

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, July 10, 2013 at the Hampden Municipal Building Council Chambers by Acting Chairman Michael Avery.

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

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

1. APPROVAL OF MINUTES (June 12, 2013)

Member Weldon made a motion to approve the minutes as written this was seconded by Associate Member Davitt. The vote was unanimous. (Note that Associate Member Davitt will be voting on all items of this agenda in Chairman Weatherbee's absence).

2. NEW BUSINESS

A. Major Subdivision Preliminary Plan Approval – Elizabeth Halpern requests approval of a five-lot single-family residential subdivision on 11.2 acres located at the corner of Western Avenue and Patterson Road in a Rural District. No public improvements are proposed. Tax Map 5, Lot 48 – Public Hearing

Acting Chairman Avery stated that this is public hearing. The Planning Board had previously agreed during the Sketch Plan review that we will be doing the Preliminary Plan as well as Final Plan review at this meeting.

Associate Member Davitt disclosed that the applicant is one of his oldest friends of him and his wife.

No Board Member had any concerns.

Acting Chairman Avery opened the public hearing and asked for proponents, opponents and those with questions or comments.

Don Becker, PE of CES, representing the applicant tonight spoke in favor of the application. Mr. Becker stated that this is a five lot subdivision, with 3 lots accessed off of Western Avenue, and MDOT have approved the driveway entrances. There are two lots off of the Patterson Road. The open space has been accepted by the Town Council at their June 3, 2013 meeting.

As no one else wished to speak Acting Chairman Avery closed the public hearing and asked for Staff comments.

Town Planner, Bob Osborne stated that this is a major subdivision with no public improvements. Five lots are proposed with private wells and septic systems. (Applicant provided evidence of suitability for on-site wastewater disposal). Three driveways off of Western Avenue have MDOT approval. Town Council has accepted the open space.

Member Weldon made a motion to approve the preliminary plan under Article 331 Preliminary Plan as submitted. This motion was seconded by Member Syversen. The vote was seven in favor and none against the motion.

Town Planner's memo is to be made part of the record.

B. Major Subdivision Final Plan Approval – Elizabeth Halpern requests approval of a five-lot single-family residential subdivision on 11.2 acres located at the corner of Western Avenue and Patterson Road in a Rural District. No public improvements are proposed. Tax Map 5, Lot 48 – Public Hearing

Acting Chairman Avery opened the public hearing.

There were no other comments to the proposed final subdivision plan. There were no proposed changes from the preliminary plan as approved.

Acting Chairman Avery closed the public hearing and asked for a motion.

Member Weldon made a motion to approve final plan under Article 332 Final Plan as submitted. This motion was seconded by Associate Member Davitt. The vote was seven in favor and none against the motion.

Town Planner's memo is to be made part of the record.

C. Zoning Ordinance Map Amendment – Town of Hampden requests amendment to the Hampden Zoning Ordinance Map to change the old Hampden Academy property (Tax Map 36, Lot 76, Map 41, Lot 5 and Map 41, Lot 4) from Residential B and Residential A Districts to Village Commercial II District – Public Hearing and Recommendation to Town Council

Acting Chairman Avery asked the Town Planner if this item had been noticed.

Bob Osborne stated that it had.

Member Wiltbank – recused himself from this item, his reason was he lives on Cottage Street; the map amendment abuts his property.

Bob Osborne stated that the re-zoning of the three land parcels comprising the old Hampden Academy would be changed to Village Commercial II District the same zoning as the shopping center, Bangor Savings Bank and Bacon Auto Parts store are now. He noted that the Comprehensive Plan provides that the Council is to seek out appropriate re-uses for the old Hampden Academy but does not limit what those uses may be.

Acting Chairman Avery opened the public hearing asking for proponents, opponents and those with questions or comments.

Dennis Patterson of 17 Cottage Street, had concerns of the water that comes from the parking lot and off the roof of the old school into his back yard, and sometimes into his basement during storm events. He

would like to see something done about this problem, suggesting his isn't the only property with drainage issues downstream of the old academy.

Jeff O' Sullivan of 73 Cottage Street asked ask about the 2 lots he owns staying in the Residential B zone, and how this impacts him.

Jennifer Dysart of Main Road South asked about the proposed uses for the Old High School.

Dennis Patterson of 17 Cottage Street, stated there is no underground drain for the water, and would like the Council to look at the problem. All the water from the school site comes down into his back yard and into his basement, maybe there should be some type of enclosed drainage.

Acting Chairman Avery closed the public hearing and asked for staff comments.

Bob Osborne indicated that this item was referred by the Town Council to the Board for public hearing and that they would be asked to make a recommendation on the proposed map amendment. He noted that the Planning Board's Ordinance Committee met prior to the Planning Board Meeting. He indicated that at that meeting the committee recommended unanimously to recommend "ought-to-pass" for the map amendment as proposed. He indicated that the Village Commercial II District that is on the abutting land parcels to the north are appropriate for this parcel as well and open a range of uses that will allow for the reuse of the old academy. He also indicated that the Planning Board's recommendation would be passed along to the Council with the drainage concerns that Mr. Patterson has brought to our attention.

Associate Member Davitt made a motion that this item return an "ought to pass" recommendation to the Town Council and also bring to the attention of the Town Council the water issues from the neighbors. This motion was seconded by Member Weldon. The vote was six in favor and none against the motion. Member Wiltbank abstained from voting.

Town Planner's memo is to be made part of the record.

D. Zoning Ordinance Text Amendment – Town of Hampden requests amendments to the Hampden Zoning Ordinance text of: Article 4.8.7.5 Signs in the Village Commercial and Village Commercial II Districts sign regulations and amendment to Article 4.8.7.7 Signs in Shopping Centers. – Public Hearing and Recommendation to Town Council

Bob Osborne explained that this amendment is limited to changes to the sign regulations in the Village Commercial Districts and a category of signs known as shopping center signs.

This draft amendment of the sign provisions of the Zoning Ordinance allow internal illumination of signs in the Village Commercial Districts and also make adjustments on shopping center signage including increasing the height allowed in the VC Districts to 20 feet.

A number of changes are also proposed to shopping center signage to clarify that it is limited to one freestanding sign and to provide adequate space on the sign for major tenants as well as additional signage for multiple building site developments.

Acting Chairman Avery opened the public hearing and asked for proponents, opponents and those with questions and comments.

As no one spoke from the public on this item Acting Chairman Avery closed the public hearing and asked for staff comments.

Bob Osborne reported that this item was referred by the Town Council to the Board and that they would be asked to make a recommendation on the proposed zoning text amendment. He noted that the Board's Ordinance Committee met prior to the Planning Board Meeting. He indicated that at that meeting the committee recommended unanimously to recommend "ought-to-pass" for the text amendment with two minor revisions. The first was the language "In addition to signs allowed under Article 4.8.7"... The Planning Board indicated that the language should be changed to "In lieu of"... because the intent of the shopping center signage language is to replace the district language in the case of a shopping center. The second change was to clarify that the shopping center "place name" element of the sign is optional given the fact that not all shopping centers will in fact have a place name.

Member Weldon made a motion for an "ought to pass" recommendation back to Town Council with the proposed amendments made by the Ordinance Committee being changing the phrase "In addition to signs allowed..." to "In lieu of signs allowed..." and a clarification that the place name element of shopping center signs is optional not mandatory. The motion was seconded by Member Wiltbank. The vote was seven in favor and none against the motion.

Town Planner's memo is to be made part of the record.

E. Zoning Ordinance Text Amendment – Town of Hampden requests amendment to the Hampden Zoning Ordinance text of: Article 3.8.4 Residential B District Conditional Uses to add bed and breakfast and child care center as conditional uses and to amend Article 3.8.6.10 Special District Regulations by further defining the bed and breakfast regulations. – Public Hearing and Recommendation to Town Council

Bob Osborne stated that this item comes from the Town Council for public hearing and recommendation. He indicated that the proposal is to allow in existing buildings these two uses, bed and breakfast and child care center as conditional uses.

Acting Chairman Avery opened the public hearing and asked for proponents, opponents and those with questions and comments.

Jennifer Dysart Main Road South stated that this is needed in the Town.

Dave Spang owner of the Gilbert mansion stated that he has had the property for sale for several years. The property would make a great bed and breakfast.

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

Associate Member Davitt made a motion to recommend an "ought to pass" back to Town Council, this was seconded by Member Weldon. The vote was six in favor and none against, with one Member abstaining from the vote due to not having enough information, Member Syversen.

Town Planner's memo is to be made part of the record.

3. STAFF REPORT

Bob Osborne has nothing to report.

4. BOARD MEMBER CONCERNS

No Board Member concerns

5. ADJOURNMENT

Meeting was adjourned at 8:25 p.m.