

Planning and Development Committee
Wednesday June 1, 2016
6:00 PM
Conference Room
MINUTES

Attendees:

Committee

Ivan McPike-Chair
Mark Cormier
Dennis Marble
Terry McAvoy
David Ryder
Dennis Marble

Staff

Angus Jennings, Manager
Sean Currier, DPW Director
Myles Block, CEO

Guests

Sean Thies, P.E., CES, Inc.
Kyle Corbeil, P.E., Woodard & Curran
Bill Shakespeare
Tom Brann
Peter Neal

Chairman McPike called the meeting to order at 6:00 PM.

1. Approval of May 17, 2016 Minutes – Approved

2. Committee Applications:
 - A. Peter Neal, Application for Appointment as Harbor Master – Committee review for recommendation to Town Council

Motion by Councilor Marble, seconded by Mayor Ryder, to recommend that the Town Council appoint Peter Neal to serve as Harbor Master. Motion passed 6-0.

3. Updates:
 - A. Planning Board public hearing re MRC/Fiberight proposal continues on Wednesday, June 8 at 7 PM

Manager Jennings provided an update on the recent Planning Board hearing, and that the public hearing was continued to June 8.

B. Update on Planning Board consideration of proposed Ordinance Amendments referred by the Town Council

Manager Jennings updated the Committee regarding the timeline provided in the Zoning Ordinance for Planning Board review of ordinance amendments referred by the Town Council. He noted that the timeline for review of the proposed Private Roads Subdivision amendments, which was referred in December, has long since passed. Manager Jennings noted that the Planning Board's meeting have been lengthy, and that they've held extra meetings, due to the Fiberight public hearing, and that the Board has not scheduled a meeting of its Ordinance Committee to review the changes.

Several Committee members agreed that it's been a long time, and Mayor Ryder suggested that the Council should move forward with its hearing process. Manager Jennings said this is provided for in the Ordinance, but that no action from the Planning Board is considered a negative recommendation and means that adoption of the amendment would require a 2/3 vote of the Council. He suggested that, if the Council does move forward, the Planning Board could be invited to participate in the Council hearing.

The Committee agreed to recommend that the Council move forward with scheduling a public hearing regarding the Private Roads amendments. Resident Brann expressed concern about the Committee making this recommendation, rather than the Council, and Manager Jennings responded that the Council would be the body referring the matter to hearing. This matter was brought to this Committee to allow for discussion before this action is taken.

C. Marina Road signage

Manager Jennings summarized three options that may be available regarding the location of a potential sign to promote the Marina Park and the two businesses. He said each option has a down side. One option would be to locate a sign within the right-of-way for Marina Road, which is owned by the City of Bangor. It would be necessary to secure permission, and probably an easement, from the City. Manager Jennings has corresponded with the Bangor City Solicitor regarding this possibility. Another option may be to locate a sign on adjacent private land owned by Jeffrey Rawcliffe, but that the landowner has indicated that he would require payment for this, and has indicated that he's not willing to entertain placement of an easement on the land. This would not provide long-term assurance that the sign could remain in the location. The third potential option would be to continue to pursue permission from Maine DOT to locate a sign within the Route 1A layout, but that many correspondences with the State have not yet yielded a positive response. Manager Jennings

acknowledged the existence of a Statute prohibiting the installation of commercial signage within a State right-of-way, but noted that following a 2015 Supreme Court case regarding signage the Town may be able to assert its free speech rights to locate a sign even if it included commercial signage subordinate to the primary Town park sign.

It was asked whether anyone had talked with the owner of the building adjacent to Marina Road to see about putting signage on the side of the building, and Councilor McPike suggested that McLaughlin's should look into that.

Councilor Marble said if it's allowable, practical and visible, he would favor pursuing a sign within the Bangor right-of-way.

Resident Brann said that the signs on Route 202 were allowed by DOT as temporary signs. Mayor Ryder asked what is considered a temporary sign, and CEO Block said there is not much guidance in the ordinance and this is up to DOT to determine. It was agreed that it makes sense to look more closely at whether the Bangor right-of-way location would be practical and provide sign visibility.

4. Old Business:

5. New Business:

A. Review of MRC/Fiberight street design in anticipation of future petition for public acceptance of street pursuant to own Ways Ordinance – Sean Thies, P.E., CES, Inc.

Sean Thies from CES, Inc. presented MRC and Fiberight's proposal to construct a new road and new sewer infrastructure to serve its proposed waste processing facility. He said that his client's goal is to ensure that the design of the infrastructure is acceptable to the Town so that, if it's built as designed, it could be accepted as public infrastructure. Chairman McPike invited Director Currier to report. Director Currier said that he has met with the applicant including the Town's peer review engineer Woodard & Curran, and that many issues have been addressed. Kyle Corbeil said that the proposed road was reviewed pursuant to the Town Ways Ordinance, and that there are some concerns regarding drainage due to the flat topography and road design. The Town does not want drainage accumulating in the gravel base which can cause damage during freeze/thaw cycles. The road will get a lot of usage from trucks year-round, so can't be posted as "no trucks" during winter. There was some discussion of road speed limits and number of curb cuts. Mayor Ryder asked about water and sewer, and Mr. Thies said water would come up Coldbrook Road and sewer would cross over from Ammo Park.

He said that the applicant is seeking to design to DPW standards. The Committee agreed that, if there comes a time that any friction emerges between design requirements and project cost, they would want to know about it, but that they are happy to have the DPW Director and engineering consultant work with the applicant to ensure that the design meets Town requirements.

- B. Review of MRC/Fiberight sewer design in anticipation of future petition for public acceptance of sewer pursuant to Sewer Ordinance – Sean Thies, P.E., CES, Inc.

The earlier discussion continued to include proposed sewer infrastructure. Director Currier noted that the pump station is not yet designed, but that the applicant has been provided the Town's specifications. Councilor McAvoy asked whether sewer could come up Coldbrook Road instead of Ammo Park, but it was reported that there are topographic challenges, and that the Souadabscook pump station would require millions of dollars of investment. Mayor Ryder asked about the capacity of the pump station, and Mr. Thies said it would be designed in a way that could accommodate the Fiberight facility and additional buildout, and could be expanded in the future. Manager Jennings noted that there is not a formal process for the Committee to approve this work, but that the goal of tonight's meeting is to ensure that the Committee is aware of the design work because eventually the Council would be asked to consider public acceptance of the infrastructure.

- C. MaineBiz opportunity for highlight article
Manager Jennings reported on the invitation by MaineBiz to purchase advertising in the form of an article highlighting Hampden. The Committee suggested postponing this cost for a year by which point we'll be in a better position to market specific development opportunities.

- 6. Zoning Considerations/Discussion
- 7. Citizens Initiatives:
- 8. Public Comments:
- 9. Committee Member Comments:
- 10. Adjourn

There being no further business, the meeting was adjourned at 6:58.

Respectfully submitted,
Angus Jennings, Town Manager