

Town of Hampden
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STAFF REPORT

Date: April 11, 2016
To: Planning Board
From: Dean Bennett, Community Development Director
Meeting: Planning Board Regular Meeting April 13, 2016
Re: Fiberight/MRC Site Plan Review Report

1. Project Information

Applicant: Municipal Review Committee, Inc & Fiberight, LLC
Site Location: East of Coldbrook Road Map 9, Lot 35-39/Map 14, Lot 7
Requested Action: Site Plan/Conditional Use Application for the construction of a 144,000 square foot Waste Processing Facility, 9,800 square foot Administration Building, and access road.
Zoning District: Industrial/Interchange
Use is listed as a Conditional Use in the identified Districts.

2. Project Dates

Application Submitted: March 3, 2016
Staff/Peer Review Date #1: March 16, 2016
Staff/Peer Review Date #2: March 23, 2016
Public Hearing Notification/Publication Date: April 2, 2016
Scheduled Planning Board Meeting: April 13, 2016

3. Project Details

The subject property is located in an area of the community known as the "Hampden Triangle". The proposed 90-120 acre parcel, on which the facility will be sited, will be accessed from the Coldbrook Road over a newly constructed commercial highway built to town specifications with the intent of being conveyed to the town upon completion.

The proposed development is intended to serve as a Recycling and Solid Waste Processing Facility for many communities within the State of Maine.

4. Staff & Peer Review

A Development Review Team, comprised of Code Enforcement, Planning, Public Works, Public Safety, and the Hampden Water District, has reviewed the application along with the Town's engineering firm of Woodard and Curran to determine the applications consistency with the requirements of Hampden's regulatory documents.

This approach is designed to assist and facilitate the developer with compliance with all applicable regulations in the most efficient manner possible without compromising the integrity of the standards developed and adopted by the Town of Hampden in its efforts to protect its citizen's health, safety and welfare.

Woodard and Curran has provided a Preliminary Review Letter dated March 30, 2016 regarding Ordinance applicability and recommendations regarding additional information to demonstrate conformance with Ordinance requirements. A second letter, dated April 7, 2016 was provided with detailed review comments regarding the submitted application package regarding Zoning Ordinance, Town Ways Ordinance, and Sewer Ordinance conformance.

5. Identified Outstanding Issues

The initial application is sufficiently complete to begin the Site Plan Review process. Our review has raised a number of issues that need to be addressed or resolved in order to be determined to have met the requirements of the Town of Hampden. Those items are listed below and attributed to the regulatory document in which they are found.

6. General Development Approach

The complexities of the development with regard to the utilization of existing parcels, creation of new parcels, and multiple ownership of parcels, in addition to the requirements of frontage, lot size etc., pose the question of which is the appropriate review approach. Eventual subdivision seems likely, however the applicants approach is to move forward under the Site Plan/Conditional Use in the Zoning Ordinance and Town Ways Ordinance.

Note: We request that the applicant provide a legal opinion regarding the applicability of this project, or parts thereof, to the Subdivision Ordinance versus the Zoning Ordinance, in support of the development approach.

4/11/16 A LEGAL OPINION HAS BEEN PROVIDED AS REQUESTED AND REVIEWED BY TOWN ATTORNEY BEAROR. IT IS THE OPINION OF LEGAL COUNCIL THAT THE PROPOSED DEVELOPMENT IS NOT A SUBDIVISION.

7. Zoning Ordinance: Article 3.2 Standards for Industrial Districts

Additional information is needed in order to comply with the following Industrial District Standards:

Frontage: The District requires 150 feet of frontage along a town approved road. It is unclear how this is to be accomplished, and once established needs to be referenced on Site Plan Sheets C101 through C103.

Setback: The processing facility setback requirement, due to its 60 feet height, requires a setback of 75 feet. This setback distance needs to be shown on Sheet C103.

Heights: Tank heights need to be shown on Sheet C103.

8. Zoning Ordinance: 4.1 Site Plan Review Criteria

4.1.6 Required Information on Plans

Section 4.1.6

The application and submittal package contains the required 17 submission items to qualify for Site Plan Review, with one exception:

A Waiver is sought from "including location and type of existing trees 12 inch diameter and over". Planning Board Waiver Requested

4.1.7 Standards Governing Site Plan Review

Section 4.1.7

The majority of criteria appear to have been addressed with the noted exceptions in **(Bold)** type:

- 4.1.7.1** **The proposed use, buildings, design and layout meets the provisions of all applicable regulations and ordinances of the Town of Hampden and meets the intent of the comprehensive plan, as amended.**

Note: The proposed use meets the intent of the comprehensive plan and Zoning Ordinance as Conditional Use within the Industrial District. The applicant is expected to demonstrate conformance of the proposed buildings, design, and layout to applicable regulations and ordinances through the Application and review process.

4.1.7.2 The proposed buildings, design, and layout shall, consistent with generally acceptable engineering and architectural design practices, be properly integrated with the terrain and the existing buildings in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location, and height of the building(s) and such natural features as soil type, slope and drainage ways.

***Note: Additional information is needed with regard to design, layout, bulk, location, height and integration with site.
See: CES Letter dated April 8, 2016***

4.1.7.3 The proposed site layout shall provide for safe ingress and egress to and from public and private roads by providing adequate location, numbers, and control of access points including sight distances, turning lanes, and traffic signals, if necessary. Factors for the planning board to consider in this determination are the turning movements in relation to traffic flow, proximity to intersections, location and access of off-street parking, provisions of pedestrian traffic, access by emergency vehicles, and minimization of pedestrian-vehicular contacts.

Note: Additional information is needed. See attached Memorandum from Maine Traffic Resources dated March 25, 2016

4.1.7.4 The layout and design of on-site vehicular and pedestrian traffic patterns shall provide for safe interior circulation, access by emergency vehicles, and separation of pedestrian and vehicular traffic and storage of plowed snow.

Note: Additional information is needed. See attached Memorandum from Maine Traffic Resources dated March 25, 2016.

4.1.7.5 Signs and exterior lighting shall be in accordance with the regulations in this Ordinance and in addition shall be so designed and located so as not to present a hazard, glare, reflection or unattractive appearance on or to adjacent properties and the traveling public.

Note: The applicant appears to meet the Ordinance requirements with regard to signs and lighting plans.

- 4.1.7.6** Buildings shall, consistent with generally acceptable engineering and architectural design practices, be designed and located so as to be properly integrated with the existing topography, terrain, and other natural features of the site.

Note: Additional information is needed with regard to building design, building elevation drawings, type of construction and other information that allows review and compliance determination.

See: CES Letter dated April 8, 2016

- 4.1.7.7** The development shall be designed and constructed to preserve the landscape in its natural state, in so far as practicable, by minimizing earthmoving, erosion, tree clearance, disturbance of existing vegetation, and the destruction of natural amenities.

- 4.1.7.8** All manufactured slopes, other than those constructed of stone, concrete or other impervious materials shall be planted or otherwise protected from the effects of storm runoff erosion. All graded slopes shall be of a character so as to cause the slope to blend with the surrounding terrain and development.

Note: (4.1.7.7 & 4.1.7.8). The development does not appear to disturb the landscape beyond that necessary to locate the access road and processing facility. Grading and earthwork modification appear to be minimal, utilizing relatively level ground. The engineering plans incorporate stormwater treatment and control per Maine Department of Environmental protection permitting requirements designed to minimize impact on surrounding areas.

- 4.1.7.9** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, or any public or private storm drainage system. Whenever possible, on-site absorption shall be utilized to minimize discharges from the site. In reviewing the adequacy of surface water drainage plans, the planning board shall emphasize protection of flood plains, reservation of stream corridors, establishment of drainage rights-of-way, the adequacy of the existing system, and the need for improvements, both on-site and off-site, to adequately control the rate, volume, and velocity of storm drainage. In addition, the planning board shall review maintenance responsibilities to determine their adequacy.

Note: Applicant will need to provide evidence of meeting Maine Department of Environmental Protection standards regarding stormwater monitoring and treatment devices.

See: CES Letter dated April 8, 2016

- 4.1.7.10 Adequate provisions shall be made to mitigate any adverse impact on existing scenic or natural beauty, rare or irreplaceable historic sites, or other features of importance to the community.

Note: No important scenic areas, historic sites, or other features of importance to the community were noted as being impacted by this development.

- 4.1.7.11 The development shall not impose an unreasonable burden on, nor exceed the capacity of, utilities such as sewer, sanitary and storm drains, water lines, or on municipal services such as, but not limited to, fire, police, solid waste disposal, schools, open spaces, recreational programs and facilities, roads, or other municipal services and facilities.

Note: The applicant has provided utility capacity letters from the City of Bangor Wastewater Treatment Plant with conditional statements of capacity. ***The Applicant did not include the statement of capacity from the Town's Public Works regarding sewer capacity. The Applicant has not provided statements from the electrical (Emera) or natural gas (Bangor Gas Company) utilities regarding capacity or conditions for this facility.***

- 4.1.7.12 Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize any adverse impact on other land uses within the development area and surrounding properties.

Note: The Applicant appears to meet the setback requirements of the Industrial Zone. The Applicant has proposed a Class I Bufferyard along the street frontage to the facility. Loading, unloading, and processing has been proposed as occurring inside the processing building to minimize impacts. The Applicant states that the nearest residential neighbor in Hampden is approximately 3,400 feet.

- 4.1.7.13 The proposed use, buildings, and site development shall have no unreasonable adverse effect on surface water quality, ground water quality, ground water quantity, soil quality, or air quality.

Note: The odor control issues identified below will need to be addressed. Examples of how these might be addressed are

suggested within the attached Woodard and Curran Preliminary Review Letter dated March 30, 2016.

- ***Demonstrate proposed controls are adequate to fully address odor emissions.***
- ***Present monitoring plan of odor control.***
- ***Address odors associated with queued vehicles and along haul routes.***
- ***Process for handling odor complaints.***
- ***Potential odor emissions from gas flare or boiler system.***
- ***Control of dust, trash, and debris at facility and along haul routes.***

See: CES Letter dated April 8, 2016

9. Zoning Ordinance: 4.2 Conditional Uses

4.2.3 Standards Governing Conditional Use Permits

Section 4.2

Criteria needing additional information is indicated below in **(bold)** type:

- 4.2.3.1** **The proposed use is designed and sited so as to comply with all provisions of this Ordinance. The applicant shall demonstrate that the use will be operated and maintained in compliance with the performance standards set forth in *Article 4.4* of this Ordinance.**

Note: Additional information as noted in this memo is needed to determine this standard has been met.

- 4.2.3.2** **The proposed use will provide adequate and safe provision for the collection, storage, and disposal of all wastes generated or stored on the site.**

Note: The proposed use consists of indoor collection, storage, and processing of municipal solid waste. This practice appears to meet the intent of this Conditional Use Standard.

- 4.2.3.3** **The proposed use will not significantly devalue abutting property or property located across a public or private way. In making its determination, the board shall take into consideration the following facts: the type, size, bulk, height, architecture, and use of the structure proposed, the topography of the area, the market value of the**

surrounding real estate, the availability of utilities, traffic conditions, and other relevant facts.

Note: Additional information is needed to address effects on abutting properties, particularly those located along the proposed haul routes and surrounding properties potentially affected by air emissions.

See: CES Letter dated April 8, 2016

- 4.2.3.4** The proposed use will not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions. In making its determination, the board shall require the applicant to demonstrate that none of the foregoing will interfere with the peaceful use and enjoyment of residential properties located in the area of the proposed use.

Note: Additional information is needed that address odor emissions and their impact upon residential properties.

See: CES Letter dated April 8, 2016

- 4.2.3.5** The proposed use will not cause or aggravate hazardous traffic congestion on contiguous or adjacent streets.

Note: See attached Memorandum from Maine Traffic Resources dated March 25, 2016.

- 4.2.3.6** The proposed use will not deny light and air to surrounding properties.

Note: The proposed facility is appropriately located on the proposed lot with adequate setbacks, no existing neighboring buildings, and considerations for building height per the Ordinance requirements.

- 4.2.3.7** The proposed use will:

- a. Maintain the existing level of safe and healthful conditions.
- b. Not cause water pollution, erosion, or sedimentation.
- c. Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
- d. Conserve shore cover and visual, as well as actual, access to water bodies.

Note: None of these have risen to a level of local concern beyond the permit requirements of the Department of Environmental Protection.

4.2.3.8 The applicant 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*.

Note: The Applicant has submitted statements regarding the financial and technical ability of the MRC and Fiberight to build and operate this facility on Page 5 of the application narrative and Appendix 7 for the consideration of the Planning Board.

4.2.3.9 The proposed use, if a home occupation, shall meet the standards contained in *Article 4.10* of this Ordinance.

Note: This standard is not applicable.

4.4. Performance Standards

Section 4.4

Criteria needing additional information is indicated below in **(bold)** type:

4.4.1 ***Odorous Matter – As identified in Woodard and Curran’s Site Plan Review, additional information had been requested from the applicant, much of which is addressed in CES: MRC/Fiberight Response to Review Committee letter dated April 8, 2016.***

4.7.1.1.10. **Zoning Ordinance Parking Standards – Applicant has provided 47 parking spaces. Ordinance requirement for this proposed use is 52 parking spaces.**

These Ordinance provisions will apply to the proposed application upon positive findings that the application qualifies for Site Plan Review as Conditional use. Compliance with these Ordinances may need to proceed on parallel paths to the Site Plan Application as they require Town Council approval.

Woodard and Curran has provided the following review of submission materials at the request of the Town of Hampden with intended benefit to the applicant.

Town Ways Ordinance

Additional information and/or detail is recommended on the following:

1. Sheet 103: Proposed natural gas line is shown overlying proposed water main. Piping layout should be modified to maintain adequate distance between utilities.

Clarification is a structure will be required where the proposed natural gas injection line meets the existing Bangor Gas Company pipeline.

2. Sheet 201: Several curb cuts are shown, apparently to direct stormwater, however no erosion control methods are specified at these locations.

Further detail where curb cuts are close to existing grade.

3. Sheet C202: The distance between road high points appears to exceed 900 feet. Concern is for excess of flowing water impacting the travel lane should be addressed.
4. Sheet C203: Distance between roadway high points appears to exceed 1500 feet. Concern is for excess flowing water impacting the travel lane should be addressed.

Proposed sewer pump station appears to show a paved driveway. Recommendation is driveway match pavement and base gravel requirements as road.

5. Sheet C204: Location of Bangor Gas Company natural gas line and proposed gas injection pipe shown on Sheet C102 is not shown on the C204 plan and profile.
6. Sheet C502: " Typical Crowned Roadway Cross Section" A number of recommendations are contained in the Woodard and Curran Review Letter dated April 7, 2016.

Sewer Ordinance

Additional information and/or detail is recommended on the following:

A partial review of the Sewer Ordinance conformance has been completed. A complete review is not possible due to the omission of several elements at time of review.

1. Additional detail on force main piping design.
2. Sewer manhole details.
3. Pipe insulation details.
4. Details with regard to Sewer Pump Station.