

Town of Hampden  
Planning Board Meeting  
Minutes  
Wednesday May 11, 2016

The meeting of the Hampden Planning Board was called to order at 7:02 pm Wednesday May 11, 2016 at the Hampden Municipal Building Council Chambers by Chairperson Weatherbee.

**Attendees:**

Peter Weatherbee - Chairperson  
Eugene P. Weldon  
Kelley Wiltbank  
Jim Davitt  
Joan Reilly  
Mike Avery

**Staff:**

Dean Bennett, Community Development Director (CDD)  
Ed Bearor, Town Attorney

**1. Approval of Amended Minutes (April 13, 2016)**

Minutes were approved by Vote: 5-0-1

**2. Old Business - None**

**A. Site Plan/Conditional Use Review**

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

The Municipal Review Committee/Fiberight LLC, has proposed to construct a 44,000 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.

**CONTINUATION OF PUBLIC HEARING FROM APRIL 13, 2016**

Chairperson Weatherbee opened the meeting at 7:02pm and stated if there were no objections, he would like to move New Business to the top of the Agenda to review the other two matters before the continuation of the Fiberight Public Hearing.

Hearing no objections, Chairperson Weatherbee moved to the first item under New Business.

**3. New Business**

**A. Site Plan Review/Approval (Permitted Use)**

Justin Lewis is seeking Site Plan approval to establish a Speech Therapy Office at 626 Main Road North. He indicated his wife was a speech therapist and this would be her office location.

Chairperson Weatherbee asked if there was anyone in attendance that would like to speak in favor of the application. Seeing none, Chairperson Weatherbee asked if there was anyone would like to speak in opposition to the application. Again, seeing none, Chairperson Weatherbee closed the Public Hearing and asked for staff overview and recommendation.

Community Development Director (CDD) presented a brief overview of the application, indicating the application was for a Permitted Use within the Business District, in conformance with the submission requirements of Article 4.1 Site Plan Review and the Article 4.8.7 Sign provisions of the Zoning Ordinance.

The application proposes to utilize the existing single family dwelling with no exterior improvements other than a handicapped ramp, and new gravel for the existing driveway and parking areas.

CDD noted that the planned parking spaces exceeded the number of spaces required by the Zoning Ordinance, which is (1) space for every 250 Square feet of building. Applicant is aware of the sign provisions of the Ordinance and the need to obtain a permit from Code Enforcement.

Given the application involves no exterior additions or alterations, does not propose any increase in impervious surface, and is appropriately zoned for the proposed use, CDD recommendation to the Planning Board is the approval of the application as submitted.

The Planning Board, with no additional questions, moved and seconded to approve the Site Plan of Justin Lewis to establish a Speech Therapy Office at 626 Main Road North, per the submitted application. Vote: 6-0

**B. Home Occupation Review/Approval**

Brandy Webb is seeking approval for a Home Occupation for a Hair Salon in her home at 1245 Western Avenue. Mr. and Mrs. Webb explained that they previously had a Home Occupation in their home but have relocated and wish to continue her Salon.

Chairperson Weatherbee asked if there was anyone in attendance that would like to speak in favor of the application. Seeing none, Chairperson Weatherbee asked if there was anyone would like to speak in opposition to the application. Again, seeing none, Chairperson Weatherbee closed the Public Hearing and asked for staff overview and recommendation.

Community Development Director (CDD) presented a brief overview of the application, indicating the application was for a Permitted Use within the Rural District. The application as proposed appears to be in

conformance with the Home Occupation Standards of Article 4.10 of the Zoning Ordinance.

The application proposes a single-chair salon, operated by the owner, and located within a portion of the basement area of the three story dwelling. There are no proposed exterior changes to the outside of the building, larger parking area than required by the Standards, and no sign is proposed. The site, being set back from the road is well screened and easily accessible. Supply deliveries would typically utilize UPS service.

Given the application appears to exceed the minimum standards of Article 4.10, and poses little if not any impact to the character of the area, CDD recommendation to the Planning Board is the approval of the application as submitted.

The Planning Board, having no additional questions, moved and seconded to approve the Home Occupation application of Brandy Webb for the establishment of a Hair Salon in her basement at 1245 Western Avenue. Vote: 6-0

**Chairperson Weatherbee asked for a motion to reopen the Public Hearing on the MRC/Fiberight application that was suspended on April at 7:05pm. Motion was moved and seconded. Vote 6-0**

Chairperson Weatherbee opened the public hearing at 7:10pm.

Chairperson Weatherbee explained that the Public Hearing would be conducted as it was at the last meeting. He inquired if there was any additional information to be presented by the Applicant.

**Applicant:**

Sean Theis, Senior Project Manager, of Civil Engineering Services (CES) of Brewer, indicated they had prepared additional information for presentation to the Board.

Chairperson Weatherbee asked that the applicant briefly review the issues that were covered at the last meeting and then move forward with any additional information.

Kyle Sullivan, CES, briefly reviewed the odor discussions of the last meeting and explained that they had prepared an Operations Manual, which was submitted to the Department of Environmental Protection and he would like to explain the developed protocols for reporting and handling odor complaints.

Kyle spoke on the following protocols:

1. The establishment of a 24 hour/7-day a week Odor Complaint Hotline that can be called directly by residents. If a complaint came to the town, the town would have this number to provide to the resident.
2. Once call was received and validated, the Code Enforcement Officer and DEP would be notified of the complaint.
3. The complaint would be responded to by a person, followed up upon and response to the complaint filed within 30 days.
4. Furthermore, Mr. Sullivan indicated that the MRC would be acting in a landlord capability providing oversight of Fiberight.

Question/Comment: Chairperson Weatherbee.

Who is in charge and by what authority?

Answer: MRC has landlord position with Fiberight.

Follow-up Question: Attorney Bearor.

Where are the provisions that empower MRC over Fiberight?

Answer: Section 5.4 of the Agreement.

Mr. Bearor asked for a copy of the Agreement.

Jonathan Pottle, Attorney for MRC.

Attorney Pottle offered the following:

1. Primary objective is the avoid and complaints
2. If complaint is received, a clear process is established.
3. Transparency is the key.

Attorney Pottle explained that the protocol is not intended to put any obligation on the Town of Hampden, but in fact, ensure the lines of communication are open and clear so that the Town of Hampden as full access to the status of the reported odor complaint investigation.

Sean Theis, CES

Mr. Theis referenced the most recent traffic addendum submittal. He explained that traffic counts were initiated and completed at all of the areas of concern identified by the Planning Board. Traffic counts were performed at the PERC facility, logging time of truck arrivals, looking for peak periods. There was no peak periods identified. They counted the off-ramps at I-95 and the location of the proposed access road. There were no areas of major concern identified.

Question/Comment: Member Wiltbank

How many trucks are coming into town and from where are they coming?

Answer: Mr. Theis presented a truck route map which indicated from which direction trucks are anticipated to come and how many on each of the identified roadways.

Question/Comment: Member Wiltbank

Is there any reason for any truck to come into the middle of Hampden on Route 1A?  
Mr. Wiltbank noted that from every direction an alternate route is possible.

Answer: Mr. Theis stated that it is there opinion that it is likely that trucks will chose to go on those most direct routes with least resistance. Perhaps suggested routes could be provided.

Question/Comment: Member Wiltbank

The residents do not like feeling that Hampden is the garbage site of the State. They do not want to be reminded. If there was a way for trucks to by-pass the downtown area, it would help. Who contracts with garbage haulers to bring trash to Hampden?

Answer: Greg Lounder, Executive Director of the Municipal Review Committee, explained that it is the community that contracts directly with the garbage haulers. If thought has been given to the issue, perhaps the community contracts between MRC and the Communities could have addressed it, however, the community often changes haulers and continued contract changes would be necessary if that should happen.

Question/Comment: Member Wiltbank

The issue is to do what you can to control truck traffic in certain areas of Hampden.

Question/Comment: Member Avery

Perhaps providing suggested Routes would be a means to address the concern.

Question/Comment: Member Wiltbank

I noticed on your map that the Odlin Road is not selected as a probably route. It functions as an industrial road and has many trucks that utilize it. It would hide the trucks from public view.

Victor Smith, CES

The routes were selected because they are the most probable route that trucks will take. They were not selected due to their ability to make trucks invisible.

Question/Comment: Member Wiltbank

Perhaps the trucks should be routed where they can't be seen?

Answer: Mr. Theis offered that the Odlin Road is not the same as Route 202. Route 202 is a large highway built for the purposes of truck transportation.

Attorney Pottle, MRC

Attorney Pottle indicated that these are valid concerns, but felt that truck routing should not be addressed in Planning Board site plan conditions, but that they would explore options.

Question/Comment: Member Wiltbank

Clarified he is not suggesting that the issue should be a standard or condition of approval, just that perhaps the member MRC towns would be sympathetic to the concerns of the Hampden citizens if approached with the situation.

Attorney Pottle said that they would look into ways to control the use of Hampden's roads.

Chairperson Weatherbee asked for any public comments?

Jim Hornbrook, Resident on Main Trail Subdivision, referenced last month's discussion on prevailing winds. He indicated that on a hot summer day, with no wind and high humidity, there was going to be a smell. He expressed his concern about the plant going down for whatever reason and the potential for a wedding reception in his subdivision to be affected. He explained that he has asthma and a sensitivity to perfume and he could smell the flare of the landfill from his home. He is familiar with anaerobic digesters and that fact that they are tanks with rubber covers that can explode. He is very concerned about the diminishment of air quality.

Mike Robson, Resident of Main Trail Subdivision stated that he "doesn't want to be the garbage capital of the world". He suggested a consideration might be to use digital media for reporting of odors. Create a template on a website, indicating location, time of incidents etc.. He is familiar with the use of dumpsters having been in retail for many years. He questioned about the liquid that flows out of trash trucks and its potential to damage vehicles or health. What is the enforcement and fine for truck that do not comply with the regulations. He suggested record keeping of deliveries so that if a hauler repeatedly does not cover the load, truck is rejected.

Keith Bowden, Resident of Orrington expressed his concerns for air emissions, odor associated with digesters and the release of Hydrogen Chloride. He stated there is Hydrogen Sulfide in digester gas. Keith suggested a means by which outgoing trucks could be odor neutralized, deodorized with cleaning agents. He further noted that the Zoning Ordinance Odor provisions refers to air emissions.

**Questions/Comments: Member Weldon**

Member Weldon addressed his question to Mr. Bowden. Member Weldon confirmed that Mr. Bowden was a resident in Orrington for a time. Member Weldon asked Mr. Bowden if he has ever filed an odor complaint in Orrington?

Mr. Bowden indicated that he had never done so. He further stated he lived a considerable ways away from the facility.

Kathy Walker, Resident of Hampden asked if the MRC was staffed for a 24 hour hotline?

Greg Louder, MRC Executive Director responded that they were not and would need to make provisions for such a hotline.

David Ryder, longtime Hampden resident and current Town Councilor spoke of his recent trip to Virginia on family business and a Saturday afternoon visit to the Fiberright Facility in Lawrenceville. Mr. Ryder indicated he was surprised at what he found at the facility. He stated the "it didn't look like a trash facility", "he has smelled worse smells at the Hampden transfer station", "when the trash comes in, processing starts quickly and the trash is sprayed with an enzyme for flies and odors", "neither he, nor his wife, say any flies in the facility", and "there are houses within a 1/8 mile and apartment houses at 1/4 of a mile". He further explained that he has spent some time in Dunkin Donuts recently and counted the number of tractor trailers that passed through the intersection in town. In a short period of time, he counted 31, further stating, that any increase in traffic associated with the Fiberright facility was would be insignificant, when mixed with what is currently traveling the roads of Hampden. He recalled a time when there was an issue of traffic on the Emerson Mill Rd and residents complained. The problem was fixed, traffic was re-routed.

**Question/Comment: Member Avery**

Member Avery asked Mr. Ryder how did the town control those trucks back then?

Mr. Ryder explained that it was a town road and they town shut off truck traffic on that road.

Mr. Bowden asked Mr. Ryder how many tons a day was the facility processing when he was there?

Mr. Ryder indicated there were done as the facility is only open 5 days a week. Further clarifying, garbage smells, if your processing garbage and it smells, it would smell a day or two later.

Jim Hornbrook, Resident of Main Trail, indicated that if it smells he is going to call and complain every day about the odor.

Dale ?, indicated he was familiar with the protocols on Orrington and he said they would hold back trucks during school zone hours. The existing trucks were the worse smelling.

Chairperson Weatherbee: Announced a 5 minute break at 7:27pm

**Chairperson Weatherbee suspended the Public Hearing, to be continued at a Special Planning Board Meeting on May 25, 2016 in the Town Council Chambers. Discussion would continue on odor and traffic.**

5. Planning Board Concerns - None

6. Meeting adjourned at 9:30pm.

Respectfully Submitted,

Michael Avery  
Secretary Hampden Planning Board