

Planning and Development Committee
April 1, 2015
6:00 PM
Conference Room
AGENDA

1. Approval of March 18, 2015 Minutes
2. Committee Applications: NONE
3. Updates:
 - MRC Update 4.29.15
 - Main Road North Parking
4. Old Business:
 - A. Flag Lots
Conditional Road Frontage Exception
Alternate Proposal
 - B. Cul-de-sac Exemption
5. New Business:
 - A. Economic Development Initiatives
Waterfront Development
Downtown Plan/Downtown District
Marketing Strategy (Commercial/Industrial)
 - B. Old County-1A Sewer (from Infrastructure Committee)
6. Comprehensive Plan Implementation:
7. Citizens Initiatives:
8. Public Comments:
9. Committee Member Comments:
10. Adjourn



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Zoning Ordinance Text Amendment, Article 4.3 Flag Lots
DATE: March 18, 2015

At the March 4, 2015 meeting the Planning and Development Committee discussed the concept of the subject amendment. This is a first draft of that concept to create an exception from the frontage required for residential uses by authorizing what in vernacular is known as flag lots. Flag lots are a lot that has a narrow strip of land extending from the street to a wider bit that would make a good location for a house.

The language would create minimum standards for submission and approval of a flag lot in the Article 4.3 Conditional Lot Dimensions. This was selected because the section already has some submission standards that would seem applicable.

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Proposed Amendments to the Zoning Ordinance

Additions are Double Underlined Deletions are ~~Strikethrough~~

4.3. Conditional Lot Dimensions and Flag Lots

4.3.1. Purpose - It is the purpose of this section of the Ordinance to establish a procedure which would allow for residential development on certain lots which, because of inadequate road frontage, would not otherwise be usable for residential purposes. The lots must meet certain requirements as established in this section of the Ordinance and the development of the lots must be consistent with wise land use planning.

4.3.2. Permit Required - A conditional lot dimension permit or a flag lot permit issued by the planning board is required for the development of any lot having inadequate road frontage. The planning board shall follow the procedures outlined in *Article 4.3.5* in reviewing any application for conditional lot dimension permit.

4.3.3. Information Required in Application - Application for the development of lots requiring a conditional lot dimension permit or flag lot permit shall be accompanied by plans, drawn to scale, containing the following information prepared and stamped by a Maine Professional Land Surveyor:

1. Scale of map.
2. Name of applicant.
3. Boundaries of tract of land.
4. Location of existing and proposed buildings and other structures, including use and proposed use thereof.
5. Location of buildings on abutting properties or within five hundred (500') feet of the property line of the proposed development.
6. Location of existing public streets.
7. Location of all curb cuts within one thousand (1,000') feet of the curb cut which will result from the development of the lot.
8. Location of existing and proposed rights of way, utilities and easements therefor; including sanitary sewerage, water and all electricity.
9. ~~Location, intensity, type, size and direction of all outdoor lighting.~~
10. Location of all water bodies including wetlands and streams.
11. Test pits and soil analysis for onsite wastewater disposal where proposed.

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4.3.4. Application Procedure - Persons seeking conditional lot dimension approval or flag lot permit approval shall file one (1) original and twelve (12) copies of a complete application, including all information required under *Article 4.3.3*, with the code enforcement officer at least fifteen (15) days before the planning board meeting when they will be considered. Applicant shall also file site plan review application fees and other applicable fees paid in accordance with the Town of Hampden Fees Ordinance. Upon receipt of complete plans the code enforcement officer shall refer such plans to the planning board. The filing of the required application with the code enforcement officer shall

constitute filing of an application for conditional lot dimension approval. (*Amended: 11-17-03*)

4.3.5. Planning Board Review and Action - Within forty-five (45) days of the filing of the application for conditional lot dimension approval or flag lot permit approval, the planning board shall approve, approve with modifications, or disapprove the application at a public meeting. The board shall limit its review to the criteria set forth in *Article 4.3.6*. The board may consult with the applicant or any other party in making its review. The board shall inform the applicant of its decision in writing, and in cases of disapproval or approval with modifications, reasons for such action shall be stated. A copy of the Board's decision shall be filed with the code enforcement officer.

4.3.6. Standards Governing Conditional Lot Dimension Permits

1. *General Requirements* - A conditional lot dimensions permit may only be issued if the following conditions are met:
 - a. The lot and access way must be located in the Rural District, the Residential A District or the Residential B District.
 - b. The frontage of the lot must not have been reduced since January 1, 1979 below either 1.) the minimum lot frontage required in the district which it is located or, 2.) the nonconforming frontage in existence on January 1, 1979.
 - c. The lot is of such dimensions that an imaginary square whose minimum side dimension is the minimum road frontage required in the district where the lot is located, can be accommodated within its borders. Any building that is located on the lot shall be located within the perimeter of such a square. If the lot falls within more than one zoning district, the side dimension for the square shall be determined by the district in which the building is to be built.
 - d. No building shall be placed closer to any lot line or right of way boundary than the distance of the greatest required minimum setback in the district in which the building is located. In determining which dimension is applicable, the characteristic of the lot relative to off and on lot sewer and/or water and the dimensional, requirements associated with such characteristics shall be used.
 - e. There shall be no alternative access to the lot which conforms with the road frontage requirements established for the district.
 - f. The development of the lot shall cause no unsafe or unhealthful condition. Of particular concern in this regard should be traffic safety.
 - g. The lot shall conform to all dimensional requirements of this Ordinance except road frontage. Building setback requirements shall be determined by *Article 4.3.6.1.d* of this Ordinance.
 - h. Only single family residential uses shall be allowed on these lots.
 - i. The development of the lot shall not preclude the orderly development of the neighborhood and the community.
 - j. The lot must have at least thirty (30) feet of road frontage.

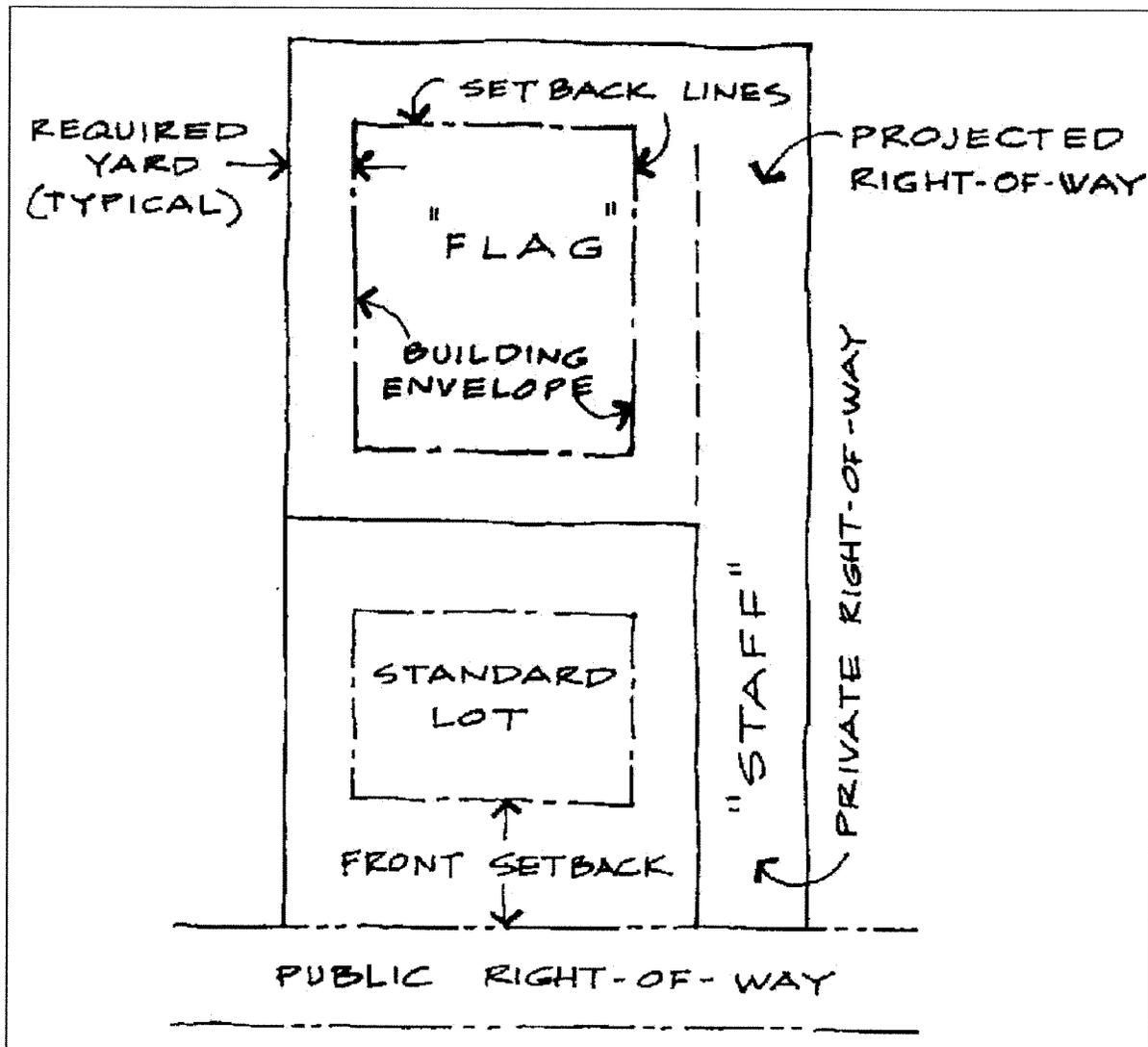
2. *Requirements Pertaining To Lots Having More Than 66 Feet Road Frontage* - In addition to the general requirements in 4.3.6.1.a-j, all lots with road frontage of sixty-six (66') feet or more, but less than the required minimum road frontage in the district where the lot fronts the road, shall meet the following standards.
 - a. A sixty-six (66') foot right-of-way into and through the lot must be provided to allow for future road building and/or subdivision activity. The right-of-way must be designed so as to make optimal use of the lot and adjacent undeveloped land, if such development becomes desirable in the future. In determining whether sufficient land is available for development of a dwelling unit, the land in the required right-of-way shall not be considered.
 - b. Conditional lot dimension permits shall not be issued in a subdivision. All subdivision activity shall be governed by the Subdivision Ordinance of the Town of Hampden.
 - c. No more than one (1) dwelling unit may be placed on the lot.
3. *Requirements Pertaining to Lots Having Less Than Sixty-Six (66') Feet but at Least Thirty (30') Feet of Road Frontage* - In addition to the general requirements in 4.3.6.1. a-j, all lots with less than sixty-six (66') feet but at least thirty (30') feet of road frontage shall meet the following standards:
 - a. There must be no alternative access which is greater than or equal to sixty-feet (66') feet (if such access exists, that must be used and reviewed under the provisions of 4.3.6.2).
 - b. No more than one (1) dwelling unit may be placed on the lot.

4.3.7. Standards Governing Flag Lot Permits.

1. Purpose: Flag lots are intended to allow limited development of deep interior lots that may otherwise be underused. They shall be permitted only when the shape of the parcel being developed precludes the use of private or public streets.
2. Standards for flag lot development.
 - a. Access. Every lot shall abut an improved street, other than an alley, for at least the width of:
 - (1) The minimum allowed width of a lot in the zoning district; or
 - (2) The minimum allowed width for access provided for in standards for flag lots, herein; or
 - (3) No turns or corners shall be allowed in the flagpole connecting the flag lot to the public right-of-way.
 - (4) Prior to planning board review applicant shall apply for a Town of Hampden Driveway Permit and shall, in writing, request that the Public Works Director provide the planning Board a written report regarding his review of the suitability for access as proposed for all access drives proposed under Flag Lot Permits. The report shall address at least site distances and the geometry of the proposed access to the street.

(5)

b. Design and Dimensional Requirements.



- (1) Width of the access strip. The portion of the lot extending from the street to the buildable portion of the lot shall be at least 66 feet in width (Shown as "STAFF" on the illustration).
- (2) Design of Access Strip. The access strip shall be designed and located in such a way that future extensions/expansions of the access strip can be extended to accommodate a public or private street and would not be blocked and/or limited by the location of the proposed residence and other improvements.

- (3) Maximum Length of Access Strip. The access strip shall not exceed 1,000 feet in length including the access strip to run the full depth of the flag lot. The driveway is not required to extend the full length of the required access strip.
- (4) Driveway design standards. Driveway serving flag lots shall be constructed with at least 12 inches of gravel base and at least 10 feet in width from the street to the residence.
- (5) Future lot frontage evaluation. The design of the flag lot shall be of such design that were the access strip to become a public or private street in the future that the flag lot could meet the lot frontage requirement of the zoning district where it is located.
- (6) Minimum lot size and setbacks. The portion of the lot that is intended for construction of a proposed residence and other improvements shall itself meet the dimensional standards of the zoning district in which it is located and the 66 foot wide access strip portion shall not be counted towards lot area or setbacks (Shown as "FLAG on the illustration).
- (7) Yard setbacks. For purposes of review of flag lots the yard setbacks shall be measured as follows: Street yard setback shall be measured back from the edge of the 66 foot wide access strip, rear yard shall be measured from the property line opposite the access strip and side yards
- (8) Prohibition for lots in major subdivisions. Flag lots shall not be created as part of a subdivision when located on a proposed roadway, but may be proposed on existing roadways.
- (9) Water crossings. Prior to planning board review applicant shall apply for any required Maine Stream Alteration Permit or Wetland Alteration Permit.



TO: Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Zoning Ordinance Text Amendment, Article 3.9 Rural District Frontage Exception for Cul-de-sac Lots
DATE: February 17, 2015

At the February 4, 2015 meeting the Planning and Development Committee discussed the concept of the subject amendment. This is a first draft of that concept to create an exception from the 200 foot frontage required in the Rural District for cul-de-sac lots. What is proposed is to reduce the frontage to 100 feet on such lots and to double the street yard setback to create spacing between the houses similar to what would have occurred if the frontage standard had not been changed.

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3.9. Rural District

3.9.1. Purpose - The intent of this district is to protect and promote the rural use and character of the area, to provide for traditional agricultural and open space uses, and to provide for low density residential development where appropriate. It is intended that much of the residential development occurring in this district will be either dispersed in nature or, where the developer chooses, will be clustered with extensive open space surrounding the development. *(Amended: 12-18-95)*

3.9.2. Permitted Uses (Subject to Site Plan Review where applicable) - Agriculture, forestry, single family dwelling, certified manufactured home, two family dwelling, three or four family dwelling when serviced by public sewer and water, home day care (subject to *Section 4.19*), accessory use, golf course or other outdoor recreational facilities, home occupation (subject to *Article 4.10*), cluster subdivisions, essential service, and wireless telecommunications facilities (subject to *Section 4.22*). *(Amended: 9-19-83, 8-22-94, 12-18-95, 10-01-01, 6-3-02, 03-21-05)*

3.9.3. Conditional Uses (Subject to Site Plan Review) - Daycare facility, child care center (subject to *Section 4.19*), nursing home, non-profit school, public schools, church, non-profit club, hospital or clinic, mobile home park (subject to *Section 4.13*), campground, cemetery, buildings and parking for recreational facilities, processing agricultural products which are not accessory to an agricultural use, processing and excavation, gravel pit and quarry activities (subject to *Article 4.23 Excavations, Gravel Pits and Quarries*), stockpiles (subject to *Article 4.9*) not accessory to excavation, gravel pit and quarry activities, commercial nursery, indoor recreational facilities, boarding of animals; to include training and grooming, veterinary hospital, buildings necessary for essential services, community facility (including solid waste facility), Customary Rural Business (subject to *Section 4.20*). *(Amended: 8-22-94, 12/18/95, 12-2-96, 1-21-97, 03-21-05, 12-17-07, 01-03-11)*

3.9.4. Lot Dimensions

Minimum Area	-	2 acres
Minimum Road Frontage	-	200 feet
Minimum Setbacks:		
Street Yard	-	30 feet
Other Yards	-	30 feet
Maximum Ground Coverage	-	10 percent
Maximum Building Height	-	35 feet

Notwithstanding the above requirements, accessory structures which are not attached to a principal building may be located on a lot in accordance with the following:

Accessory Structures Ground Floor Area	Up to 250 Sq. Ft.	251 – 650 Sq. Ft.
Maximum Height	- 16 feet	- 24 feet
Minimum Other Yard	- 5 feet	- 15 feet

Once located in accordance with the foregoing requirements, said accessory structures shall not be attached to a principal building unless said structures are in compliance with the Other Yard requirement of the District. *(Amended: 10-3-94)*

3.9.5. Special District Requirements

1. All buildings for the commercial raising or keeping of animals shall be set back a minimum of fifty (50') feet from side and rear property line. *(Amended: 10-3-94, 12-18-95)*
2. Kennels for the commercial boarding, raising, and training of six or more dogs shall be kept fifty (50') feet from side and rear property lines. *(Amended: 12-18-95)*
3. Accessory structures or buildings associated with single family residences may be larger than the principal building (single family residence) in both building height and total floor area provided that: The accessory building shall function as an accessory use to the residential use and not as a second primary use. Vehicles or equipment owned or leased by the person(s) residing on a lot may be stored or repaired in the accessory structure or building, and shall be considered to be an accessory use to the single family residential use. The accessory building shall not exceed 5,000 sq. ft. in floor area. The accessory building shall be constructed on a lot of at least 3 acres in size. Accessory buildings that meet these requirements do not require site plan approval. *(Amended: 7-6-2010)*
4. Exception: Notwithstanding the minimum road frontage standard found in Article 3.9.4 Lot Dimensions, lots located entirely or primarily on a street cul-de-sac the minimum frontage required for such a lot is reduced to 100 feet provided that the street yard setback is increased to a minimum of 60 feet.

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Additions are Underlined Deletions are ~~Strikethrough~~**4.3. Conditional Lot Dimensions**

4.3.1. Purpose - It is the purpose of this section of the Ordinance to establish a procedure which would allow for residential development on certain lots which, because of inadequate road frontage, would not otherwise be usable for residential purposes. The lots must meet certain requirements as established in this section of the Ordinance and the development of the lots must be consistent with wise land use planning.

~~**4.3.2. Permit Required** - A conditional lot dimension permit issued by the planning board is required for the development of any lot having inadequate road frontage. The planning board shall follow the procedures outlined in Article 4.3.5 in reviewing any application for conditional lot dimension permit.~~

4.3.3. Information Required in Application - Application for the development of lots requiring a conditional lot dimension permit shall be accompanied by plans, drawn to scale, containing the following information:

1. Scale of map.
2. Name of applicant.
3. Boundaries of tract of land.
4. Location of existing and proposed buildings and other structures, including use and proposed use thereof.
5. Location of buildings on abutting properties or within five hundred (500') feet of the property line of the proposed development.
6. Location of existing public streets.
7. Location of all curb cuts within ~~one thousand (1,000') feet~~ five hundred (500') feet of the curb cut which will result from the development of the lot.
8. Location of existing and proposed rights of way, utilities and easements therefor; including sanitary sewerage, water and all electricity.
9. ~~Location, intensity, type, size and direction of all outdoor lighting.~~

~~**4.3.4. Application Procedure** - Persons seeking conditional lot dimension approval shall file one (1) original and twelve (12) copies of a complete application, including all information required under Article 4.3.3, with the code enforcement officer at least fifteen (15) days before the planning board meeting when they will be considered. Applicant shall also file site plan review application fees and other applicable fees paid in accordance with the Town of Hampden Fees Ordinance. Upon receipt of complete plans the code enforcement officer shall refer such plans to the planning board. The filing of the required application with the code enforcement officer shall constitute filing of an application for conditional lot dimension approval. (Amended: 11-17-03)~~

~~**4.3.5. Planning Board Review and Action** - Within forty five (45) days of the filing of the application for conditional lot dimension approval, the planning board shall approve, approve with modifications, or disapprove the application at a public meeting. The board shall limit its review to the criteria set forth in Article 4.3.6. The board may consult with the applicant or any other party in making its review. The board shall inform the applicant of its decision in writing, and in cases of disapproval or approval with modifications, reasons for such action shall be stated. A copy of the Board's decision shall be filed with the code enforcement officer.~~

4.3.6. Standards Governing Conditional Lot Dimension Permits

1. *General Requirements* - A conditional lot dimensions permit may only be issued if the following conditions are met:

- a. The lot and access way must be located in the Rural District, the Residential A District or the Residential B District.
- ~~b. The frontage of the lot must not have been reduced since January 1, 1979 below either 1.) the minimum lot frontage required in the district which it is located or, 2.) the noneonforming frontage in existence on January 1, 1979.~~
- c. The lot is of such dimensions that an imaginary square whose minimum side dimension is the minimum road frontage required in the district where the lot is located, can be accommodated within its borders. Any building that is located on the lot shall be located within the perimeter of such a square. If the lot falls within more than one zoning district, the side dimension for the square shall be determined by the district in which the building is to be built.
- d. No building shall be placed closer to any lot line or right of way boundary than the distance of the greatest required minimum setback in the district in which the building is located. In determining which dimension is applicable, the characteristic of the lot relative to off and on lot sewer and/or water and the dimensional, requirements associated with such characteristics shall be used. No primary building shall be less than one hundred (100) feet from existing dwellings.
- e. There shall be no alternative access to the lot which conforms with the road frontage requirements established for the district.
- f. The development of the lot shall cause no unsafe or unhealthful condition. Of particular concern in this regard should be traffic safety.
- g. The lot shall conform to all dimensional requirements of this Ordinance except road frontage. Building setback requirements shall be determined by *Article 4.3.6.1.d* of this Ordinance.
- h. Only single family residential uses shall be allowed on these lots.
- i. The development of the lot shall not preclude the orderly development of the neighborhood and the community.
- j. The lot must have at least ~~thirty (30) feet~~ sixty six (66) feet of road frontage.

~~2. Requirements Pertaining To Lots Having More Than 66 Feet Road Frontage~~ In addition to the ~~general requirements in 4.3.6.1.a-j, all lots with road frontage of sixty six (66) feet or more, but less than the required minimum road frontage in the district where the lot fronts the road, shall meet the following standards.~~

~~a. A sixty six (66) foot right of way into and through the lot must be provided to allow for future road building and/or subdivision activity. The right of way must be designed so as to make optimal use of the lot and adjacent undeveloped land, if such development becomes desirable in the future. In determining whether sufficient land is available for development of a dwelling unit, the land in the required right of way shall not be considered.~~

b. Conditional lot dimension permits ~~shall not~~ can be issued for the cul-de-sac portion of in a subdivision. All other subdivision activity shall be governed by the Subdivision Ordinance of the Town of Hampden.

c. No more than one (1) dwelling unit may be placed on the lot.

~~3. Requirements Pertaining to Lots Having Less Than Sixty-Six (66') Feet but at Least Thirty (30') Feet of Road Frontage~~ In addition to the general requirements in 4.3.6.1. a-j, all lots with less than sixty-six (66') feet but at least thirty (30') feet of road frontage shall meet the following standards:

~~a. There must be no alternative access which is greater than or equal to sixty feet (66') feet (if such access exists, that must be used and reviewed under the provisions of 4.3.6.2).~~

~~b. No more than one (1) dwelling unit may be placed on the lot.~~

Nash Consulting

20 Nash Hill Road
Newburgh, Me 04444
Tel: 207-234-2650
E-mail: nshcon@uninets.net

To: Sue Lessard

3/30/2015
~~11/18/2010~~

From: Greg Nash

Subject: Sewer crossing at Old County & Rout 1A

In regard to the subject project, I will try to explain things in more detail.

The existing sewer is an older 6" Asbestos Cement (ac) pipe that has experienced multiple backups in the last few years. The entire line extends from the high point of Old County Road, southeasterly toward Route 1A, crosses Route 1A, continues southerly along the shoulder of Route 1A, to the intersection of Francis Drive, easterly between houses to Marion Drive and into the large interceptor sewer line that goes to the Bangor treatment plant. The section I recommended for replacement is just the piece that crosses Route 1A at the south end of the Old County Road.

My reasoning for this recommendation is as follows.

1. The Hampden Water District will have an active contract in this area this summer. This means an approved contractor will already be mobilized with men and equipment. This is a cost saving measure for us.
2. I recommended including our work as an addendum to the water district contract. This is another cost savings for us. Sharing engineering services and contract advertising fees. With separate pricing, we can always Op-out if we are not happy with the price.
3. Route 1A has an existing old concrete road bed under it. It was my proposal to bore/line the existing pipe by means of "pipe bursting". We would replace the existing 6" line with 8" sewer line. This will require no

trench excavation across the road. Just jacking pits on each side.

Another cost saving.

4. When MDOT does rebuild this section of road in the future, they will tell you to fix all your utilities in there road or live with them for a predetermined moratorium. (Usually 5-10 years.)
5. As is the Water District, I was trying to be ahead of the ball, rather than behind it.

We at Public Works are not geared up for this kind of construction work.

Trenchless pipe installation is a very specialized type of construction with lots of costly equipment. We are more of a maintenance unit for Town areas and utilities.

I hope this clarifies the project to anyone concerned.

I have attached a map to help clarify the project. Please let me know if you have any other questions.

Yours Truly,

Interim Director, Greg Nash

