

Town of Hampden  
Planning Board Meeting  
Minutes  
Wednesday April 13, 2016

The meeting of the Hampden Planning Board was called to order at 7:00 pm Wednesday April 13, 2016 at the Hampden Municipal Building Council Chambers by Chairperson Weatherbee.

**Attendees:**

Peter Weatherbee - Chairperson  
Eugene P. Weldon  
Kelley Wiltbank  
Mort Syverson  
Joan Reilly

**Staff:**

Dean Bennett, Community Development Director (CDD)

**1. Approval of Minutes (March 16, 2016)**

Motion by Member Wiltbank, Second by Member Weldon to approve the Minutes as presented. Vote: Unanimous

**2. Old Business - None**

**3. New Business**

**Site Plan/Conditional Use Review**

**Fiberight LLC/MRC: Solid Waste Recycling and Processing Facility**

Municipal Review Committee/Fiberight LLC, has proposed to construct a 144,000 square foot Solid Waste Processing Facility with an attached 9,800 square foot administration building accessed by a 4,600 newly constructed commercial road. The road and facility are proposed to be located east of the Coldbrook Road on Map 9, Lot 35, 39 and Map 14, Lot 7. **PUBLIC HEARING**

Chairperson Weatherbee opened the meeting at 7:00pm Chairperson Weatherbee explained that, based on the report from Peer/Staff Review, this evenings discussion will focus on primarily Odor and Traffic impacts associated with the proposed facility.

Chairperson Weatherbee further described the proceedings for the evening would be to hear from the applicant on the proposed Site Plan/Conditional Use Application; Peer Review/Staff description of process and report; Woodard and Curran's report and recommendations; proponents of the project; opponents of the project; public that is neither for or against the project; Applicant's response to issues/questions raised; and Board Questions of the Applicant.

Chairperson Weatherbee asked for proponents of the project to come forward, state their name for the record, and to try to keep all comments relevant to the project being reviewed and the standards within the Zoning Ordinance for which the Planning Board is responsible.

**Chairperson Weatherbee Opened Public Hearing at 7:05pm.**

**Applicant:**

Sean Theis, Senior Project Manager, of Civil Engineering Services (CES) of Brewer, briefly introduced the representatives with him to present the development proposal.

Greg Lounder: Executive Director of the Municipal Review Committee  
Denis St. Peter: President/CEO of Civil Engineering Services  
Kyle Sullivan: CES Engineer on Odor Control.  
Victor Smith, CES Engineer on Traffic Issues.  
Jon Pottle, Attorney for Eaton Peabody representing the applicant.

Greg Lounder, Executive Director of the Municipal Review Committee explained that the MRC was one of two applicants for the project. The MRC's partner being Fiberight LLC. Greg presented a brief overview of MRC since its inception in 1991, describing the organization as private/public partnership created for the purposes of oversight of the PERC facility, representing approximately 187 towns. MRC has had direct involvement with the PERC facility operations and contractual agreements. Mr. Lounder described the process undertaken to determine a site location for this project. Major considerations were given to the proximity to the central service area, combined with consistency with local comprehensive plans and land use regulations.

Denis St. Peter, President of CES, described the States hierarchy of solid waste. The Fiberight project will divert 70%-80% of the waste stream from landfills. The facility utilizes mechanical separation, pulping, wastewater treatment, and anaerobic digestors. The University of Maine Peer Review reported positive on the technology. He further explained that the Fiberight is in the process of obtaining numerous permits from the Department of Environmental Protection including: Site Location Development Permit; NRPA Vernal Pool/Stream; Air Emission License; 409 Processing Permit; Army Corp permit for wetland impacts; and an MDOT Entrance Permit.

Sean Theis, CES explained that the facility would be located at the end of an approximately 4,500 foot road. The road will be serviced by water, sewer, electricity and natural gas lines. The road is intended to be constructed to town standards and proposed to the town for acceptance. The Site Plan for the facility calls for a line from the existing gas pipeline, 144,000 square foot building with a 9,800 square foot administrative building. The building is provided with odor control equipment in the form of scrubbers and negative air flow. Outside storage tanks and stormwater treatment have been designed.

Victor Smith, CES, spoke to the anticipated traffic generation explaining that the 100 peak hour threshold will not be met in order to require a full traffic study. He acknowledged those areas noted by the town of Hampden as major concerns. According to their data, it is anticipated an additional 6-7 trucks per day would likely utilize Route 1A. The area of Route 202 and the Coldbrook Road did not project increases to a level of concern to warrant further study. Victor anticipated a deliver schedule between 6am and 6pm, primarily accessing the site off from I95.

Kyle Sullivan, CES indicated that the concerns stated by the Department of Environmental Protection were similar to those of Hampden. He offered the following list of odor controlling techniques to be utilized:

- Tipping floor waste management plan – First in first out
- Mechanical scrubbers/Large Fans
- No stored waste on-site
- Trucks covered/sealed
- Leaks on site – powder/sprays
- Trucks on site prioritized by smell
- Strongest odor trucks are scheduled for delivery
- Prevailing winds (North in Spring & Summer – South in Fall & Winter)
- DEP required daily inspections for odor during 1<sup>st</sup> 6 months of hot weather
- Odor complaints go directly to the DEP for enforcement

#### **Woodard and Curran Report on Peer Review:**

*Kyle Corbeil of Woodard and Curran*, Peer Review consultant for the town of Hampden, reported to the Board on his review findings:

**ODOR:** Mr. Corbeil noted lack of reported odor controls, information on the odor impact of delivery vehicles, lack of odor complaint systems, and overall standard for trash, debris and dust need to be further addressed. Mr. Corbeil noted that additional information has been submitted since he completed his review which has addressed a majority of these issues.

**TRAFFIC:** Mr. Corbeil noted that additional traffic information would be beneficial, such as trip generation of three shifts, traffic volume, LOS analysis, turn lane, and accident data.

#### **Proponents:**

Ivan McPike, Hampden Resident. Mr. McPike indicated he was a lifelong resident of Hampden and Town Councilor. He supports the Fiberight facility. Mr. McPike said that historic traffic associated with construction was far worse than what Fiberight would be contributing. With regard to Odor, he felt that if strategies were not affective, additional steps could be developed and implemented.

**Opponents:**

Jim Hornbrook, Hampden Resident on Main Trail, questioned what would happen in the event of a power loss? A delay in the processing line would increase odors that can't be addressed. He expressed his concerns over back-up alarms and Jake brake usage. He questioned if the additional traffic was going to create greater hazards on Route 202 leading to more accidents.

Mark Robson, Hampden Resident, reminded the board that there is over 10 million dollars in real estate value and over 50 families close by to the proposed facility. He expressed his concerns over traffic, suggesting that all trucks should be required to utilize I95 when delivering trash to the facility.

Kathy Walker, Hampden Resident, said she lived within a thousand feet of the facility. She referenced Standard 4.1.7.3 in the Zoning Ordinance and questioned if the 89 trips per day was accurate. She had calculated approximately 356 vehicles per day to and from the facility. She suggested that blinking traffic lights be installed along Coldbrook Road rather than the Truck Entrance Signs. Rather than a large STOP sign, blinking lights should be installed along the access road. With regard to air quality, she questioned if water drift from the cooling towers would affect neighboring properties along with excessive moisture from the plant.

Bill Lippencott, Hampden Resident, suggested that the project will exceed the limits of carbon dioxide, mercury, and chloride and encouraged the Board to wait until the DEP ruled on emission before making a decision.

Keith Bowden, Resident of Orrington questioned what steps were being taken to wash the trucks after dumping. He referenced a report that he prepared and submitted to the DEP on March 24<sup>th</sup> where he concluded that Hydrogen Chloride, Sulfur Dioxide, and Acid odors would be problematic. His suggested solution was to inject Limestone to neutralize. With regard to the anaerobic digestion process, he questioned if provisions were made in case of tank rupture.

Dale Parker, Hampden Resident, questioned whether these trucks were covered in route to the facility. He made the point that trucks rust and leak. He further stated his concerns over Jake brake use and traffic on Route 202.

Katherine King, Hampden Resident, stated her concerns with increased traffic and cost association with road maintenance due to the truck use and weight on local roadways. She further questioned the suggested 90 trips per day.

**Civil Engineering Services Response to Public Comment:**

Kyle Sullivan, CES explained that the application to the Maine Department of Environmental Protection was for a Minor Source Emission License. Gases that were mentioned, and the concentration, will be addressed through review of the license

application. He was confident that the DEP would not license the facility as Minor if in fact it did not meet the requirements.

Anaerobic Digestion process would utilize a "flare" to burn off excess gases only in emergency situations.

The process of waste to gas is accomplished with duplicative systems. If one system were to fail, a second system would provide back-up of continued processing. If both systems were to fail then it is likely all waste would have to be removed from the site.

**Questions from Planning Board Members:**

**Q-Chairperson Weatherbee:** Has the Virginia facility received complaints concerning odor or emissions issues?

**A-Denis St. Peter, CES:** There have been no odor issues or complaints at the Virginia facility.

**Attorney Bearor:** Attorney Bearor clarified that the Planning Board has an obligation to review the local ordinance provisions only. It is not within the Boards responsibilities to review the Department of Environmental Protection record.

**Q-Victor Smith, CES** asked the Planning Board what does the Board need for additional information and/or what data would it like to see?

**A-Planning Board Member Wiltbank** stated "Where is the waste coming from?" and how will the additional traffic affect local roads within the town?"

Jim Wilson, Woodard and Curran suggested that the Planning Board look to Maine Traffic Resources, Diane Morabito's report "Preliminary Traffic Review for Hampden Solid Waste Processing Facility", for recommendations on additional data and information.

**Chairperson Weatherbee** suspended the Public Hearing, to be continued at the next regularly scheduled meeting on May 11, 2016 at 7:00pm in the Town Council Chambers.

**4. Community Development Director's Report**

Community Development Director reminded Board Members of the upcoming Maine Municipal Association Workshop for Planning Boards and Boards of Appeal on April 25<sup>th</sup>.

5. Planning Board Concerns - None
6. Meeting adjourned at 9:15 pm.

Respectfully Submitted,

Michael Avery  
Secretary Hampden Planning Board