

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, May 9, 2012, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Michael Avery, Eugene Weldon, Mort Syversen, Andrew Nelson and Associate Member Kelley Wiltbank.

Also in attendance: Town Planner Robert Osborne, Recording Secretary Rosemary Bezanson and applicants for tonight's meeting.

1. APPROVAL OF MINUTES (April 11, 2012)

Member Avery made a motion to approve the minutes as written this motion was seconded by Member Syversen. The vote was unanimous to approve the motion.

2. NEW BUSINESS

A. Conditional Use/Site Plan Approval – Deb and Timothy Scott request approval to establish a boarding of animals use, utilizing portions of their residence and attached garage as well as a 8,100 sq. ft. fenced outdoor area for use as training and exercise of dogs and as a second phase construction of a 1,120 sq ft garage building and an additional 6,300 sq. ft. fenced outdoor area located at 79 Patterson Road in a Rural District (Tax Map 5, lot 45-C) Public Hearing

Chairman Weatherbee asked to hear from proponents, opponent, then anyone with general questions and comments.

Deb Scott of 79 Patterson Road, along with her son Cameron spoke about the proposal for a grooming, boarding and personalized service of dogs at their 79 Patterson Road address. The fencing and structures are 50 feet from sidelines. They are not proposing a sign or advertising. They are hoping their service will be personalized and unique to each dog, and that word of mouth will carry the good news of their kennel. There would be a maximum of 10 dogs. Each dog would be evaluated coming into the home. The dogs would be crated when there is no one on site. There would be grooming of dogs inside the (existing) garage. And no more than 6 dogs for obedience training. Hours of operation would be from 7 a.m. to 7 p.m. and they would also provide drop off or pick up service. They would be required to obtain a State license. The dogs would be supervised at all time. They are proposing a 6 feet chain link fence and a privacy fence with wind screen. They would be catering to the special need of the "guests". (dog). If the project panned out they would be looking at phase 2 an expansion to a detached garage and added outdoor area. She indicated that animal waste was proposed to be removed daily and composted on site.

Aaron Domina of 69 Patterson Road spoke about his concerns. 1) Total number of dogs on site. 2) Dog noise – lots are 200 feet in width houses are close. 3) Waste disposal (compost in yard). 4) Impact on property values. Grading of backyard the water runs off towards their

property concerns about contamination.

George Patterson of 89 Patterson Road. Had concerns about noise and the valuation of his property/land.

As no one else wished to speak Chairman Weatherbee closed the Public Hearing and asked for staff comment.

Mr. Osborne spoke about the proposed project.

He indicated that three letters have been received by the Planning Department stating their concerns and noting that those letters had been provided to board members and he summarized the issues raised in the letters (attached to these minutes).

96 Patterson Rd.

86 Patterson Rd.

Brock & Katherine Trepanier (vacant lot next to 79 Patterson)

Mr. Osborne indicated that there are two elements to the application first the Conditional Use application governed under Article 4.2 and the Site Plan Review application governed under Article 4.1. He discussed the criteria for the Conditional Use and drew the Board's attention to standard number 4 which considers noise and requires that the applicant demonstrate that the proposed use will not interfere with the peaceful use and enjoyment of their property. He indicated that it was the Board's job to find if that standard is satisfied through the proposed operation of the use.

Mr. Osborne indicated that staff recommended approval of the Conditional Use based on the operational plan proposed by the applicant and the supporting site plan. He indicated that staff also recommended approval of the site plan as submitted.

There are State regulations for operating a kennel.

Mr. Patterson stated that he own most of the land surrounding the property at 79 Patterson Road and there is a 66 foot ROW that would allow for future development of the land.

The Board had an extensive conversation regarding the proposed use and its potential for noise and how noise might be best controlled for such a use.

Member Sysversen stated he would like to see that the site plan is not transferrable to a new property owner if the Scott sell the property. Also a solid wood fence would better for buffering noise and shield the dogs from visibility.

Member Sysversen made a motion to approved the conditional use with the condition that the site plan be non-transferable to a new owner if the Scott's sell. This motion was seconded by Member Weldon. Member Avery voted no, Member Nelson voted yes, Member Kelley voted no, Chairman Weatherbee voted no. The motion failed.

Member Avery made a motion to approve the conditional use with the condition that an 8 foot

high solid wood fence to installed all around the property to buffer the noise. Member Wiltbank second the motion, after some discussion Member Wiltbank withdrew his second, the motion failed.

Member Syversen made a motion to approve the conditional use as submitted this motion was seconded by Member Nelson. The vote was five in favor and one against the motion. Member Avery voted against the motion.

Member Syversen made a motion to approve the site plan, this motion was seconded by Member Nelson. The vote was five in favor and one against. Member Avery voted against the motion.

B. Preliminary Subdivision Plan – Robert M. Higgins requests approval for a five-lot, 7.18 acre subdivision located near the southwest corner of Old County Road and Schoolhouse Lane in a Residential B District and Business District. (Tax Map 20, Lot 72 – Public Hearing)

Chairman Weatherbee asked for proponents then opponents then anyone with questions or comments.

Stan Plisga of Plisga and Day PLS spoke about the preliminary subdivision plan, he stated that with him tonight is Jim Kiser, PE. This is a five lot subdivision with public sewer and water.

Karen Collins, 592 Billing Rd, Hermon Maine speaking for her father (Mr. Wendall Easler) who owns 29 Schoolhouse Lane (Tax Map 20 lot 71), had concerns of privacy to the back yard of the home. She wanted to know how lot 3 was going to be placed.

Public hearing was closed by Chairman Weatherbee.

Mr. Osborne spoke about the 5-lot subdivision. He indicated that a gully divides the property in half and two of the lots 1 and 2 are on the west side of the parcel and lots 3, 4 and 5 are on the east side of the parcel. Four lots have frontage on Old County Road one on Schoolhouse Lane and one will have a driveway on Schoolhouse Lane. He indicated that the plan meets the submission and approval standards for preliminary subdivision plan approval and staff recommends approval with conditions. He noted that a couple abutting property owners names did not get on the plan. There are 2 restrictive covenants on the deed that are not noted on the plan. Electrical and communication lines are not shown on the plan with regard to how each lot is served and the final plan should show how that is proposed with any necessary easements. Finally, a means of directing stormwater across the driveway of lot 5 should be indicated on the plan.

Lot 5 has an existing driveway drainage problem and was washed out, a culvert need to be installed. The drainage needs to be directed to the back of the lots.

Jim Kiser, PE spoke about the storm water coming from the Perry farm fields and the site run off going down to the main road storm drains.

Member Avery made a motion that the Preliminary Plan meets approval with the conditions that property owner's names be added to the plan and the restrictive covenants also be added to the plan. This motion was seconded by Member Syversen. The vote was six in favor and none against.

Chairman Weatherbee asked that the Town Planner's staff memo be part of the record.

C. Site Plan Approval – Dead River Company requests approval to revise their existing site plan to add two 30,000 gallon propane storage tanks to their existing facility located at 293 Western Avenue in a Commercial Service District (Tax Map 29, Lot 14-1) – Public Hearing

Chairman Weatherbee opened the public hearing.

John Pelletier General Manager of the facility at 293 Western Avenue spoke about the proposed 2 – 30,000 gallon tank addition. Steve Cummings Safety Manager with Dead River was also present for tonight meeting.

Mr. Pelletier stated that 95% of their product arrives by railcar, and deliveries have been cut to twice weekly. Therefore they need more tanks to keep approximately a two week supply on hand.

The fire hydrants were discussed, in case of a fire, what amount of water is required.

Kathy Dion-Gass of 40 Country Meadow Drive spoke about her concerns for safety and land value. She also wanted to know the use for the outdoor furnace.

As no one else wished to speak Chairman Weatherbee closed the public hearing and asked for staff comments.

Mr. Osborne spoke on the site plan for Dead River. He indicated that the plan proposes two new 30,000 gallon propane tanks aligned with the existing four tanks on the site development. The proposal is to utilize the closest fire hydrant and also to lay fire hose from Mayo Road in order to work off two separate water mains and accomplish the gallons per minute of 1,600 that this many tanks will require for fire fighting purposes. A letter was provided by Public Safety indicating that they are satisfied with this proposal. Mr. Osborne indicated that staff recommends approval of the site plan revision and that it complies with Article 4.1.

Jared LeBarnes EMT and Fire Fighter with Hampden Fire Department spoke about the fire hydrants and how it would work in the event of a fire.

John Pelletier stated he has worked with Dead River for 20 years, he explained how the outdoor gas burner works to keep the odor down, as well as the 24/7 daily operations of the facility. He also stated they would also need State and National approvals.

Member Avery made a motion that the application meets site plan approval with the condition that upon State approval the Town receives a copy and any changes resulting from those approvals come back to the Planning Board for approval.

Member Wiltbank recused himself from voting on this item.

Member Syversen seconded the motion the vote was five in favor and none against the motion.

3. OLD BUSINESS

A. Zoning Ordinance Text Amendment – Town of Hampden requests text amendment to create a new Waterfront 1 District located generally in the marina area the purpose of which is to support the location of water-dependent and water related uses. – continued

B. Zoning Ordinance Map Amendment – Town of Hampden requests map amendment to create a new Waterfront 1 District located generally in the marina area this new zoning district is proposed for Tax Map 19, Lots 31, and 31-A and Map 28, Lot 17-A - Continued

Chairman Weatherbee asked for a motion to remove these two items from being table from the previous meeting.

Member Weldon made a motion to remove these two items off the table this motion was seconded by Member Wiltbank. The vote was unanimous

Member Avery chair of the Ordinance Committee that met at 5:30 prior to this meeting reported the recommendations the committee had: Clarification of the citation of the statute governing serving of alcoholic beverages for outdoor restaurants. All new lots in the district to be served by and have access to a public way. Such right-of-way shall be dimensionally adequate to accommodate two-way traffic and utility service. No changes were proposed to the map amendment which was also recommended by committee.

Member Avery made a motion to send the text amendments to Town Council with an ought to pass with the revisions as mentioned. This motion was seconded by Member Wiltbank. The vote was six in favor and none against the motion.

Member Avery made a motion to send the map amendments to Town Council with an ought to pass. This motion was seconded by Member Wiltbank. The vote was six in favor and none against the motion.

4. STAFF REPORT

There was no staff report tonight

5. BOARD MEMBERS CONCERNS

There were no Member concerns

6. ADJOURNMENT

The Planning Board meeting adjourned at 9:20 p.m.

Respectfully Submitted,

Michael Avery, Secretary