:** these provisions are currently in the special district regulations for the Business B and two Village Commercial districts, and they only apply to the Business B and the Town Center districts.
- **Signs:** moved from §4.8, the only change is the addition of a provision currently in §4.20, Customary Rural Business, which is being deleted.
- **Stormwater Management:** this is a new section to provide standards for how stormwater is handled for sites that disturb less than one acre and are thus not required to apply to DEP. As with lighting, the site plan provisions require submission of stormwater information but without standards, there is no oversight of what happens with stormwater runoff.
- **Flexibility in Design Standards:** this provision was added to the ordinance in 2017 and allows the permit granting authority to grant waivers upon request.

Planner Cullen noted the parking table (§4.7.1.1) has an error in “place of worship” and “place of assembly” where the requirement should be “1 per 150 sq. ft. GFA if no seats” instead of “.33 per 150 sq. ft.”

Chairman Weldon asked if there were any comments from the public. Jim Kiser said he is concerned about inconsistency between the proposed language in §4.7.6, Stormwater Management, and the DEP Chapter 500 requirements. He said the modeling for stormwater (quantity) doesn't work for small sites. He added that when you treat for water quality, you end up reducing the rate of runoff leaving the

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site as well. Discussion on what other towns have for similar provisions, suggestion to review Ellsworth's regulation.

Chairman Weldon asked if there were any more comments from the public. Jim Kiser said he thought §4.7.1.2 which caps the maximum number of parking spaces at 110% of the required number, would be a problem for restaurants. It was noted that §4.7.7 allows the permit granting authority to waive this provision when the applicant provides documentation to show there is a need for the additional spaces and that there won't be an adverse impact. The board felt this was sufficient to address situations where more parking is needed.

***Motion** by Member Davitt to approve the proposed amendments to §4.7 as submitted, with the change to the parking table as described, and to revisit §4.6, Stormwater Management at the continued hearing; second by Member Austin; motion carried by roll call vote 5/0/0. The Board requested Jim Kiser to submit suggestions on the stormwater section to Planner Cullen prior to the hearing.*

§4.9, Filling and Grading of Land and Stockpiling of Materials: Planner Cullen said the only amendment in this section is to change "lot coverage" to "extent" to clarify terminology used throughout ordinance (§4.9.9.6 and §4.9.10). There were no comments on this section from the board or the public.

§4.10, Use of Residence For Business Purposes: Planner Cullen said there was a minor change in the procedure provisions, and the addition of a couple of size provisions to addresses businesses in the Rural district that would have otherwise been Customary Rural Business (§4.20) which is being deleted. There were no comments on this section from the board or the public.

***Motion** by Member Wiltbank to approve the proposed amendments to §4.9 and to §4.10 as submitted; second by Member Austin; motion carried by roll call vote 5/0/0.*

§4.13, Mobile Homes: Planner Cullen said the amendments include modified standards in §4.13.2.2 to eliminate contradictory language regarding skirting, and delete incorrect language on the building code and language regarding modifications. Also modified §4.13.3.7 to clearly state the open space requirement, which is currently 20% in districts where mobile home parks are allowed. She added that the Town Attorney had advised that if the town wanted to, they could prohibit mobile homes, but not modular homes, in specific districts. She noted the board had previously discussed the possibility of prohibiting mobile homes on individual lots in the Residential A and Residential B districts, and had requested the attorney's advice on the legality of doing so. Planner Cullen said she suggested that if the board decided to do this, then a new item could be added under §4.13.2.2 to read "No certified mobile home may be located within the Residential A or Residential B district." After discussion the board agreed with this change.

***Motion** by Member Wiltbank to approve the proposed amendments to §4.13 as submitted, with the change to add the new provision to prohibit mobile homes from the Residential A and B districts as described; second by Member Davitt; motion carried by roll call vote 5/0/0.*

§4.17, Lots and Planned Group Development: Planner Cullen said this section is proposed to be deleted since the provisions are covered elsewhere in the ordinance, except for the first sentence of 4.17.1 which has been moved to the new dimensional section (specifically §3.4.2.11).

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§4.19, Day Care Provisions: Planner Cullen noted the changes: the hours of operation for Home Day Care and Day Care Facilities is proposed to be 6:00 am to 7:00 pm, increased the size allowed for signage and allowed a sign for Home Day Care, and deleted the site plan review exemption for Child Care Centers operated accessory to a church or community building (since the site plan review section has changed to simplify the process for existing buildings where no site changes are proposed).

§4.20, Customary Rural Business: Planner Cullen said this section is proposed to be deleted, because the uses are handled in the Use Table and other provisions that are needed have been moved to §4.7, Signs or §4.10, Use of Residence For Business Purposes.

§4.21, Structures Necessary For Access For Person With Disabilities: Planner Cullen noted this section is also proposed to be deleted, since the ADA (Americans with Disabilities Act) applies regardless of local zoning ordinances, and when necessary, the provisions in §6.2 on Variances allows the CEO to approve setback encroachments in the building permit approval process.

§4.24, Medical Marijuana: Planner Cullen said the only change in this section is to fix the setback provisions that were inconsistent with state law and were preempted in 22 M.R.S.A. Section 2428 (10).

§5.3, Permits: Planner Cullen said a requirement has been added for an as-built plan to be submitted for any project that had a site plan, sketch plan, or subdivision plan. This will help the town and future owners and others by documenting where things are and what was approved.

There were no comments on these sections from the board or the public.

§6.2.2, Variances: Planner Cullen said this section has been updated to be consistent with state law and to clarify the provisions. Specifically:

- General variances apply to building height, conditional lot dimensions, use of residence for business purposes, and essential services
- Dimensional variances apply to lot area, frontage, building coverage, impervious surface coverage, and setbacks, regardless of the amount of variance needed
- Disability variance for Vehicle Storage, applies to the construction of a garage or similar structure when needed for a vehicle needed by a disabled person; this is a new section based on state law, and applications are acted on by the Board of Appeals
- Disability variance for Dwelling Accessibility, applies to the construction of ramps or similar structures to provide access to a home; this is based on state law and allows the CEO to approve a building permit without need for a variance to be approved by the Board of Appeals.

Planner Cullen reported that the Town Attorney provided advice on item 1 under §6.2.2.3 regarding disability variances for vehicle storage. While the property owner needs to be the applicant, the variance can be for the benefit of any person with a disability who lives in or regularly uses the dwelling. He provided suggested language to replace the first sentence.

Motion by Member Wiltbank to approve the proposed amendments to Sections 4.17 through 4.24, Section 5.3, and Section 6.2.2 as submitted, with the change to modify the first sentence in §6.2.2.3, item 1 to read "The Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling

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for the construction of a place of storage and parking for a noncommercial vehicle and for no other purpose.”; second by Member Davitt; motion carried by roll call vote 5/0/0.

Article 7, Definitions: Planner Cullen noted that many of the definitions have changed, with new ones added and some deleted. She noted several additional changes that are recommended by herself or the Town Attorney:

- change the terminology for “retail” marijuana to “adult use” marijuana, and add or edit definitions to be consistent with the newly enacted state law
- delete the term “multi-unit development” since it is not used in the ordinance
- change “automotive graveyard” to “automobile graveyard” to be consistent with state law
- delete the term “enclosed recreational center” since it is not used in the ordinance.

There were no comments on this section from the board or the public.

Motion by Member Austin to approve the proposed amendments to Article 7 as submitted, with the changes noted by Planner Cullen; second by Member Weatherbee; motion carried by roll call vote 5/0/0.

Chairman Weldon asked if there were any other comments. CEO Block said he just discovered that the new building code includes provisions for swimming pool barriers, and to avoid inconsistency he recommended deleting §4.15.2, Barrier Requirements. The board felt this was reasonable.

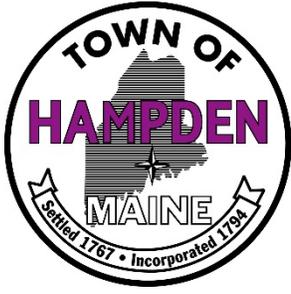
Motion by Member Davitt to approve the proposed amendment to delete §4.15.2; second by Member Wiltbank; motion carried by roll call vote 5/0/0.

Chairman Weldon reviewed the issues remaining to be resolved at the continued hearing on Tuesday May 15: §4.1 regarding the traffic study, §4.6 regarding the minimum tract size for cluster housing projects, and §4.7.6 regarding stormwater management.

Motion by Member Weatherbee to table the public hearing on the proposed zoning amendments to Tuesday May 15, 2018 at 7:00 pm; second by Member Austin; motion carried 5/0/0.

4. Staff Report: None
5. Planning Board Comments: Member Weatherbee said he can't stress enough how much time and effort Karen has put into this, reworking an ordinance that had many problems that we didn't even recognize. She has done an excellent job. Other members agreed. Chairman Weldon thanked her for her organization, noting it made this hearing go very smoothly. Member Wiltbank and Planner Cullen noted for the public that the materials are online and the modifications will be online by the weekend. Planner Cullen also thanked the Board for the time and effort they have put into this project, with the nine work sessions and all the time reviewing the materials at home.

Motion by Member Davitt to adjourn the meeting at 9:23 pm; second by Member Wiltbank; motion carried 5/0/0.



Town of Hampden
Planning Board Meeting
Wednesday May 15, 2017, 7:00 pm
Council Chambers

Minutes

In Attendance:

Planning Board

Gene Weldon
Kelley Wiltbank
Jennifer Austin
Jim Davitt
Peter Weatherbee
Jake Armstrong

Staff

Karen Cullen, AICP, Town Planner
Myles Block, Code Enforcement Officer

Public

Jim Kiser (arrived roughly 7:25)

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

1. Administrative: None.
2. Old business: Continued Public Hearing – Proposed Amendments to the Zoning Ordinance.

Motion by Member Wiltbank to remove the public hearing on the zoning amendments from the table; second by Member Davitt; carried 6/0/0.

Chairman Weldon read the public hearing notice into the record. He noted there was no one in attendance in the audience. He then said there were three items left to deal with tonight, and turned it over to Planner Cullen for a discussion of each.

Article 3, §3.1.5.1, submission requirements for site plan review, item 13, regarding traffic impact analysis. Planner Cullen read her recommended replacement for the language in the proposed ordinance amendments, “For projects that generate more than 100 peak hour trips, a copy of the traffic impact analysis submitted to ME DOT, and if already approved, a copy of ME DOT’s approval.” The idea is to simplify what our submission requirements are, but it is necessary for the board to receive traffic information and not just take it at face value that DOT is going to address all of the local concerns through their permitting process. Chairman Weldon noted that this is essentially what the board has been requiring over the last few years.

Motion by Member Weatherbee to approve the proposed amendment to §3.1.5.1, item 13 as presented tonight; second by Member Davitt; motion carried by roll call vote 6/0/0.

Article 4, §4.6.2, dimensional requirements for cluster housing developments. Planner Cullen said the proposed tract sizes were questioned at the hearing on May 9th by Jim Kiser, he felt they were too large and would limit the availability of these provisions to property owners. She presented an analysis of the town’s GIS she had done which found 289 parcels in the Rural district over 20 acres, and 447 over 10 acres. In the Residential A and B districts (combined), she found there are 46 vacant parcels that are over 5 acres, and 64 over 2 acres. In the Town Center district (proposed, combination

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of the two existing Village Commercial districts), she found there are only 10 parcels over 1 acre. Her conclusion and recommendation was that the tract size should be reduced in the Rural district to 10 acres, in the Residential A and B districts to 2 acres, and in the Town Center district to 0 (zero) acres.

The board discussed the merits of allowing more property owners to have the option to use the cluster housing provisions. Planner Cullen explained that cluster design can provide housing options with reduced outdoor maintenance responsibilities for homeowners (versus owning a separate lot of half-acre or more), and can provide more useable open space. She noted the proposed amendments to the cluster provisions only allow at most 50% of the open space to be wetlands, thus there will be useable open space for the residents of the development to enjoy. Members Wiltbank and Weatherbee both noted that the Comprehensive Plan encourages cluster development in order to increase housing diversity and housing options.

Motion by Member Davitt to approve the proposed amendment to §4.6.2 to reduce the minimum tract size to 10 acres in the Rural district, 2 acres in the Residential A and B districts, and 0 acres in the Town Center district; second by Member Austin; motion carried by roll call vote 6/0/0.

Article 4, §4.7.6, stormwater management. Chairman Weldon noted the discussions at the previous meeting led to the Town Planner preparing several alternatives for consideration. Planner Cullen noted she had received, as requested by the board last week, suggested language submitted by Jim Kiser. She also spoke with Ken Libbey at DEP and the town's MS4 consultant about the best way to handle this. In addition, she researched the regulations in Ellsworth, which had been noted by several people as possibly having some relevance to what we were looking for. She added that her understanding of the board's desire was to deal primarily with preventing stormwater runoff from impacting abutting properties.

There was an extensive discussion on this issue by the board, staff, and Jim Kiser, the main points were:

- Maine DEP reviewed certain applications for stormwater: for sites that disturb one acre or more, compliance with Chapter 500 water quality requirements is required, and for sites that disturb three acres or more, compliance with Chapter 500 quantity requirements is also required.
- If a site is within the watershed of an urban impaired stream, the DEP threshold for water quality compliance is lowered to 20,000 square feet.
- As with any regulation that includes a threshold, a lot of people try to stay just under the threshold to avoid the added expense of compliance.
- The proposed zoning ordinance amendments are meant to both clarify what the town requires for stormwater management (the current ordinance language is quite general) and also to provide protections for abutters to small site developments in regards to preventing excessive amounts of stormwater runoff from entering and potentially ponding on their land.
- The board's top priority is to prevent adverse impacts to abutting properties, and is also concerned about water quality issues.
- Developers will generally grumble about such a requirement (that goes beyond what DEP requires through Chapter 500) but rarely if ever decide against development because of such requirements.
- On particularly flat sites the costs could be significantly higher, if the whole site needs to be raised to accommodate elevation differences needed for some types of stormwater facilities.

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- Staff recommends that whatever requirements are included be applicable town-wide and that we avoid having two sets of standards that apply to different geographic areas, particularly since one of those areas, the urbanized area, is changed every ten years by the US Census Bureau.

Since none of the options presented tonight hit the mark, the board took a five minute recess to allow staff to draft a new alternative. It is: "Any development required to obtain approval under site plan review that proposes a cumulative land disturbance of greater than 20,000 square feet and less than one acre (43,560 square feet) must comply with DEP Chapter 500 water quality requirements and provide post-development runoff locations and types that result in the same or less of an impact as those existing in the predevelopment condition. Post-development discharge points from a property shall be in the same general location and be of the same type (e.g. sheet flow, shallow concentrated flow) as the pre-development discharge locations and types or create an improvement to existing conditions. The applicant will provide the analysis, certified by a Maine registered professional engineer, necessary to document compliance. The permitting authority may authorize the use of stormwater drainage facilities located off site on privately owned land provided the applicant has obtained the right to use them and the powers necessary to ensure they will be properly maintained in good working order."

In addition, staff drafted the following to be added to §4.1.5.1, item 4: "Any development required to obtain approval under site plan review that proposes a cumulative land disturbance of greater than one acre will provide a copy of the submission documents made to Maine DEP for Chapter 500 compliance and if already approved a copy of the approval."

Motion by Member Wiltbank to approve the proposed amendments to §4.7.6 and §4.1.5.1 item 4 as written tonight; second by Member Austin; motion carried by roll call vote 6/0/0.

Chairman Weldon asked for any additional comments on anything in the proposed zoning ordinance, and hearing none, closed the public hearing at 8:15 pm.

Motion by Member Weatherbee to refer the proposed amendments to the Zoning Ordinance as submitted and modified during the Planning Board's public hearing to the Town Council with a recommendation "ought to pass"; second by Member Wiltbank; motion carried by roll call vote 6/0/0.

Chairman Weldon noted there will be two additional meetings on these amendments: June 6 at the Planning & Development Committee meeting, where it is up to the committee Chairman whether to take public comment, and at the June 18th public hearing at the Town Council meeting.

Motion by Member Davitt to adjourn the meeting at 8:20; second by Member Weatherbee; carried 6/0/0.



SITE PLAN - PERMITTED/CONDITIONAL USE APPLICATION

Please note that this application must be submitted with plans in conformance with Section 4.1 and 4.2 of the Hampden Zoning Ordinance. *Incomplete applications will not be processed. All fees must be paid for application to be processed. Proper number of copies of application must be submitted in order to be processed.* All town ordinances are available at www.hampdenmaine.gov for review.

RECEIVED

APR 26 2018

TOWN OF HAMPDEN ASSESSING DEPT

Date: 04/24/2018

APPLICANT:

Name: Johnny Jones

Address: 127 Cedar Breeze South Glenburn, ME 04401

Phone: (207) 992-0755 Cell: (207) 299-7677 Email: MVRA@myfairpoint.net

AGENT:

*Contact Angie Potter angie.potter@MVRA.US
951-0762..*

Name of agent or representative: _____

Address: _____

Phone: _____ Cell: _____ Email: _____

THE SITE:

Location of site: 569 Back Winterport Rd Hampden tax map and lot number: 2/86

Zoning district: Rural Existing use of property: Residential

Legal interest in the parcel: Owner

Owner of parcel if other than applicant: _____

Owner's address: _____

PROPOSED PROJECT:

Proposed use of property: Level III Residential Care Facility - State of Maine Licensed
(Please include floor area per use, seating if applicable, and land area).

Proposed starting date: _____ Final completion date: _____

(APPLICATION CONTINUES ON REVERSE SIDE.)

Will your project result in more than one acre of disturbed land area? Yes No.

If yes, you are required to obtain either a Construction General Permit or Stormwater Permit by Rule from the Maine Department of Environmental Protection. If you are in the Urbanized Area of Town and discharge stormwater to the Municipal Separate Storm Sewer System (MS4) a Post-construction Stormwater Management Application shall be submitted to the Town pursuant to the Town of Hampden Post-construction Stormwater Management Ordinance.

FEES: Application fee is: \$75.00 for structures under 3,000 sq. ft. and total site improvements under 5,000 sq. ft.; \$150.00 for structures between 3,000 and 20,000 sq. ft. and total site improvements under 50,000 sq. ft.; and \$500.00 for structures in excess of 20,000 sq. ft. and more than 50,000 sq. ft. of site improvements.

Application fee amount: 75.00

Draw account contribution: The Town of Hampden requires applicants to provide \$600.00 for the Town to hire an engineer to review their plans and, if necessary, \$1,000.00 for an engineer to review their traffic analysis. Draw account contribution is: _____ (Any unspent portion of the draw account will be returned to applicant, however, if additional funds are required, applicant agrees to cover all costs that the Town of Hampden may incur. Complete and accurate submissions require less time to review.)

CERTIFICATION: By signing this form I certify that the information provided on these plans, text, and associated testimony is true and correct. I certify that all site improvements will be constructed in strict conformance with Planning Board approved plans. Furthermore, I acknowledge that if the constructed site improvements are not built in accordance with the zoning ordinance and Planning Board approved plans that I am obliged to take corrective action that may include obtaining a revised Planning Board approval or the removal of non-conforming uses and structures and site improvements. (Agents that lack authority to certify said items should not sign this form.)

Signature:  Date: 4/24/18

OFFICE USE ONLY

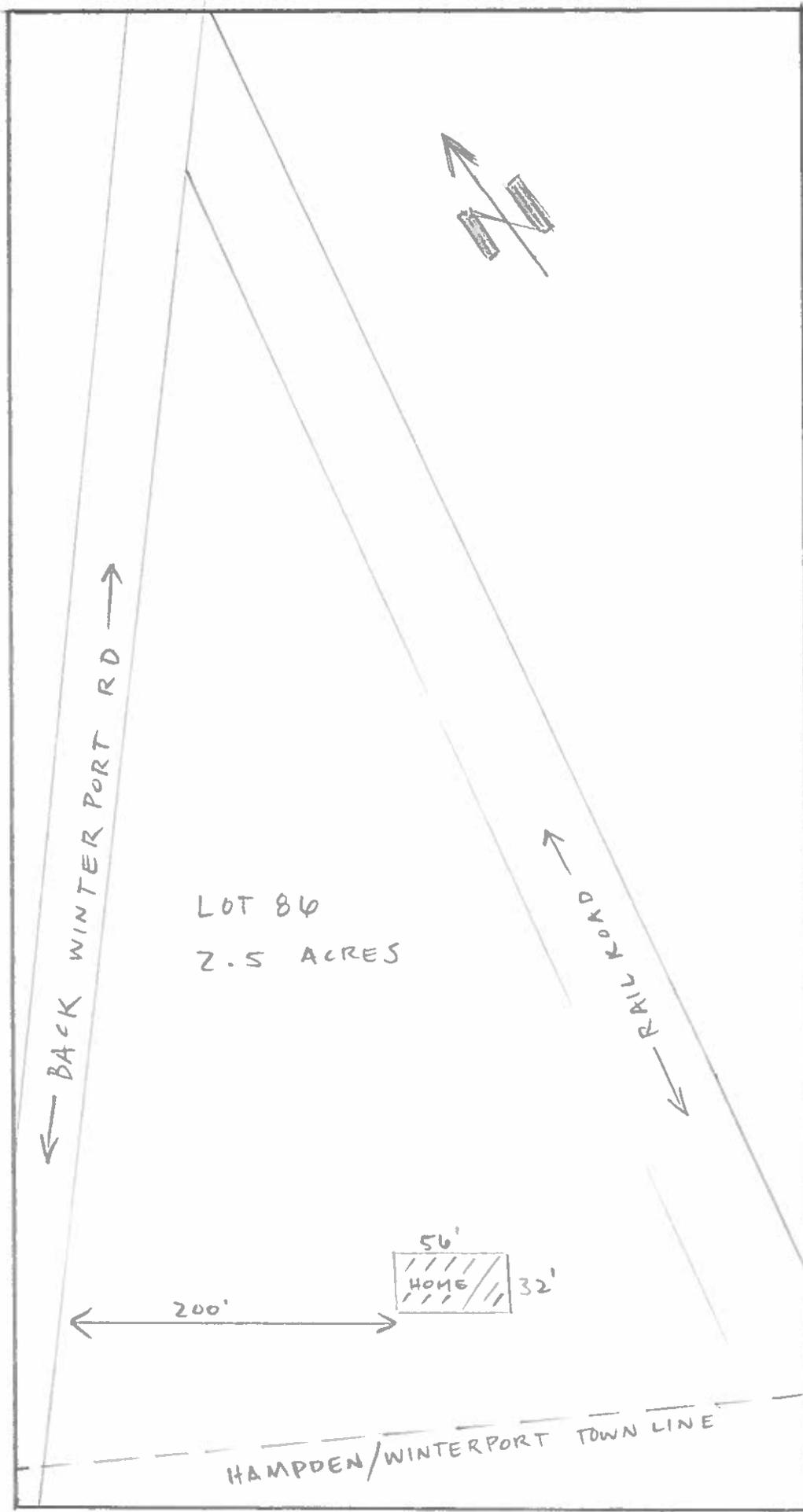
Date received: 4/26/18 Date complete: _____

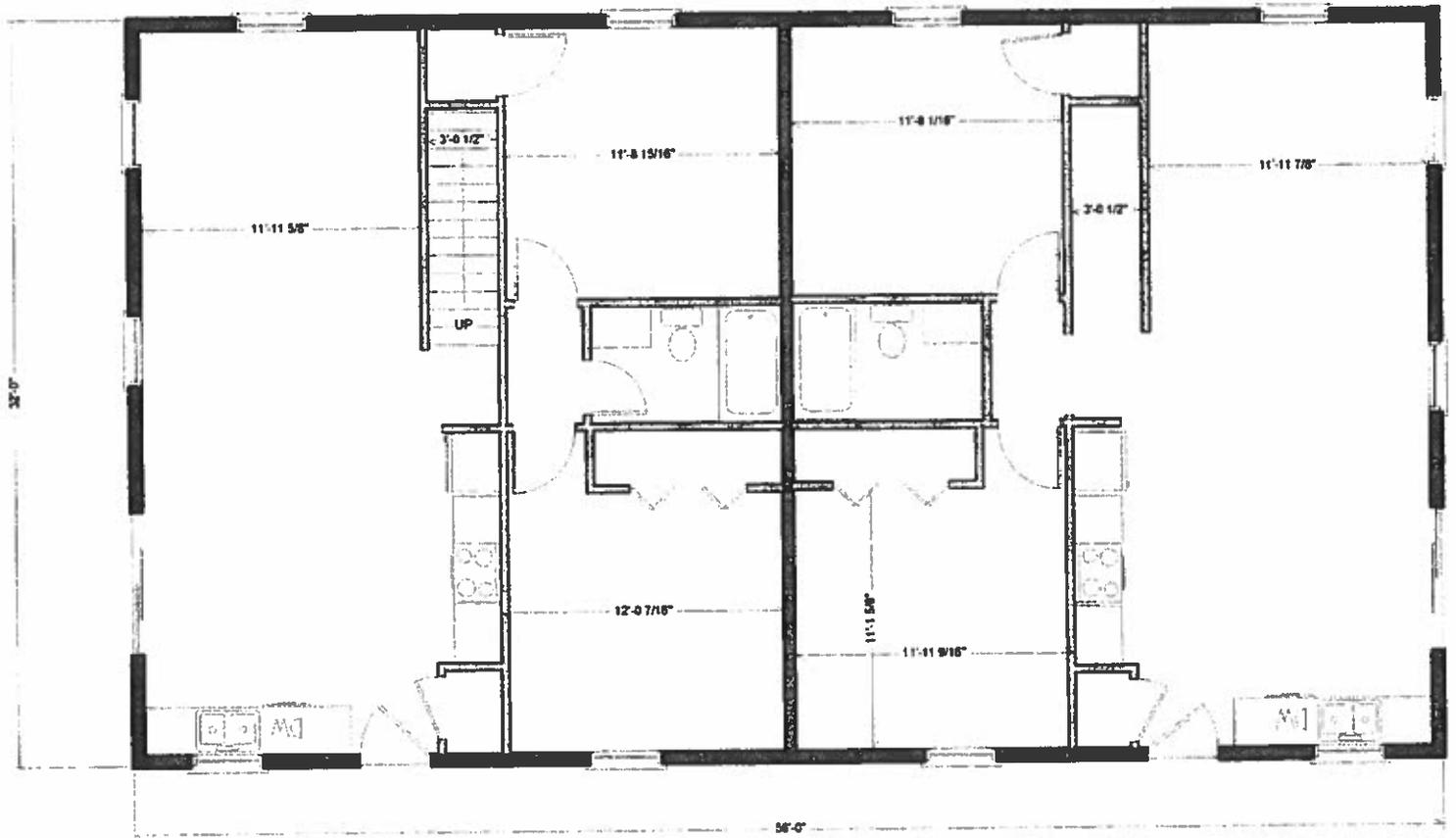
Fees paid: Amount/Date: 7500 Draw paid: Amount/Date: _____

Conditional Use determination: _____

Planning Board action: _____ Date: _____

Conditions: _____





LIVING AREA
1792 sq ft

NOT AN OFFICIAL COPY NOT AN OFFICIAL COPY

WARRANTY DEED

NOT AN OFFICIAL COPY NOT AN OFFICIAL COPY

R. Douglas Townsend a/k/a Raymond Douglas Townsend, II and Sheila M. Townsend, husband and wife of Hampden, Penobscot County, Maine, for consideration paid, grant(s) to Michelle L. Jones and Johnny M. Jones, husband and wife of Glenburn, Penobscot County, Maine (whose mailing address is 127 Cedar Breeze Street, Glenburn, ME 04401) with Warranty Covenants, as joint tenants, the following described real estate:

A certain lot or parcel, together with any improvements thereon, situated in Hampden, Penobscot County, Maine, more particularly described as follows:

Beginning at the intersection of the southeasterly sideline of Back Winterport Road with the westerly line of Bangor and Aroostook Railroad Company, hereinafter referred to as Railroad, said Railroad depicted on Right of Way and Track Map; Northern Maine Seaport R.R. operated by the Bangor & Aroostook R.R. Co., dated June 30, 1916, sheet v.l.a./7; thence southerly along the westerly line of said Railroad 563 feet, more or less, to the Division Line between the Town of Hampden and the Town of Winterport; thence westerly along said Hampden/Winterport Division Line 378 feet, more or less, to the southeasterly sideline of Back Winterport Road; thence northeasterly, by and along the southeasterly sideline of Back Winterport Road, 677 feet, more or less, to the point of beginning.

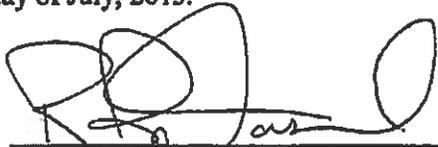
For grantors' source of title, reference may be had to a deed from Northeast Timber Corp. to the grantor(s) herein, dated October 29, 2003, recorded in Penobscot Registry of Deeds, Volume 9056, Page 35.

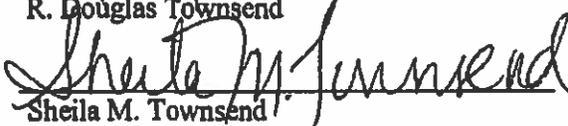
Any and all other rights, easements, privileges and appurtenance belonging to the granted estate are hereby conveyed.

This conveyance is made subject to the property taxes assessed against the premises which said taxes are to be prorated between the parties hereto as of the date of delivery of this deed in accordance with 36 M.R.S.A., sec. 558.

Witness our hand(s) and seal(s) this 10th day of July, 2015.

WITNESS:



R. Douglas Townsend


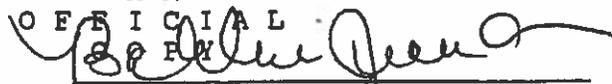
Sheila M. Townsend

STATE OF MAINE NOT
PENOBSCOT ~~TS~~ AN OFFICIAL
COPY

NOT AN July 10, 2015
OFFICIAL
COPY

Then personally appeared the above named R. Douglas Townsend and acknowledged the foregoing instrument to be his/her free act and deed.

NOT AN
Before me, OFFICIAL
COPY

NOT AN
OFFICIAL

Notary Public/Justice of the Peace
Commission Expiration:

File No.: 15-0970

BOBBIE-JEAN ADAM
Notary Public - State Of Maine
My Commission Expires November 1, 2019

Maine Real Estate
Transfer Tax Paid

PENOBSCOT COUNTY, MAINE


Register of Deeds



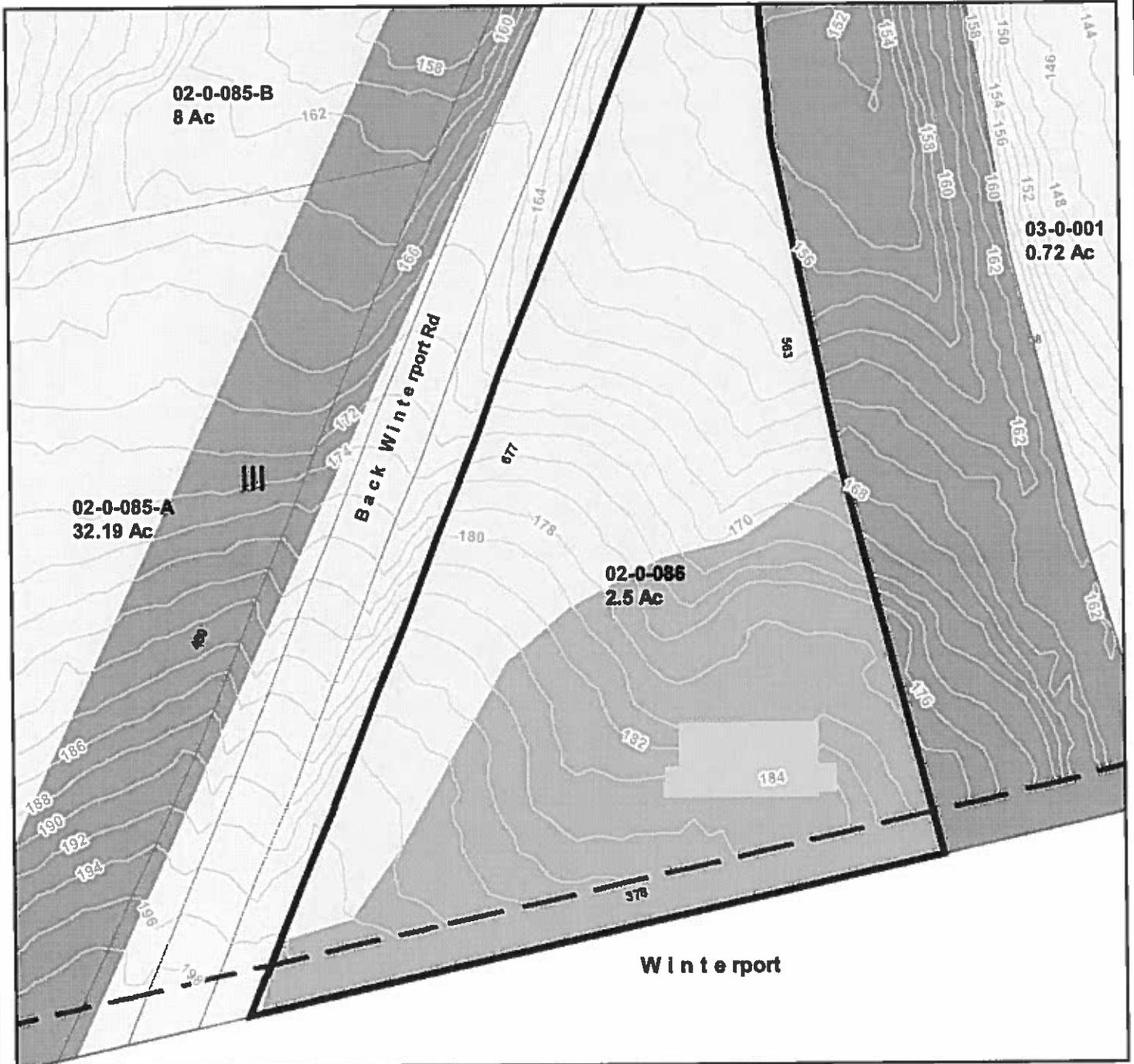
Hampden, ME



April 25, 2018

1 inch = 67 Feet

www.cai-tech.com



Large Scale		Lot Number and Acreage		Forest Land	
	CAI Town Line		Buildings		Urban or Built-up Land
	Street Names		Rural		III
	Parcel Lines - No Ortho		125 - 210		

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







4/25/2018

Town of Hampden
Planning Department
106 Western Ave
Hampden, ME 04444

Dear Planning Board,

Maine Vocational Rehabilitation and Associates (MVRA) is a family-owned social services agency with offices in Bangor, Portland, Augusta and Rockland. I, John Jones, am the Division Manager for the Bangor location and currently seeking to obtain a conditional use permit for a residential property I own at **569 Back Winterport Road**. At this current time the residence is being leased to three tenants, two MVRA clients in one unit and another tenant in the neighboring unit.

MVRA has recently submitted an application to the State of Maine to obtain a Level III Residential Facility license for the Hampden residential property. Due to the overwhelming requests and extensive waitlist for MaineCare Section 21 Waiver clients, MVRA is able to accept another client in the residence with this particular license approval.

MVRA will not be making any renovations to the residence and will fully comply with both municipal and state regulations. In accordance to Zoning Ordinance 4.2.3, MVRA states the following:

1. Odorous matter is a non-applicable as the residence will not be emitting any odorous or toxic matter at any time. Electromagnetic interference is a non-applicable as the residence will not use or produce any electromagnetic interference at any time. MVRA is in full compliance with Federal, State and local fire safety standards.
2. Collection, storage and disposal of all waste generated or stored on site will be handled the same with no change and in full compliance.
3. No devaluing of property or neighboring properties will occur at the current residence.
4. No unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions will occur at the current residence.
5. No cause or aggravated hazardous traffic congestion will occur at the current location.

6. No denial of light and air to surrounding properties will occur at the current location.
7. MVRA is accordance with State and Municipal levels of safe and healthful conditions. The following is non-applicable to the current residence; water pollution, erosion or sedimentation, impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat and conservation of shore cover and visual, as well as actual, access to water bodies.
8. MVRA has adequate financial and technical capacity to meet the requirements of this Ordinance and any conditions imposed by the planning board under the provisions of *Article 4.2.4*.
9. The current residence meets all standards contained in Ordinance *Article 4.10*.

MVRA intends to make no real changes to the residence or surrounding area, nor will there be any signage indicating it is a Level III Residential Facility in order to maintain the privacy and confidentiality of the clients. No changes will be made in traffic flow and will not be generating no more than 3 clients in any one day. In order to be compliant with the State of Maine regulation Section 16.2.15, a direct source of heat must be provided in the finished basement bedroom. Following a conversation with the Office of the State Fire Marshall it was advised to install a hard-wired baseboard heater with a thermostat to be inspected at both local and State coding regulations.

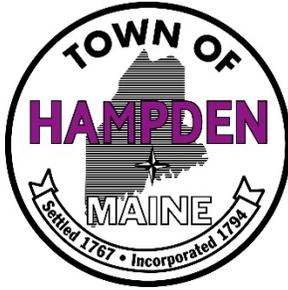
MVRA appreciates the assistance and consideration the Town of Hampden has extended.

Sincerely,



John Jones
Resident Owner
MVRA Division Manager – Bangor
350 Hancock Street Suite 1B
Bangor, ME 04401
(207) 990-1666 Office
(207) 299-7677 Cell
(207) 990-1688 Fax
mvra@myfairpoint.net

Town of Hampden
Land & Building Services



Report on Application
Conditional Use
Jones Nursing Home Use

To: Planning Board
From: Ben Smith, AICP, Contract Planner
Date: May 22, 2018
RE: Conditional Use Application – Nursing Home/residential care facility

Project Information

Applicant: John Jones
Site Location: 569 Back Winterport Road; Tax Map/Lot: 02-0-086
Zoning District: Rural Zoning District
Proposal: Convert existing 2-unit residential building into a 2-unit independent living home for adults with disabilities.

Mr. Jones proposes to have both units in this duplex be available for use as a small group living home for adults with intellectual disabilities. An application dated April 24, 2018, is attached to this memo, which includes a letter explaining what this conversion entails. Under the town zoning ordinance, this use is classified as a Nursing Home, which is a conditional use in the Rural zoning district. In practice, this small facility will more closely resemble what one might think of as an assisted living facility, with a lower level of care and more independence than typically associated with a traditional Nursing Home.

I have reviewed this application with members of town staff and determined the application to be complete. A draft Order is also attached for your review.

This application meets the requirements of Section 4.2.3, Standards Governing Conditional Use Permits in the Zoning Ordinance (page 34-35):

1. The proposed use will be located in a building that meets the provisions of the zoning ordinance.
2. The proposed use will provide for adequate and safe provision for the collection, storage and disposal of all wastes generated or stored on site, given the nature of an artist gallery and studio.
3. The proposed use will not significantly devalue abutting property or property located across a public or private way, as all activity will be residential in nature and contained within the existing structure.

4. The proposed use will not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions, given that this use will not generate any of the listed emissions.
5. The proposed use will not cause or aggravate hazardous traffic congestion, given the low levels of traffic this use may generate throughout the day.
6. The proposed use will not deny light and air to surrounding properties, given that the use will be contained within an existing building.
7. The proposed use will not have an impact on the environment or wildlife habitat, given that the use will not involve new construction activities.
8. The applicant has adequate capacity to meet the requirements of the ordinance.
9. The proposed use does not involve the use of a residence for business purposes.

Based on the above, I recommend approval of the conditional use application as submitted.



SITE PLAN - PERMITTED/CONDITIONAL USE APPLICATION

Please note that this application must be submitted with plans in conformance with Section 4.1 and 4.2 of the Hampden Zoning Ordinance. *Incomplete applications will not be processed. All fees must be paid for application to be processed. Proper number of copies of application must be submitted in order to be processed.* All town ordinances are available at www.hampdenmaine.gov for review.

Town of Hampden
RECEIVED

MAY 07 2018

Code Enforcement
Office

Date: 5/2/2018

APPLICANT:

Name: Claustin Lawrence

Address: 59 Kidder Hill Rd. Holden, MS 04429

Phone: 207-843-6913 Cell: 207-756-2546 Email: chuck@aol.com

AGENT:

Name of agent or representative: Same as Above

Address: _____

Phone: _____ Cell: _____ Email: _____

THE SITE:

Location of site: Rt. 202 / Coldbrook Rd Hampden tax map and lot number: 33 0-11-6

Zoning district: CSD Existing use of property: N/A

Legal interest in the parcel: OWNER

Owner of parcel if other than applicant: Southstreet Development LLC

Owner's address: 15 Southstreet Blue Hill 14e 04614

PROPOSED PROJECT:

Proposed use of property: 6900 sq-ft. Convenience store / gas station
(Please include floor area per use, seating if applicable, and land area).

Proposed starting date: 5 / 2018 Final completion date: 9 / 2018

(APPLICATION CONTINUES ON REVERSE SIDE.)

Will your project result in more than one acre of disturbed land area? Yes No.

If yes, you are required to obtain either a Construction General Permit or Stormwater Permit by Rule from the Maine Department of Environmental Protection. If you are in the Urbanized Area of Town and discharge stormwater to the Municipal Separate Storm Sewer System (MS4) a Post-construction Stormwater Management Application shall be submitted to the Town pursuant to the Town of Hampden Post-construction Stormwater Management Ordinance.

FEES: Application fee is: \$75.00 for structures under 3,000 sq. ft. and total site improvements under 5,000 sq. ft.; \$150.00 for structures between 3,000 and 20,000 sq. ft. and total site improvements under 50,000 sq. ft.; and \$500.00 for structures in excess of 20,000 sq. ft. and more than 50,000 sq. ft. of site improvements.
Application fee amount: 7500

Draw account contribution: The Town of Hampden requires applicants to provide \$600.00 for the Town to hire an engineer to review their plans and, if necessary, \$1,000.00 for an engineer to review their traffic analysis. Draw account contribution is: _____ (Any unspent portion of the draw account will be returned to applicant, however, if additional funds are required, applicant agrees to cover all costs that the Town of Hampden may incur. **Complete and accurate submissions require less time to review.**)

CERTIFICATION: By signing this form I certify that the information provided on these plans, text, and associated testimony is true and correct. I certify that all site improvements will be constructed in strict conformance with Planning Board approved plans. Furthermore, I acknowledge that if the constructed site improvements are not built in accordance with the zoning ordinance and Planning Board approved plans that I am obliged to take corrective action that may include obtaining a revised Planning Board approval or the removal of non-conforming uses and structures and site improvements. (Agents that lack authority to certify said items should not sign this form.)

Signature: Chris Lamer Date: 5-7-18

OFFICE USE ONLY

Date received: _____ Date complete: _____

Fees paid: Amount/Date: _____ Draw paid: Amount/Date: _____

Conditional Use determination: _____

Planning Board action: _____ Date: _____

Conditions: _____



TRADE WINDS

SOUTHSTREET DEV. LLC CO.
15 SOUTHSTREET
BLUE HILL ME 04614

5-10-2018

RE: SIGN FOR 98 COLDBROOK RD

Hampden planning board

Dear Board members,

Please see attached the propose sign for the property at 98 Coldbrook rd. It is 11.5 sqft over the sign ordinance, and 7.9 sqft over the 10 percent variance allowed without planning board approval . I would like to ask for your approval since the sign is only 18ft in height and 5 ft in width for a total of 47.5 sqft . This sign will also be set back over 100 ft from both Coldbrook rd and RT 202 because of the DOT right of way. This is the smallest of the standard Citgo Petroleum signs and I would like to have a small company store name. This sign will not effect any of the other businesses or neighborhoods. Since this sign is set back so far I feel it is critical that I have a sign that allows the price to be visible. There are no changes to the location on the site plan approved in early March. Thank you for considering my request.

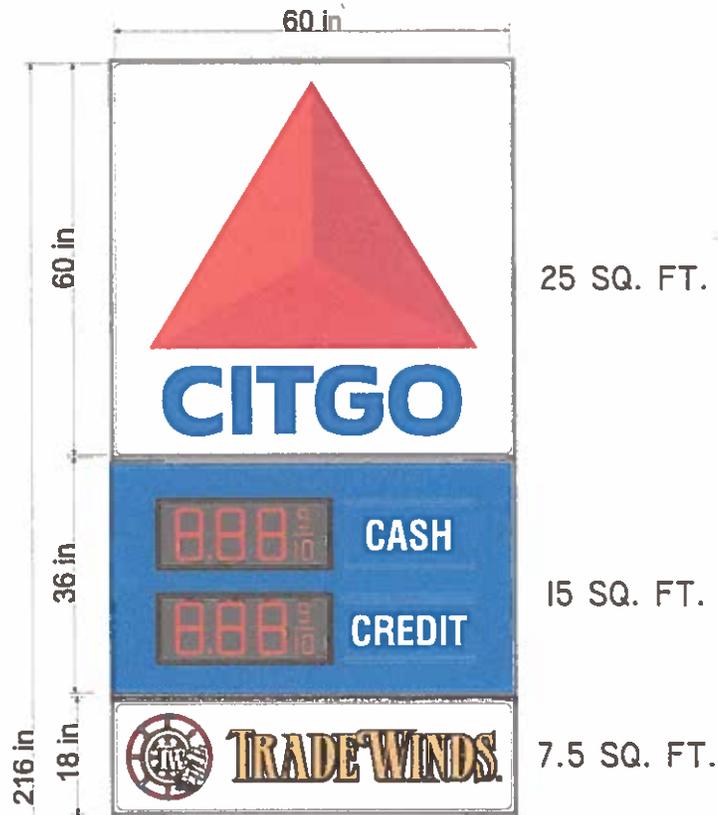
Sincerely,

Claustin (Chuck) Lawrence

**Town of Hampden
RECEIVED**

MAY 07 2018

**Code Enforcement
Office**



47.5 SQ. FT. TOTAL
PROPOSED NEW SIGN



1387 Hammond St.
Bangor ME 04401
Tel (207) 947-2766
Fax (207) 942-5331
1-800-638-7133

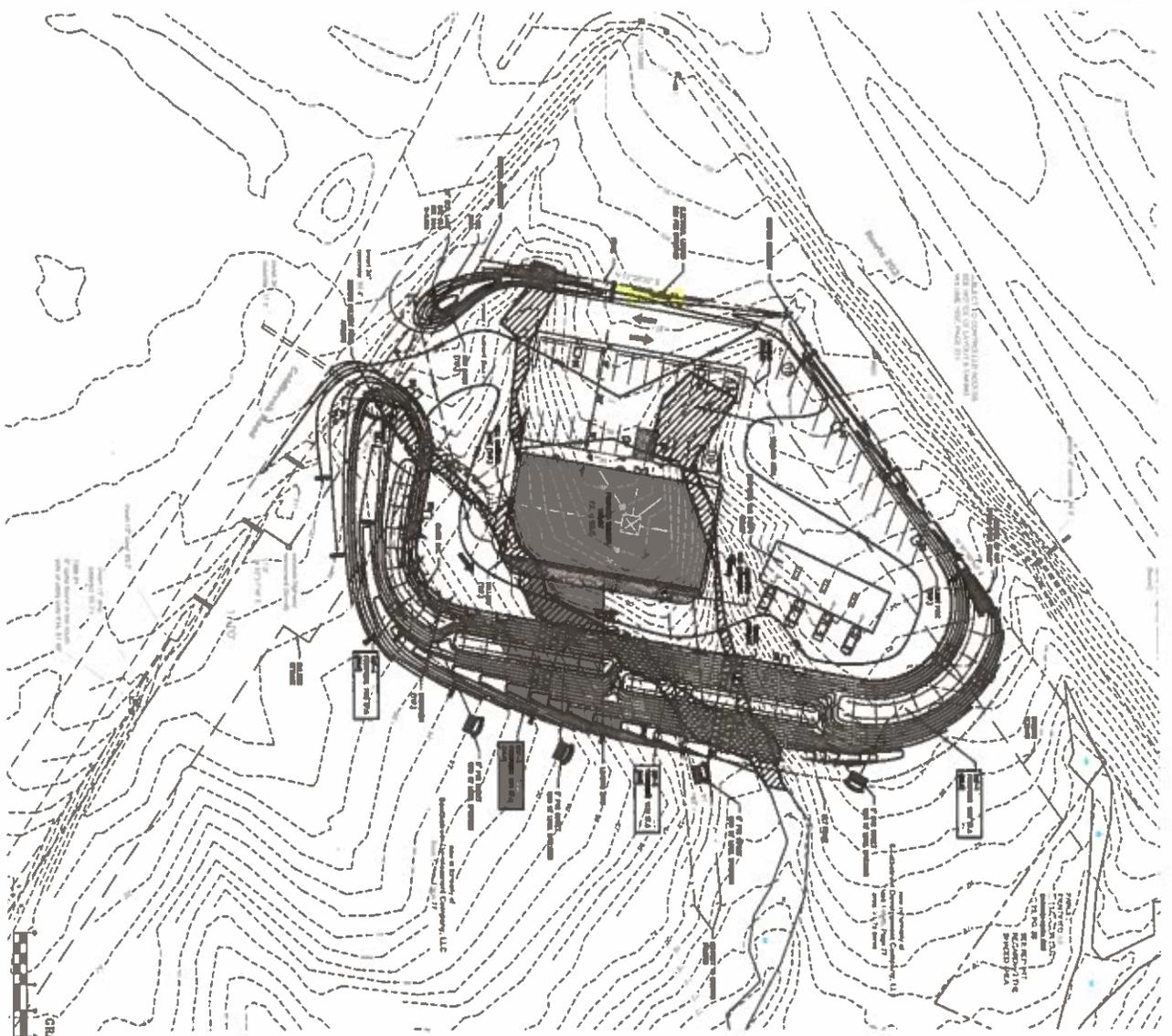
CLIENT: TRADEWINDS HAMPDEN
DATE: 05/02/18

SCALE: N/A" = 1'-0"
DRAWN BY: LDW

DATE: APPROVED:

NOTES:

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GRAPHIC SCALE
 1" = 50' (SEE PLAN)

FOR REVIEW
 03-05-2016

COMMERCIAL SERVICES EXTENT	
DATE OF ISSUE	03/05/2016
ISSUED BY	JL
DESIGNED BY	JL
CHECKED BY	JL
DATE OF REVIEW	03/05/2016
REVIEWED BY	JL
DATE OF APPROVAL	03/05/2016
APPROVED BY	JL

- 1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
- 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
- 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
- 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE UNLESS OTHERWISE NOTED.
- 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE SIDEWALK UNLESS OTHERWISE NOTED.
- 8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CURB UNLESS OTHERWISE NOTED.
- 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PARKING SPACE UNLESS OTHERWISE NOTED.
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- 12. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE BIKEWAY UNLESS OTHERWISE NOTED.
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- 14. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PATH UNLESS OTHERWISE NOTED.
- 15. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE BRIDGE UNLESS OTHERWISE NOTED.
- 16. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE TUNNEL UNLESS OTHERWISE NOTED.
- 17. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE UNDERPASS UNLESS OTHERWISE NOTED.
- 18. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE OVERPASS UNLESS OTHERWISE NOTED.
- 19. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE VIADUCT UNLESS OTHERWISE NOTED.
- 20. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ELEVATED ROAD UNLESS OTHERWISE NOTED.
- 21. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DEGRADED ROAD UNLESS OTHERWISE NOTED.
- 22. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

NO.	DATE	BY	DESCRIPTION
1	03-05-2016	JL	FOR REVIEW

GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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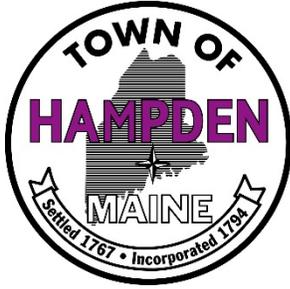
SOUTHSTREET DEVELOPMENT
TRADEWINDS
 COLDBROOK ROAD HAMPDEN, MAINE
SITE PLAN



NO.	DATE	BY	DESCRIPTION
1	03-05-2016	JL	FOR REVIEW

CARPENTER ASSOCIATES
 CONSULTING ENGINEERS
 697 STILLWATER AVENUE • OLD TOWN • MAINE 04861





Town of Hampden
Land & Building Services
Report on Application
Tradewinds
Site Plan 1st Amendment
Project Signage

To: Planning Board
From: Ben Smith, AICP, Contract Planner
Date: May 22, 2018
RE: Report on Application, Tradewinds Site Plan 1st Amendment – Public Hearing.
Signage Waiver Request - Project Signage of in excess of zoning district standard

Project Information

Applicant: Southstreet Development Company, LLC
Site Location: 98 Coldbrook Road, Tax Map 33; Lot 11B
Zoning District: Commercial Service Zoning District
Proposal: Sign Details, dimensional waiver

The site plan for the Tradewinds convenience store and gas station was approved by the Hampden Planning Board at the meeting on March 21, 2018. The property was rezoned last fall from Residential A to Business Services.

The standards for signs in the Commercial Service District are in Section 4.8.7.3 of the Zoning Ordinance (page 57). These standards limit a property to one freestanding sign of no more than thirty-six (36) square feet in area. The applicant is proposing a 47.5 square foot sign.

This amendment request is for Planning Board review of the signage dimensions. The Board approved the location of the project signage, along with a representative detail on Sheet 10 of the plan set with the requirement that the signage meet meet the requirements of the ordinance. The applicant is requesting Board approval of this sign based on the provisions for waivers of sign dimensions in Section 4.8.11 (page 59).

A public hearing is scheduled for this plan amendment at the meeting on June 13, 2018. As an amendment, the Planning Board should focus on the elements of the plan

proposed to be changed from the currently approved plan, namely the size of the project sign.

Per the Waiver section of the Sign standards, the Board should keep public safety, public health and the minimization of nuisances when making a determination on whether or not this this waiver request for the size of the sign:

1. Will or will not unreasonably detrimentally change the character of the neighborhood,

Planner comment: The proposed sign is 32% larger than otherwise allowed in the Commercial Service zoning district. However, the location of the sign is at the intersection of Route 202 and Coldbrook Road and will not change the character of the neighborhood.

2. Will or will not unreasonably affect the use of surrounding properties, and that
Planner comment: Granting a waiver for a sign that exceeds the size requirements established for the zoning district as proposed will not impact the use of the surrounding properties from a nuisance or safety standpoint. All of the properties at this major intersection are zoned for Commercial Services. The properties across Cold Brook Road are a trailer sales/rental company and a restaurant.

3. The requested waiver is not the result of action taken by the applicant or a prior owner.

Planner comment: This is not applicable, as there is no existing sign on site. The ordinance gives the Board the ability to waive any of the requirements set forth in 4.8.7 (Signs in Commercial Districts).



Town of Hampden
Land & Building Services

Memorandum

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KME*
Date: June 5, 2018
RE: Amendments to Planning Board Bylaws

Attached is a draft of proposed amendments to the Board's Bylaws. The primary reason to amend them at this time is to handle items being moved from the zoning ordinance, specifically application deadlines and public hearing notices. Other changes include the addition of a vice-chair and elimination of a secretary, since staff handles those duties. In the unlikely event the Town eliminates the town planner position and any other staff who would be responsible for secretarial duties, the bylaws can be amended to add the secretary back. Under article 3, membership, the language in item D is deleted since the same language appears in the town's charter.

HAMPDEN PLANNING BOARD

BY-LAWS

ARTICLE 1 – NAME

This organization shall be known as the Hampden Planning Board.

ARTICLE 2 – PURPOSE

These By-Laws are established by the Hampden Planning Board to aid in the fulfillment of its responsibility under the Maine Constitution, the Statutes of Maine, the Charter of the Town of Hampden and the Municipal Ordinances, all of which have precedence. These By-Laws are intended to insure fair and equitable treatment in all proceedings of the Hampden Planning Board. A copy of these Bylaws shall be provided to each applicant subdivision, site plan or other development proposal requiring Planning Board review and approval at the time applications are submitted or upon request of applicants thereafter. These Bylaws shall also be posted on the Town of Hampden web site.

ARTICLE 3 – MEMBERSHIP

- A. The Planning Board consists of seven regular members and two alternates appointed by the Town Council for terms of five years each.
- B. All Planning Board members, regular and alternate, shall be expected to attend all meetings.
- C. An alternate member may participate in the Board's proceedings but may vote only when s/he has been designated by the Chairperson to sit in for a regular member. The Chairperson shall so designate when any regular member is absent or when a regular member is unable to act because of conflict of interest or any other satisfactory reason.
- ~~D. Any person serving on any town board or committee shall forfeit their seat if they (1) lack any time during their term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime or offense which is, during their term, reasonably related to their inability to serve, or (4) fails to attend three consecutive regular meetings or no more than a maximum of six meetings per year of the board without being excused by said board. (Amended: 8/11/82)~~

ARTICLE 4 - OFFICERS AND DUTIES

- A. The Board shall elect a Chair ~~and Vice Chair person~~ from its members annually at its regularly scheduled meeting in January for a one year term. The ~~Chairperson~~ Chair and Vice Chair ~~are~~ is eligible for reelection.
 1. The Chairperson shall call all meetings of the Planning Board and shall preside at all meetings of the Board.
 2. The Chairperson shall call at least eight regular meetings of the Board each year.
 3. The Chairperson shall represent the Planning Board and be its official spokesperson in all matters.
 - ~~4. The Chairperson shall be responsible for ensuring that new members receive an orientation.~~
 - ~~5.4.~~ 5. The Chairperson may appoint committee Chairpersons subject to Board approval.
 - ~~6.5.~~ 6. In the event that the Chairperson is unable to attend a called meeting of the Planning Board, ~~s/he shall designate another member of the the Vice Chair of the Board~~ will ~~to~~ act in his/her stead at that meeting.

- ~~B. The Board shall elect a secretary from among its members annually at its regularly scheduled meeting in January for a one-year term. The secretary is eligible for re-election:~~
- ~~1. The secretary shall be responsible for supervising the maintenance of accurate records of the Planning Board meetings, including all official actions.~~
 - ~~2. Records and correspondence of the Planning Board shall be maintained in the Town Office and may be inspected during municipal business hours.~~
 - ~~3. Minutes of all meetings of the Planning Board shall be distributed to the members of the Board, Town Council, the Chairman of the Zoning Board of Appeals, the Town Manager, Code Enforcement Officer, and to such other persons as the Chairperson deems advisable.~~
 - ~~4. Minutes of the Planning Board meetings shall be officially approved at the next regular meeting of the Board, subject to corrections. Such approved minutes shall constitute the official record of the meetings of the Board.~~

ARTICLE 5 – MEETINGS

- A. A regular meeting, if called, of the Planning Board shall be held on the second Wednesday of the month. ~~(Amended: 9/10/81)~~
- B. Special meetings may be called by the Chairperson ~~and shall be called when requested by a majority of the Planning Board, provided that twenty-four (24) hour notice is given to each Planning Board member. Unless proper public notice is able to be given, it will be a non-voting meeting.~~
- C. A quorum of the Board necessary to conduct official business shall consist of four members. A concurring vote of a majority of those present and eligible to vote is required in order for the Planning Board to act officially. However, no official action may be taken unless the majority includes at least three.
- D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is challenged.
- E. Submission Deadlines.
- a. Applications for projects that do not require a Public Hearing are due to the Planning Department 15 days prior to the meeting date.
 - ~~D. Applications for projects that require a Public Hearing are due to the Planning Department 45 days prior to the meeting date.~~
 - b.
- ~~E-F.~~ The agenda for regular meetings shall be e-mailed to all members at least six days prior to the meeting.
- ~~F. The Planning Board agenda and minutes of meetings shall be mailed to the current chairpersons of the Town's standing and special committees. (Amended: 7/10/85)~~

ARTICLE 6 - RULES OF PROCEDURE

- A. An individual wishing to assure Planning Board consideration of any matter other than ~~subdivision review, site plan review, conditional use review or conditional lot dimension review~~ an application under the Subdivision Ordinance or the Zoning Ordinance shall notify the ~~Code Enforcement Officer~~ Town Planner at least 15 days in advance of a regular ~~or special~~ meeting.
- Meetings shall be conducted in accordance with Maine Statues, including Maine's Freedom of Access – Public Right to Know Law, as outlined in Title 1, M.R.S.A., Sections 401-410, as amended, Town Ordinances, these By-Laws and pertinent parts of the latest revisions of Roberts Rules of Order, ~~—~~ however, the Board may also establish

special rules for the conduct of any business provided such establishment of rules does not violate state or municipal law or ordinance.

~~B.~~

~~B.—New material related to project review will not be accepted at a Planning Board meeting, unless the majority of Board members vote to allow it. Information shall be presented to the Planning Board in one or more of the following manners. No information shall be submitted except in one of these manners. (Amended: 11/12/86)~~

~~As part of a formal application to the Planning Board submitted in accordance with the zoning and/or subdivision ordinances;~~

~~As verbal or written testimony during a public hearing; or~~

~~At the request of the majority of the Board present and eligible to vote.~~

C.

ARTICLE 7 - PUBLIC HEARINGS

All public hearings held by the Planning Board as required by law or ordinances of the Town of Hampden, in addition to meeting special requirements of such law or ordinances, shall comply with the following procedures unless waived by the Planning Board.

A. Public Hearing notice.

a. Public Hearings must be advertised in a local newspaper at least 10 calendar days prior to the date of the hearing.

b. Notice of Public Hearings will be mailed to all property owners within 300 of the property subject to the application as shown in the Assessor's records. Town staff is responsible for preparing and distributing such notices but the applicant will be responsible for paying for the costs of this notice.

~~A.B. All public hearings shall be tape-recorded and the recording of the hearings kept in the permanent record of the Planning Board shall be posted on the Town of Hampden web site.~~

C. The applicant, or the applicant's representative, shall present opening statements regarding the project, including any plans, reports, testimony or other evidence.

D. The Town Planner, followed by other Town staff or other officials may introduce any correspondence, present reports, commentary and recommendations.

E. All interested parties and members of the public shall be given an opportunity to be heard offer statements relevant to the project under consideration; however, the Chairperson may limit discussion to new information and pertinent information. By majority vote of its members, the Board may limit testimony to a set time period for each member of the public present and may extend or modify this time period based upon a majority vote of those Board members present and voting.

~~B. The order of presentation shall be as follows unless the Chairperson rules otherwise:~~

~~1. Major proponents – 30 minute limitation~~

~~2. Other proponents – 5 minute limitation~~

~~3. Major opponents – 30 minute limitation~~

~~4. Other opponents – 5 minute limitation~~

~~5. Appropriate town officials~~

~~6. Rebuttal – 5 minute limitation~~

~~C. Major proponents and opponents shall be encouraged to present written information for distribution in advance and at such public hearing.~~

~~D. Decisions required as a result of public hearings shall be made in accordance with appropriate laws and/or ordinances.~~

~~E. All information, recordings and materials made part of the public hearing shall be maintained as part of the permanent record of the hearing. Costs of transcriptions of the hearings shall be borne by the party requesting the transcript.~~

~~F. A public announcement of the hearing shall be made by posting a notice of intent in the Banger Daily News in accordance with State and municipal laws and ordinances.~~

ARTICLE 8 - ADOPTION AND AMENDMENTS

These By-Laws may be adopted and/or amended by a concurring vote of at least 5 members at any regular meeting of the Planning Board, provided the proposed By-Laws or the proposed amendment has been discussed at the previous regular meeting of the Board.

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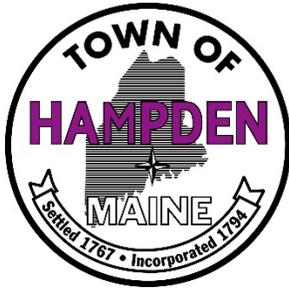
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Town of Hampden
Land & Building Services

Memorandum

To: Planning Board
From: Karen M. Cullen, AICP, Town Planner *KMC*
Date: June 5, 2018
RE: Stormwater 101

The attached stormwater report was been prepared for the Town Council as a substitution to their annual presentation on "Stormwater 101" this year. Since we have several new members on the Planning Board, I will be giving the presentation at the meeting June 13th, but also wanted you to have this report.

STORMWATER 101

MS4 Program Updates

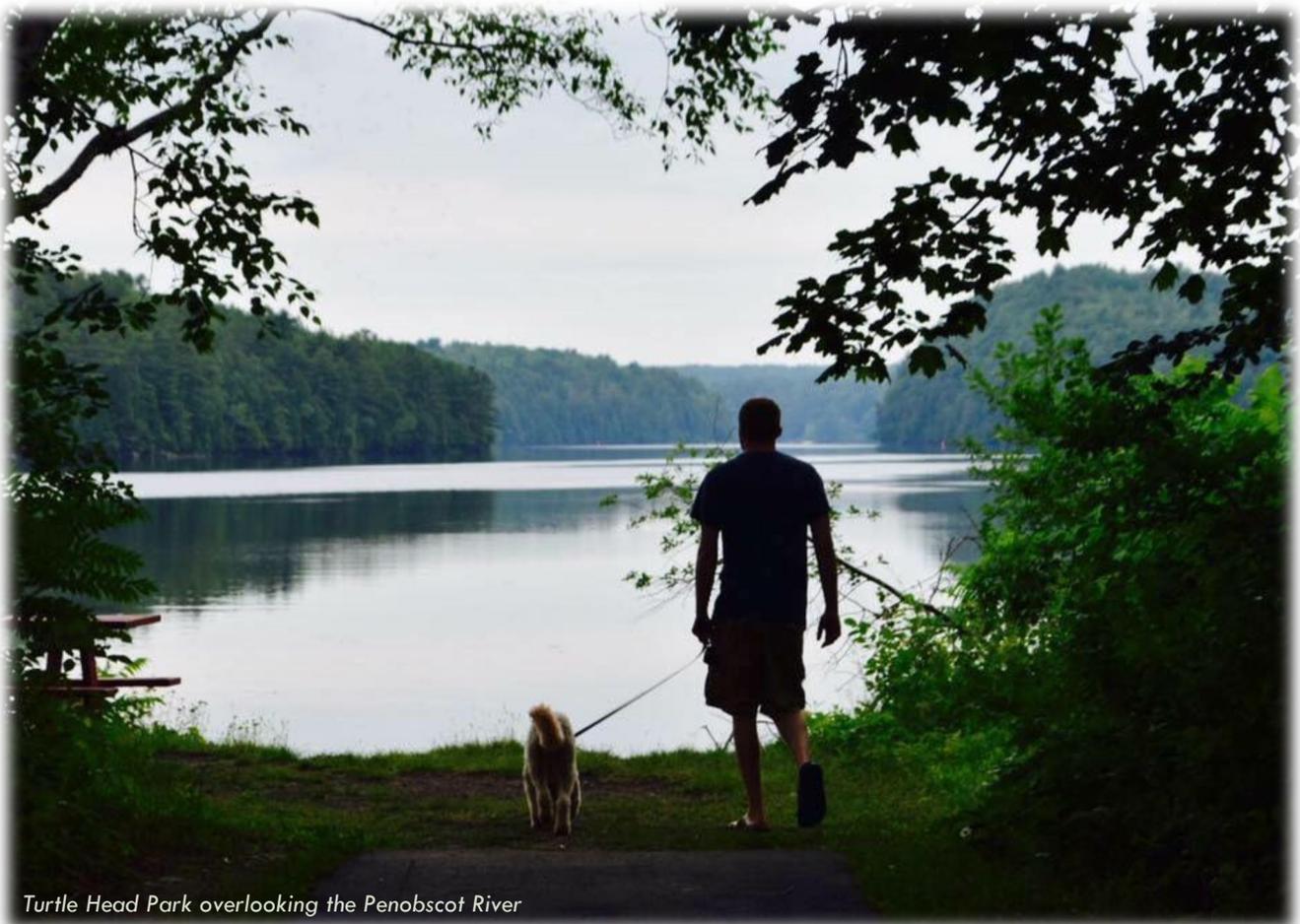
Municipal **S**eparate **S**torm **S**ewer **S**ystems

Report on the status of the MS4 Program in Hampden Maine

Permit Year 5 - July 1, 2017 to June 30, 2018

Prepared by Karen Cullen, AICP, Town Planner

May 29, 2018



Turtle Head Park overlooking the Penobscot River

Keeping our waterways clean for everyone's enjoyment

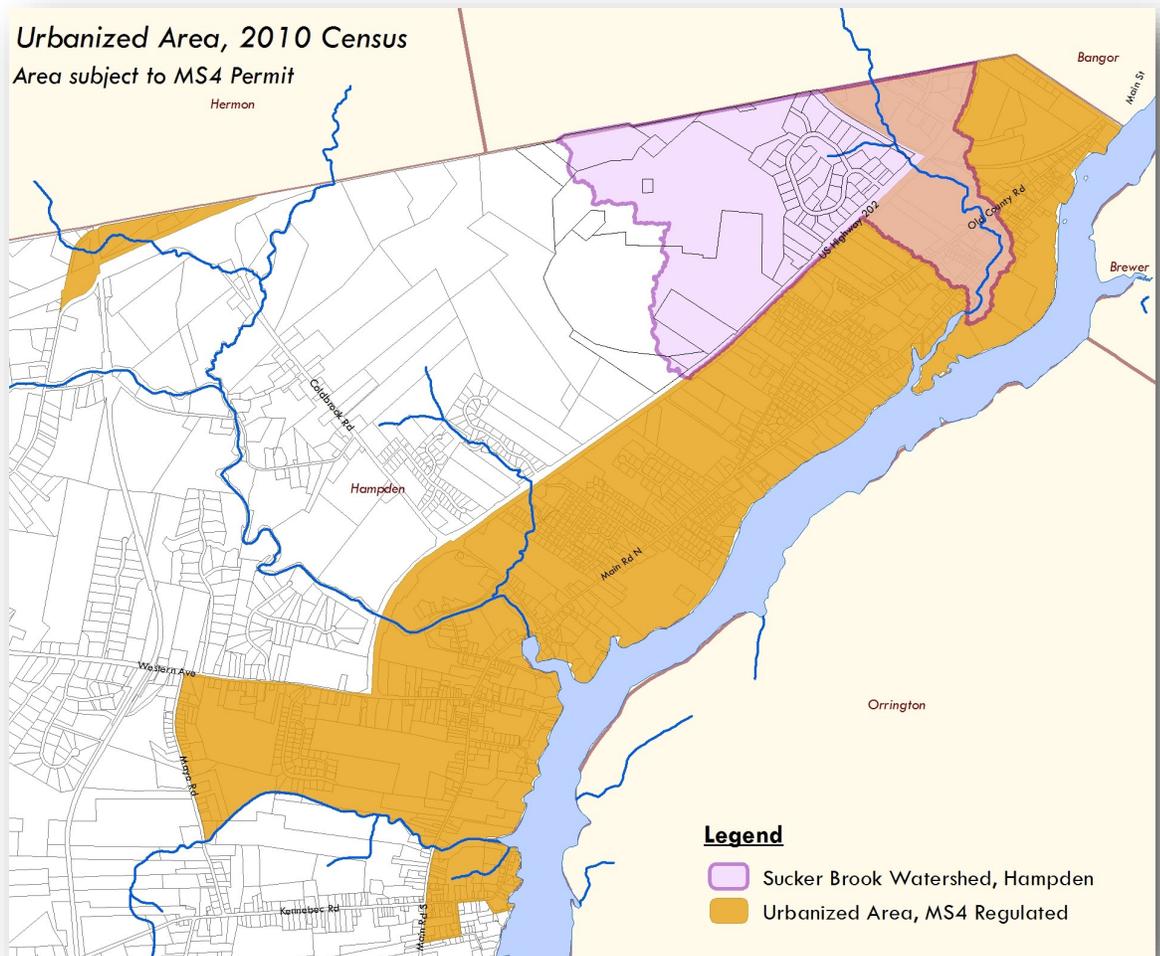
Introduction

MDEP/EPA Stormwater Program

Under delegated authority from the EPA, the permit is issued by Maine DEP to meet the requirements of the Federal Clean Water Act.

Bottom Line: Hampden is responsible for any pollutants entering our stormwater drainage system, even from the MEDOT system.

- ◆ Hampden is one of 30 regulated municipalities in Maine.
- ◆ All regulated municipalities operate under a statewide General Permit, which has a five year cycle; the current one expires June 30, 2018.
- ◆ The provisions of the permit are applicable only within the urbanized area as defined by the census bureau; based on population (gold areas in map below).
- ◆ Hampden prepared a stormwater management plan most recently revised in 2014. It will need to be updated in 2018/19, for the new permit cycle.
- ◆ Hampden has identified the Sucker Brook watershed as our priority watershed, meaning this is where we focus our stormwater management plan implementation. Sucker Brook will also be listed this year as an “urban impaired stream” which may add additional requirements for the town, but at this time we don’t know what those might be (waiting for the new General Permit).



Permit Year 5

Required Activities

Accomplishments

Minimum Control Measure 1: Education and Outreach

BMP 1A: Municipal Outreach

Staff will be providing training to the Planning Board in June, and this report serves as outreach to the Town Council for this permit year. Our annual stream cleanup event was held on May 5, 2018 when 66 volunteers collected 40 bags of trash.

BMP 1B: Municipal Media Resources

Staff continues to use Hampden Highlights as well as our Facebook Page and town website to communicate about stormwater with our residents.

BMP 1C: Pool Owner Outreach

Staff has prepared a brochure that will be sent out to the owners of pools (over 200) before the end of June; this brochure provides information on how to handle the water when the pool is drained.

Minimum Control Measure 2: Public Involvement and Participation

BMP 2A: Household Hazardous Waste

Information on how residents can dispose of household hazardous waste and electronic waste is provided on the town's web site, and items such as batteries, monitors, and fluorescent bulbs are collected at the public works facility.



Snapshots from the stream cleanup event

Permit Year 5

Required Activities

Accomplishments

Minimum Control Measure 3: Illicit Discharge Detection and Elimination (IDDE)

BMP 3A: Stormwater Infrastructure Map

Our GIS data includes information and locations of catch basins and outfalls, and as new ones are added in new development, they are added to the database.

BMP 3B: Non-stormwater Discharge

Staff evaluates all identified discharges that are potentially illicit discharge incidents, and reports any that occur as required. So far this permit year there has been one spill, 20gallons of heating fuel oil on Western Ave. between Sawyer Road and the town line, about 4.5 miles outside of the urbanized area.

BMP 3C: Dry Weather Outfall Inspections

Stillwater Environmental Engineering (SEE), our consultant on the MS4 Program, is currently performing the annual inspections, which are done within the Sucker Brook watershed. This year any flows found during dry weather will be tested for E-coli to determine if sewage is a potential contaminant.

BMP 3D: Open Ditch Inspections

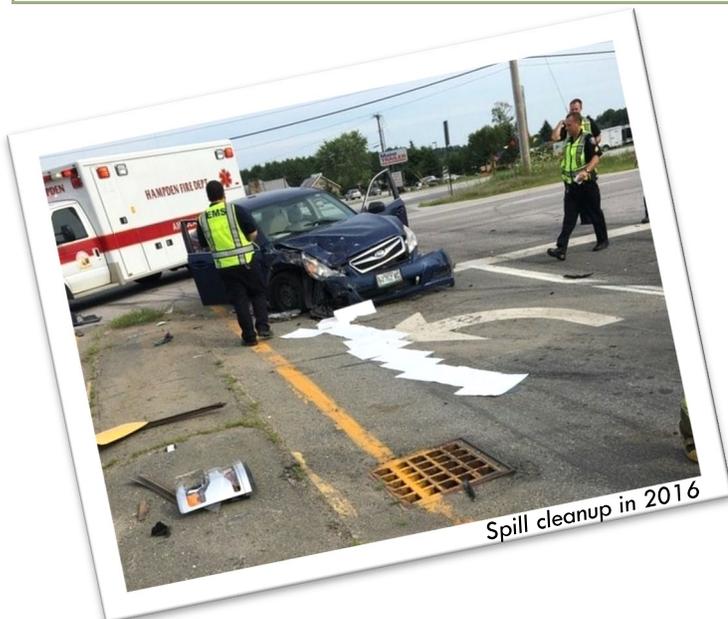
See BMP 3C. SEE is conducting the inspections concurrently.

BMP 3E: Failing Septic Systems

Staff has identified 18 septic systems within the Urbanized Area (most of this area is served by public sewer). Staff will perform “drive-by” inspections of these properties for evidence of failing septic systems before the end of June.

BMP 3F: Hydrant Flushing

Staff works with the Hampden Water District to document best management practices being implemented for flushing activity as well as testing results for total residual chlorine for the discharges, which is less than .01 ppm chlorine.



Spill cleanup in 2016



Outfall inspection on Main Road North

Permit Year 5

Required Activities

Accomplishments

Minimum Control Measure 4: Construction Site Stormwater Runoff Control

BMP 4A: Notification	Staff utilizes the subdivision, site plan, and building permit applications to notify applicants of the requirement for contractors to register under the Maine Construction General Permit or Chapter 500. This applies to sites with 1+ acre land disturbance within the urbanized area.
BMP 4B: Regulatory Mechanism and Documentation	Staff tracks the sites that disturb 1+ acres of land within the urbanized area.
BMP 4C: Construction Site Inspections	Staff performs inspections of sites with 1+ acre of land disturbance for compliance with the Maine Construction General Permit or Chapter 500. Two sites were inspected this year, Dennis Paper and Tradewinds.

Minimum Control Measure 5: Post Construction Stormwater Management in New Development and Redevelopment

BMP 5A: Post Construction Discharge Ordinance	Staff continues to enforce the town's Post Construction Stormwater Management Ordinance. This permit year one additional site was required to comply with this ordinance (Dennis Paper). Tradewinds will be added to this list next year since they will complete construction after July 1, 2018.
BMP 5B: Post Construction Inspections	Staff ensures that owners or operators of post construction BMP's within the urbanized area provide certification of proper function of the BMP's.



Permit Year 5

Required Activities

Accomplishments

Minimum Control Measure 6: Pollution Prevention/Good Housekeeping for Municipal Operations

BMP 6A: Grounds and Facilities

Staff reviews the Operations & Maintenance plan to ensure its effectiveness is maintained.

BMP 6B: Employee Training

Staff has received training on O&M activities to ensure municipal operations do not contribute to stormwater pollution.

BMP 6C: Street Sweeping

Street sweeping is conducted on all town owned and some state owned roads within the urbanized area each spring.

BMP 6D: Storm Drain System Cleaning

Each spring during May and June, the storm drains in the urbanized area are inspected and those that require it are cleaned. When illicit discharges are suspected, they are investigated and appropriate action taken when such discharges are verified.

BMP 6E: Maintenance and Upgrades

A couple of culverts on Old County Road were replaced to prevent erosion and sedimentation of the streams, based on the PY4 inspections.

BMP 6F: Trash Management

Staff is awaiting completion of the Fiberight project before completing an evaluation of the municipal trash management program.

BMP 6G: Municipal Pool Discharge

Staff discharges the pool water to the sanitary sewer system when necessary for pool maintenance.

BMP 6H: Road Salt

Staff applied 1,858 tons of salt on the roadways during the winter of 2017/18, which is an increase from the previous winter. This increase was caused by significantly more snow or ice events. A new salt shed has been designed and approved and will be constructed during the summer of 2018.

BMP 6I: Used Oil Recycling

Staff has collected about 220 gallons of used oil this year for recycling.

Looking Ahead

Hampden is committed to continuing to deal with stormwater management in compliance with the Clean Water Act to ensure our future generations have a safe environment to live in.

- ◆ The statewide General Permit for the MS4 program has a five year lifespan and the current permit expires June 30, 2018.
- ◆ DEP has been working with stakeholders throughout the state for nearly a year now to write the new general permit, but we have yet to see the final version.
- ◆ The new general permit will become effective 90 days after it is signed by the Commissioner of the Maine Department of Environmental Protection, which DEP expects will be September 1, 2018, making the permit effective December 1 or thereabouts. (These dates could change.)
- ◆ Until the new general permit becomes effective, the current one will remain in effect, presumably we will continue to follow the Permit Year 5 requirements.
- ◆ The town will need to file a new Notice of Intent (NOI) no later than 30 days prior to the effective date of the new general permit (i.e. 60 days after that permit is signed by DEP). This will require a public notice in the newspaper sometime during the month prior to the submission of the NOI.
- ◆ The town will need to submit a new Stormwater Management Plan (SWMP) to DEP no later than December 31, 2019. This is the primary document we use in our day to day management of the stormwater system within the urbanized area.
- ◆ Note that the urbanized area is based on the US Census, and is subject to change after the 2020 decennial census is completed and analyzed. The current map of the urbanized area will apply for the duration of the new general permit (expected to be Dec. 1, 2018 through Nov. 30, 2023).
- ◆ For the near term, staff continues to monitor the drafts from DEP for the next general permit, and we submit comments regarding the impact to our town when appropriate.