

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, December 13, 2006, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Chairman David Caliendo and Members: Tony Llerena, Peter Frazier, Andrew Nelson, Mort Syversen, Michael Avery and Peter Weatherbee.

Also in attendance: Town Planner Robert Osborne, recording secretary Rosemary Bezanson along with Applicants for tonight's hearings.

**1. APPROVAL OF MINUTES (November 08, 2006)**

Member Syversen made a motion to approve the minutes as written. This motion was seconded by Member Llerena. The vote was five in favor and none against the motion to approve the minutes were approved as written.

**2. OLD BUSINESS**

- A. Conditional Use/Site Plan approval – Plaza Properties (Robert Garofoli) – requests to construct a 10,000 sq. ft. building for use as (6,000 sq. ft. , 4-bay) truck repair garage, and (4,000 sq. ft.) parts sales. Applicant also proposes to reuse the existing 1,600 sq. ft. residence for office and sales located at 91 Coldbrook Road in a Commercial Service District (Tax Map 22, Lot 4). Continued from previous meeting.**

Chairman Caliendo asked for a representative or applicant of this proposal to come to the podium.

Randy Bragg of Carpenter Associates spoke as a representative of the applicant. Mr. Bragg stated that the truck traffic and packing spaces have been addressed, along with the storm-water has been looked at by the town's engineers, J.W. Sewall Company. The town's public works director, Greg Nash will provide a letter stating he is all set with the proposed site plan.

Mr. Osborne stated that the outdoor storage no longer exists so therefore this is not a conditional use of this site. The parking area is adequate, there are no right turns out of the site. J.W. Sewall Company, the town's engineers are satisfied with the site plan. Staff would recommend approval with the condition that a letter be received from Mr. Nash stating that he is satisfied with the plan (most particularly the sewer design).

Member Avery a motion to approve the site plan, citing article 3.3, 3.4 and 3.17 of the zoning ordinance, with the condition that the town receive a letter from Greg Nash, Hampden Public Works Director, stating he was all set with the plan. This motion was seconded by Member Syversen. The vote was seven in favor and none against the motion to approve the application with the condition stated.

### 3. NEW BUSINESS

#### A. **Sketch Plan Review – Ronald W. Bailey request pre-application review of a proposal to subdivide a 14-lot, 30 acre Rural District single-family subdivision located (on the north side of ) 540 Meadow Road in a Rural District (Tax Map 4, Lot 22-A).**

Chairman Caliendo asked for a representative of the application to give the board a view of what is being proposed.

Jim Kiser, of Kiser and Kiser spoke for Ronald and Ryan Bailey (the applicants who were also present). Mr. Kiser stated that this is a 14 lot conventional subdivision, 2 acre lots with 200 feet of road frontage on a town approved road, (to be built). There is an existing subdivision, Whispering Pines, that the rear 30 acres are being developed into the 14 lots, with future potential development of the remaining acreage of 50 acres. Open space along the stream is being proposed, and wetlands have been mapped.

This would be a major subdivision with a minor road and would need to be classified.

Mr. Osborne read a letter in favor of the application into the record received from Peter and Lila Boucher, 505 Meadow Road. Mr. Osborne noted that this site had some wetlands associated with it and that the Thorndike soils are poor for development. He indicated that he would however withhold judgment pending wetland mapping and on-site soils investigation but that the proposed lotting could change significantly once that information is available. He suggested that he would consider a Rural Cluster subdivision because it would provide additional flexibility to site good house lots. He indicated that the proposed open space was to be located along the stream to the north end of the site and that the Town supports public access to such places.

A Saturday morning site visit was also set up for 9 a.m. with the board members and the applicants and Mr. Kiser.

Member Llerena made a motion to classify the subdivision as a major subdivision; this was seconded by member Syversen. The vote was seven in favor and none against this motion.

Member Syversen made a motion to classify the road as a minor road; this motion was seconded by Member Llerena. The vote was seven in favor of the motion and none against.

David Pelletier of 545 Meadow Road stated his concerns of the proposed development including traffic, water table demands and established trails.

Chairman Caliendo stated to the audience that at preliminary they could again state their concerns for the record and there would be a public hearing on this item.

**4. STAFF REPORT**

Mr. Osborne stated that the council is looking at the mineral extraction.

**5. BOARD MEMBERS CONCERNS**

Happy holidays were exchanged from all members and staff of the planning board.

**6. ADJORNMENT**

The Planning Board meeting adjourned at 7:35 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, November 8, 2006, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Chairman David Caliendo and Members: Tony Llerena, Peter Frazier, Andrew Nelson, Mort Syversen.

Also in attendance: Town Planner Robert Osborne, recording secretary Rosemary Bezanson along with Applicants for tonight's hearings.

Mr. Osborne told the Planning Board that Member Avery had called to let him know that he is under the weather tonight.

**1. APPROVAL OF MINUTES (September 13, 2006)**

Member Llerena made a motion to approve the minutes as written. This motion was seconded by Member Nelson. The vote was five in favor and none against the motion to approve the minutes were approved as written.

**2. NEW BUSINESS**

- A. Final Subdivision Plan/Site Plan Revision – Highland Ridge Real Estate Investment, LLC – Requests revision of Highland Ridge Subdivision (a group development of 15 two-family dwellings) to divide off a two acre lot containing an existing single-family dwelling and to revise the size and location of the dwellings and septic systems and change the name of the street. The site is located at 274 Main Road South in a Rural District (Tax Map 3, Lot 18). Public Hearing**

Chairman Caliendo opened the public hearing asking for proponents, then opponents and anyone with general questions or comments.

Jim Tower of Engineering Dynamics spoke as a representative of the applicant. Mr. Tower stated that this is a revision to the site plan and the size and locations of the buildings. The applicant wants to have the option to add sunrooms / decks and bilcoves if to the building units, if the buyer wants the additions as an option when purchasing the condo unit. Mr. Tower noted that the plan now has a matrix that specifies which buildings and units can have sunrooms and decks. (The issue was to allow for separation between foundations and septic systems. Thus, a deck on piers could be closer to a septic system than a sunroom with a frostwall foundation). There are no changes to the subdivision plat plan.

No one spoke in opposition of the application, and Chairman Caliendo closed the public hearing. He then asked to hear from the town planner, Mr. Osborne

Mr. Osborne stated the there are a few items of change to be noted. The new lot 1,

which includes the existing residence, meets the zoning ordinance and setbacks. The site plan layout of the proposed condominiums with revised building footprints and revised and relocated septic designs and realigned water lines and driveway locations have been revised to meet setbacks and separations between buildings, between foundations and septic systems and between water lines and septic systems. The subdivision plat changes include renaming the street from Gee Way to Highland Ridge Drive. This renaming of the street seems reasonable as it better matched the name of the development. It may not historically be what people think of as Hampden Highlands (which is at Kennebec Road) but the name is still ok. The subdivision plan also has been changed in that the land surveyor has now certified the alignment of the street which also serves as one of the property lines for lot 1. Both the site plan revision and the subdivision final plan revision appear complete and staff recommends approval.

Mr. Torrey, General Manager of the Hampden Water District stated that he is all set with the plan as depicted.

Chairman Caliendo asked for a motion if there were no further questions or comments from the board members.

Member Syversen made a motion to approve the site plan revision as submitted, this motion was seconded by Member Llerena. The vote was five in favor and none against the motion to approve the revised site plan.

Member Llerena made a motion to approve the subdivision as submitted. This motion was seconded by Member Syversen. The vote was five in favor and none against the motion to approve the subdivision as submitted.

**B. Conditional Use/Site Plan approval – Plaza Properties (Robert Garofoli) – requests to construct a 10,000 sq. ft. building for use as (6,000 sq. ft. , 4-bay) truck repair garage, and (4,000 sq. ft.) parts sales. Applicant also proposes to reuse the existing 1,600 sq. ft. residence for office and sales located at 91 Coldbrook Road in a Commercial Service District (Tax Map 22, Lot 4). Public Hearing**

Chairman Caliendo opened the public hearing asking for proponents, then opponents and anyone with general questions or comments.

Jon Stewart of Plisga & Day Land Surveyors, spoke as a representative of the applicant. He noted that Randy Bragg, PE from Carpenter Associates was also in attendance. Mr. Stewart stated that this would be Peterbuilt Truck sales and service for tractor trailers and trucks. He met with Mr. Osborne for a site visit this week. The number of trucks and traffic increase will not be great. Mr. Stewart stated that the Peterbuilt site in Bangor seen 10 passenger vehicles and 8 trucks between October 16 and 21<sup>st</sup>, not a great increase in traffic. The sight distances and speed was discussed. The proposed parking spaces for the trucks are 10' by 25 feet.

Mr. Osborne passed around some photos of their site visit. The easterly driveway will

serve as the entrance to the site and the westerly driveway will be the exit, so that traffic will loop around this site. He noted that the 10,000 sq. ft. addition is on an existing single family residence. Thus, the location of that residence predicated where other improvements can be located. He indicated that the Planning Board would be asked to make a determination about the required number of parking spaces. He cautioned the Board that the size and location of those spaces would also be an issue for the Board because a standard 9 ft. by 18 ft. space is inadequate for anything larger than a pickup truck. He indicated that applicant provided a drainage analysis last Friday but our engineer has not had an opportunity to review it yet. He noted that he had some concerns about making certain that the truck turning geometry is well suited to this proposed large truck use and that the proposed parking spaces are also well

Member Frazer noted that at the prior meeting that the neighbors had raised concern about large trucks exiting east on Coldbrook Road and asked Mr. Stewart to consider a prohibition on right turns exiting the proposed facility.

Mr. Stewart indicated that there would be a certain number of parked trucks housed inside the facility and asked if the Board would consider allowing that space to offset some of the required parking spaces.

Mr. Osborne suggested that perhaps a mix of 9 ft. by 18 ft. spaces, 10 ft. by 25 ft. spaces and 10 ft. by 60 ft. spaces would be a reasonable solution with 18 total spaces and six of each type.

Member Frazier asked if there was any reason over night if necessary that trucks could not be double-parked as long as they were not on the street. Mr. Osborne cautioned that the fire lane would need to be kept open at all times.

Mr. Stewart indicated that their plan is to extend the sewer to the site and to utilize the existing water supply, which is a one-inch line.

Member Llerena made a motion to table the application until further review is complete by the town's engineers. This motion was seconded by Member Syversen. The vote was five in favor and none against the motion to table the application.

**C. Final Subdivision Plan revision - Lori Baker and Roland Narofsky - requests revision of the previously approved Westbrook Terrace Subdivision to move a side lot line and convey 2,768 sq. ft. of land from lot 1 to lot 42A. The site is located at the intersection of Daisey Lane and Charles Street in a Residential A District (Tax Map 23A, Lot 1). – Public Hearing**

Chairman Caliendo opened the public hearing asking for proponents, then opponents and anyone with general questions or comments.

Roland Narofsky stated that he wanted to purchase some land from his neighbor Lori Baker. He indicated that he believed that the application is complete and would answer

any questions.

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

Mr. Osborne stated that lot 1 of the Westbrook Terrace Subdivision was originally remaining land that was proposed to be the final phase of the subdivision with a new street extending to Route 202 and a number of new houselots. That is why the parcel has the unusual shape because a portion of the land is the road alignment for that proposed phase. Subsequently the subdivision was amended to create one additional cluster subdivision numbered lot for the Baker's home and at that time they gifted a substantial piece of open space land to the Town as well. Now the applicants want to transfer this small strip of land. The application and the plan are complete and appear to comply with the subdivision ordinance, and staff recommends approval at this time.

Member Llerena made a motion to approve this revision to the subdivision. The motion was seconded by Member Nelson. The vote was five in favor and none against the motion to approve the revision to the subdivision.

- D. Site Plan revision – Bangor YMCA – Requests to move and reutilize an existing 625 sq. ft. building for use as storage. The prior plan called for this building (located next to the pool) to be razed and replaced with a larger building. The site is Camp Peirce Webber, a day camp outdoor recreation use located at Emerson Mill Road in a Rural District and Resource Protection District (Tax Map 8, Lot 58).  
Public Hearing**

Chairman Caliendo opened the public hearing asking for proponents, then opponents and anyone with general questions or comments.

Andrew R , director of Operations stated that they are relocating an existing building on site. The building is a 24 x 24. There are no drainage issues.

Mr. Osborne indicated that this revision simply allows the applicant to reuse the existing 625 sq. ft. storage building in a revised location. The plan also indicates a revised location for the septic system. Both of these items are after-the-fact. Nevertheless the plan meets the standards for site plan review under article 4.1 and staff recommends site plan approval.

Member Nelson made a motion to approve the site plan. This motion was seconded by Member Llerena. The vote was five in favor and none against the approval of this site plan application.

- E. Sketch Plan Review – Jeffrey and Cathy Fearon request pre-application review of a proposal to subdivide a four-lot, 20.32 acre Rural District single-family subdivision located on the north side of Sawyer Road southerly of the 90 degree bend of the road in a Rural**

## **District (Tax Map 8, Lot 58). – Public Hearing**

Chairman Caliendo opened the public hearing asking for proponents, then opponents and anyone with general questions or comments.

Jim Kiser of Kiser and Kiser spoke for the applicants. He stated that there are no public improvements on site. This is a four-lot, 20-acre parcel subdivision. No open space is proposed but a fee in lieu of open space is proposed. He noted that the wetlands mapping was done and that the lots could be developed with minimal wetland disturbance as proposed.

Mr. Osborne indicated that he and Mr. Kiser had visited the site and passed around some photographs of the site visit. He noted that the land slopes gently down from Baker Road. The land is a mixture of forest and meadow. He noted that except for the edge of lot 4 the land is well drained and that they did not encounter standing water despite the recent rain. He indicated that the layout of the lots seemed reasonable. He indicated that because the lots are somewhat flat home builders should take special care when designing the homes to establish gravity drainage of foundation drains. It was suggested that perhaps raised ranches would be a good choice on such lots. Mr. Osborne indicated that the subdivision should be classified as minor with no public improvements.

Member Llerena made a motion to classify the subdivision as a minor with no public improvements.

### **F. Minor Subdivision Plan approval - Jeffrey and Cathy Fearon request a four lot, 20.32 acre Rural District single-family subdivision located on then north side of Sawyer Road southerly of the 90 degree bend of the road in a Rural District (Tax Map 4, Lot 53). Public Hearing**

Chairman Caliendo opened the public hearing asking for proponents, then opponents and anyone with general questions or comments.

Jim Kiser of Kiser and Kiser spoke for the applicants, Jeffrey and Cathy Fearon. Mr. Kiser stated that this is a four lot minor subdivision with no public improvements. Soil test pits were done on site, with lot one being a prior sale and is under construction at present time.

Mr. Osborne stated that he and Mr. Kiser had a site visit. This is a minor subdivision with no public improvements. The fee in lieu of open space is \$4060.00. Staff recommended approval of this application.

Member Syversen made a motion to approve the subdivision with the condition that the fee in lieu of open space is received by the town in the amount of \$4060.00. This motion was seconded by Member Llerena, the vote was five in favor and none against the motion to approve.

**3. STAFF REPORT**

Mr. Osborne stated that the council is looking at the mineral extraction, pit and quarry ordinance. This would eventually be sent to the Board for consideration as they would be the review authority.

**4. BOARD MEMBERS CONCERNS**

**5 ADJORNMENT**

The Planning Board meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, October 11, 2006, at the Hampden Municipal Building by Acting Chairman Michael Avery.

Attendance: Planning Board Acting Chairman Michael Avery and Members: Tony Llerena, Peter Frazier, Andrew Nelson and Associate Member Peter Weatherbee.

Also in attendance: Town Planner Robert Osborne, recording secretary Rosemary Bezanson along with Applicants for tonight's hearings.

**1. APPROVAL OF MINUTES (September 13, 2006)**

The minutes were not acted on tonight, but will be voted on at next month's planning board meeting.

**2. NEW BUSINESS**

- A. Major Subdivision Final Plan Review – Webber Brook Company, LLC - Requests review of the second phase of Hawthorne Ridge Subdivision, a 36-lot, 115 acre Rural District, Cluster, single family subdivision with proposed public improvements including a street located on Dunton Circle in a Rural District (Tax Map 8, Lot 20-B & 22-A). Public Hearing**

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

Steve Ribble, RLA, of Ames Inc. spoke as a representative of the applicant. He stated that this is the second phase of Hawthorne Ridge. This second phase will be constructed in two phases. Phase II-A will be the construction of a new street named Silver Drift Trail. The second part of phase II (II-B) will be the extension of Dunton Circle. Approximately twenty three acres of dedicated open space has been accepted by the Town Council. The DEP's site law permit will be issued this Friday October 13, 2006. The final subdivision plan fee and improvement guarantee have been received by the town. The town's engineer has signed off on this site plan and subdivision application.

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

Mr. Osborne stated that this is the second phase of Hawthorne Ridge. This phase will be constructed in two parts. The first phase (13 lots) was approved a year ago and has been constructed. This second phase is 36 additional lots. The second phase required Department of Environmental Protection Site Location of Development Act Subdivision approval. Thus, after receiving preliminary plan approval in June the developer sought the state approval. They are now back for final plan approval. This development is

proposed under the Rural District cluster subdivision standards. It appears to satisfy those standards. The construction of this second phase is split into A and B with A being the Silver Drift Trail cul-de-sac street and B being the remainder of Dunton Circle. The Town Council accepted the open space proposed for the development. The subdivision plan appears to do a fine job of integrating the open spaces to both the existing and proposed lots and also provides a public resource along the Souadabscook Stream. The town's engineers have signed off on this plan. Mr. Osborne indicated that, as indicated by SW Cole mapping, there appears to not be nearly as much ledge outcrops in this phase as was found in the prior phase. He also noted that the Board does not need to condition their approval with the Department of Environmental Protection's Site Law approval which is apparently pending this week. They are well aware of the requirements of the state approval. Staff recommends final subdivision plan approval at this time.

Member Peter Weatherbee made a motion to approve the second phase of Hawthorne Ridge. This motion was seconded by Member Llerena. The vote on this motion was five in favor and none against the motion to approve the second phase of Hawthorne Ridge Subdivision.

Mr. Osborne cautioned the applicant that the ledge that is present in the development may require some blasting, and that the circumstances differ somewhat from the prior approval because some houses are in the Phase I development and they should be notified of proposed blasting.

**B. Sketch Plan Review – Mecaw Road Associates, LLC – Requests pre-application review of a 4-lot, 19.2 acre Mecaw Road Subdivision, a commercial/industrial subdivision with no public improvements located on the corner of Mecaw Road and Route 202 Bypass in an Industrial Park District and a Commercial Service District (Tax Map 10, Lot 50).**

Stan Plisga, of Plisga & Day Land Surveyors, spoke as a representative of the applicant. He stated that Bryden Gardner, one of the partners in Mecaw Road Associates, was here tonight. He discussed the nature of the proposed development indicating that they propose public water from the Bangor Water District and on-site waste disposal. He indicated that the proposed development would be four lots. One lot is the existing Dennis Paper facility, and that lot gets its frontage from Route 202 and access from Mecaw Road. The other three lots get their frontage from Mecaw Road. The lot on the corner of Route 202 and Mecaw Road is the one that the Bangor Hydro Federal Credit Union recently had site plan approval on. The remaining two lots are granted easements to utilize the access road of the Dennis Paper facility. The application includes no public improvements. They propose, however, that one existing septic system and one proposed septic system be off-site on an easement area.

Mr. Osborne indicated that the proposed development would be a minor subdivision with no public improvements. He indicated that some members of the Planning Board had visited the site the prior Friday and that perhaps they would like to report on their

findings but that the site appears to be well suited to commercial site developments. He noted that the flood information was added to lot 4 when it was discovered. The wetland areas indicated on the plan were consistent with what we discovered on site except that one additional drainage swale and culvert were added.

Member Llerena made a motion to classify the subdivision as a minor subdivision with no public improvements. This motion was seconded by Member Weatherbee. The vote was five in favor and none against the motion to classify the subdivision as a minor subdivision.

**C. Minor Subdivision Plan Review - Mecaw Road Associates, LLC – Requests pre-application review of a 4-lot, 19.2 acre Mecaw Road Subdivision, a commercial/industrial subdivision with no public improvements located on the corner of Mecaw Road and Route 202 Bypass in an Industrial Park District and a Commercial Service District (Tax Map 10, Lot 50).**

Stan Plisga, PLS of Plisga & Day Land Surveyors, spoke for the applicants. He stated that there are no proposed public improvements. A fee in lieu of open space of \$3,840.00 is being proposed. The Bangor Water District has been notified of this project, and will have a letter indicating sufficient water capacity. He indicated that the application is complete.

Mr. Osborne, the town planner made staff comments for the board's consideration. The lots meet the requirements of the zoning districts. Each lot has demonstrated on-site waste disposal. The easement to the Dennis Paper driveway for lots 2 and 3 assures that appropriate driveway locations can be found for those lots. There will not be a need to impact much wetlands to develop these lots. There is a bit of floodplain on lot 4 that is mapped. Applicant does not propose to dedicate open space, rather they proposes fee-in-lieu of open space in the amount of \$3, 840.00. Staff recommends that the plan meets the requirements for minor subdivision plan conditioned on receipt of the fee-in-lieu and the letter from the Bangor Water District indicating adequate capacity.

Member Llerena made a motion to approve this subdivision with the condition that a letter from the Bangor water district has been received with their approval of this project, and the fee in lieu of open space in the amount of \$3, 840.00 has been received by the town. This motion was seconded by Member Nelson. The vote was five in favor and none against the motion to approve this subdivision with conditions.

**D. Final Subdivision Plan/site Plan revision – Highland Ridge Real Estate Investment, LLC – Requests revision of Highland Ridge Subdivision (a group development of 15 two-family dwellings) to divide off a two acre lot containing an existing single family dwelling and to revise the size and location of the dwellings and septic systems and change the name of the street. The site is located at 274 Main Road South in a Rural District (Tax Map 3, Lot 18). Public Hearing**

Jim Tower of Engineering Dynamics spoke as a representative of the applicant; he stated that with him tonight is Mr. Gary Goldberg, one of the partners in Highland Ridge Real Estate Investment, LLC.

Mr. Tower stated that they have an agreement with the Hampden Water District in regards to the water main and water service. Four of the water services have been relocated and three have been capped off.

Shut off valves, for the water, will be in front of each unit.

Lot one, the former Roberta Marsh house, will be sold separately with two acres making a conforming lot, in the Rural District.

The street will be re-named from Gee Way to Highland Ridge Drive. Some of the dwelling units have been changed from two bedroom units to three bedroom units.

Nancy Chaiyabhat of 113 Thistle Lane in Avalon Village asked about the size of the dwelling units.

Mr. Tower indicated that each unit will be a different style and size depending on the location of the building.

Cam Torrey, General Manager of the Hampden Water District stated that he was all set with the water, and had provided Bob Osborne with a letter stating such.

Drainage easements will stay where they are depicted on the site plan and the location and sizes of the building will be established by a land surveyor, and depicted on the plat plan.

Mr. Osborne made staff comments for the Board's consideration. He noted that there are two revisions involved, the site plan and the subdivision plat.

Mr. Osborne noted that the details of the building footprints and the water lines are generally a site plan revision. Many of the proposed buildings had been increased in size by 50% to accommodate additional bedrooms and particular floor layouts. This necessitated moving buildings around on the site. The plan has septic systems that must be physically separate and set back from water lines and building foundations. He noted that moving the buildings made several of the water curb stops obsolete. Those curb stops have now been relocated to the satisfaction of the water district.

Mr. Osborne noted that lot 1 was added to the subdivision plat. This would allow the Marsh residence to be conveyed out on a new two-acre lot.

Mr. Osborne noted that there had previously been a notation on the plans that had allowed for adjustments to building footprints. This notation has now been removed because there is no wiggle room left on the plan to make changes on the fly. The

concern is that even minor adjustments to building footprints would create issues for water lines, septic locations and required building setbacks and separation.

Member Weatherbee made a motion to grant subdivision approval under article 3.32 final subdivision approval. This motion was seconded by Member Llerena. The vote was five in favor and none against this motion to approve the final subdivision plan.

Member Llerena made a motion to approve the site plan under article 4.1 site plan approval. This motion was seconded by Member Weatherbee. The vote was five in favor and none against the approval of this site plan application.

**E. Conditional Use/Site Plan approval – Plaza Properties (Robert Garofoli) – requests to construct a 10,000 sq. ft. building for use as (6,000 sq. ft., 4-bay) truck repair garage, and (4,000 sq. ft.) parts sales. Applicant also proposes to reuse the existing 1,600 sq. ft. residence for office and sales located at 91 Coldbrook Road in a Commercial Service District (tax Map 22, Lot 4). – Public Hearing**

Mr. Osborne indicated to the Board that some elements of the site plan were not complete at this time such as a stormwater plan. He also noted that it had come to his attention that two abutting property owners had not been properly noticed for the meeting. He suggested to the Board that this item's public hearing should not be opened at this time but did suggest that the Board could engage in a discussion with the applicant and the neighbors to help identify some issues.

Jon Stewart of Plisga & Day Land Surveyors spoke as a representative of the applicant. Mr. Stewart stated that this proposal is for Peterbuilt truck, trailer and tractors.

Mr. Stewart stated that the drainage analysis has not been received yet. They would employ a small number of employees; hours of operation would be 8 to 5. Screening, lighting and storm water was discussed.

Whether the building would be sprinklered or not would depend on the water line size and cost.

Linda Benzie of 115 Thistle Lane asked about where they would be accessing the site. Mrs. Benzie stated that the school bus stops on the crest of the hill, the stopping distances for these big trucks are greater than normal vehicles. The impact on traffic is a concern, with the sight distances for the turning trucks. She also stated her concerns for safety with the increase traffic of the big trucks on this part of Coldbrook Road.

June Horr a land abutter to the proposed project had concerns with traffic, noise and the heavy truck traffic on the road.

Jenny Schnedler of 41 Coldbrook Road had concerns over the speed of the traffic and the heavy truck traffic.

Nancy Chaiyabhat of Thistle Lane asked if the building would be sprinklered? She also had concerns of noise and traffic, and the sight distances.

Mr. Osborne made staff comments on this application. He indicated that there are a number of concerns. He indicated that parking is provided primarily for passenger cars and that the majority of service work would be on large trucks that would not fit in those spaces. (The plan could accommodate perhaps six large trucks). The parking required for a truck service facility would need to be determined by the Board because it fits none of the categories contained in the ordinance. He noted that the truck traffic proposed on this site would encounter difficulty with turning movements both on and off site. He suggested that the applicant's engineer carefully review those movements including site distances and turn radius. He suggested that a more comprehensive planting plan would be preferable to the limited amount of plantings currently proposed. He noted that the plan calls a curb opening on to the GR Adams driveway which would require an easement. He recommended that the Board table the item to the next meeting.

Member Llerena made a motion to table the application; this motion was seconded by Member Weatherbee. The vote was five in favor and none against the motion to table the application.

**F. Site Plan Revision – Hampden Properties, LLC – Requests approval of outdoor storage of more than 5,000 sq. ft. and revision of parking lot and landscaping elements of the existing 10,000 sq. ft. service business facility (Safe Harbors) located at 40 Carey Circle in the Hampden Business Park in a Industrial Park District (Tax Map 10-B, Lot 14). Public Hearing**

Mr. Osborne stated he did not see the applicant present tonight, and stated he could act as a representative if necessary.

Acting Chairman Avery stated that he would prefer if there was an applicant member present in case there were questions from the board member that Mr. Osborne could not answer.

Mr. Osborne stated that Carpenter and Associates are the engineers on the project. Due to the lack of an applicant present tonight Member Weatherbee made a motion to table the application. This motion was seconded by Member Frasier.

After discovering the applicant had returned to the audience, Member Llerena made a motion to remove this item from the table to act upon it. This motion was seconded by Member Weatherbee. The vote was five in favor and none against the motion to remove this item from the table.

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

Mr. Goodrow stated that he was the property owner and stated that Clean Harbors, the

tenant asking for outdoor storage, and a revision to the site plan. They are proposing additional plantings and fencing as designed by their landscape architect. He would be happy to answer any questions.

Member Frazier asked what was stored in the containers. Mr. Goodrow indicated that equipment was stored only. There is no hazardous materials stored in these outdoor containers.

As no one else wished to speak Chairman Avery asked for staff comments.

Mr. Osborne discussed how the need arose for this revision. He indicated that at the time this item was presented to the Board the applicant, Hampden Properties, was unaware that any outdoor storage was proposed or contemplated by Clean Harbors. Thus, they did not apply for outdoor storage. The zoning district, Industrial Park, and the subdivision covenants do allow for this outdoor storage if it is well screened and not on the front of the lot. The plan is well screened. The plan also rearranges several parking spaces and establishes locations for propane tanks. The plan appears to meet zoning ordinance standards for both submittal and for screening. Staff recommends approval of the site plan revision.

Member Llerena made a motion to approve the site plan revision to as submitted, his motion was seconded by Member Frasier. The vote was five in favor and none against the motion to approve the revised site plan.

- G. Discussion Item – Bangor Cellular Telephone (US Cellular) – Applicant requests clarification of approval conditions for site plan approval to construct a 145 foot tall cell tower and up to five 12 ft. by 20 ft. utility huts for use as a telecommunications facility site located at Ammo Industrial Park off Ammo Park Drive in an Industrial 2 District (Tax Map 10, Lot 56).**

The board held some discussion with Mr. Bob Gashlin as to the conditions placed by the board on the previously approved site plan for a 145 foot cellular tower, located in the Ammo Industrial Park. The Board clarified its position that it is the burden of the applicant to provide a 100' buffer of mature tree growth surrounding a proposed cell tower.

**Reconsideration of item 2D:**

***Final Subdivision Plan/site Plan revision – Highland Ridge Real Estate Investment, LLC – Requests revision of Highland Ridge Subdivision (a group development of 15 two-family dwellings) to divide off a two acre lot containing an existing single family dwelling and to revise the size and location of the dwellings and septic systems and change the name of the street. The site is located at 274 Main Road South in a Rural District (Tax Map 3, Lot 18).***

Mr. Osborne stated that Mr. Goldberg and Mr. Tower asked to be heard again on the approval of item 2D this evening.

Mr. Tower stated that he had given some misinformation to the planning board earlier this evening and he would like to correct the report.

Mr. Tower stated that there will be some buildings at Highland Ridge Development that will have decks and sunrooms which were not shown, as such Mr. Tower stated that he would like the Board to rescind the approval on this item. In order to clarify this item the approval needs to be rescinded.

Acting Chairman Avery re-opened item 2D; Member Llerena made a motion to re-open this item, the motion was seconded by Member Frazier. The vote was five in favor and none against the re-opening of item 2D.

Member Llerena made a motion to rescind the approval of final subdivision plan and site plan for Highland Ridge Real Estate Investment, because there was some misinformation during the initial approval and at the applicant's request. This was seconded by Member Frazier. The vote was five in favor and none against the rescinding of the approval.

Member Llerena made a motion to table this item 2D to next months meeting, this motion was seconded by Member Frazier. The vote was five in favor and none against the motion to table this item.

### **3. STAFF REPORT**

The Planning Board meetings are going live in December via cable broadcasting. Planning Board meeting will be taped in November then in December will be televised.

### **4. BOARD MEMBERS CONCERNS**

### **5. ADJORNMENT**

The Planning Board meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:05 p.m. on Wednesday, September 13, 2006, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Chairman David Caliendo and Members: Michael Avery, Tony Llerena, Peter Frazier, Andrew Nelson and Associate Member Peter Weatherbee.

Also in attendance: Town Planner Robert Osborne, recording secretary Rosemary Bezanson along with Applicants for tonight's hearings.

At the request of the applicant Item 2A was moved down one item, to be heard after item 2B.

**1. APPROVAL OF MINUTES (August 9, 2006)**

Associate Member Peter Weatherbee made a motion to approve the minutes as written Member Michael Avery seconded the motion. The vote to accept the minutes as written was unanimous.

**2. NEW BUSINESS**

**B. Site Plan Review – Bangor Cellular Telephone (US Cellular) – Request site plan approval to construct a 145 foot tall cel tower and up to five 12 ft. by 20 ft. utility huts for use as a telecommunications facility site located at Ammo Industrial Park off Ammo Park Drive in an Industrial 2 District (Tax Map 10, Lot 56). – Public Hearing**

Chairman Caliendo opened the public hearing asking for proponents then opponents then anyone with general questions or comments.

Bob Gashlin with Bangor Cellular Telephone (US Cellular) stated that with him tonight is Richard Trafton, the attorney for US Cellular. Mr. Gashlin stated that there is a need for a cell tower in this location due to the number of dropped calls. Downtown Bangor, by the Civic Center/Auditorium seems to be a trouble spot for cell phone users. The Ammo Industrial Park is comprised of a 900 acre parcel. The parcel Bangor Cellular is looking at leasing is 10,000 square foot area, (located in the center of the campus) with a stand alone, 145 ft. tall proposed tower. The tower will have a 6-carrier capacity. Each carrier would establish their own equipment on the tower and on the ground. There will be a back-up generator on site.

Mr. Gashlin indicated that when identifying a location for the facility they considered wooded portions of Ammo Park but we identified wetland and a stream making the tree line not ideal to site a tower.

Mr. Gashlin stated that a planted landscaping of white pines surrounding the fenced area of the facility is indicated on the plan. A right-of-way is proposed to construct a gravel access drive 20 feet wide, 200 foot in length. Also a 10 foot wide utility easement for telephone and electricity is proposed. The proposed is leased space 100' x 100' with

a compound area fenced that is 75' x 75'.

Richard Trafton, attorney for US Cellular, stated that there would be no traffic associated with the tower. The tower is unlit, with a buffer of white pines screening the proposed site. He indicated that this buffer could be enhanced with a double row of pines from what is indicated as a single row on the site plan.

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

Bob Osborne, Hampden Town Planner spoke about the Zoning Ordinance requirements related to cell towers and this proposed project. He indicated that when considering site plan review the Board must review the standards contained in Article 4.22. He indicated that there were several items that the Board should consider.

Mr. Osborne stated that Article 4.22.4.5 requires that cell towers provide a clear zone or collapse zone of sufficient size and distance so that surrounding properties are protected in the event of a collapse and so that no structures are subsequently constructed in harms way. He noted that the ordinance requires that no properties or buildings are located in the clear zone. The clear zone would either be in all directions a radius equal to 105% of the tower's height or a more compact clear zone if the Board is provided with engineering evidence that the tower would collapse in a predetermined fashion that is known and smaller than the 105% of the tower height. In either case the developer would be required to have an easement for the full clear zone. He indicated that there appear to be a building within the 105% and as such it would appear that applicant could provide a smaller clear zone if the engineering supported the argument and is applicant had an easement for the established clear zone.

Mr. Osborne also spoke concerning the required landscaping citing Article 4.22.4.6 which requires that a new wireless telecommunications facility must be screened with native plants from view of abutting properties, to the maximum extent practicable. The intent is to site such facilities in an existing stand of mature wooded land. This wooded area must surround the tower and accessory structures in all directions for a radius of at least 100 feet from the edge of the proposed development. This landscaping requirement may be satisfied by either a lot of sufficient size to include the required landscaping area or by including areas outside the wireless telecommunication facility's lot boundaries, if secured by a recorded easement that provides adequate control to preserve existing native plants and natural landforms. He indicated that applicant has indicated that they believe that the Ammo Park has sufficient native plants surrounding the perimeter of the park to meet this standard. He noted however that at this time applicant had not provided evidence of an easement to meet the standard.

Mr. Osborne indicated that there must also be a bond posted with the town for the cost of removing or demolition of the tower if it should no longer be in use or should be in disrepair.

Mr. Gashlin provided the Board with two letters written by professional engineers with regard to similar towers located out of state indicating that the tower clear zone was

smaller than the height of the tower. These towers were designed to collapse on it self.

Article 4.22.4.6 and the existing native tree growth and height in that area was discussed.

Member Llerena asked how this tower would affect the Hampden cell phone users. Mr. Gashlin handed a page around to Board Members showing the coverage this tower would provide.

The Board discussed the plan and Chairman Caliendo indicated that he perceived that there are four issues with the application. He indicated that the Board would desire additional plantings to augment those proposed on the plan. He indicated that the Board would require that Article 4.22.4.6. which requires native plants surrounding the development be satisfied in some way. He noted that a bond for removal of the tower would be required. Finally he noted that the Article 4.22.4.5. clear zone issue would need to be satisfied.

Member Weatherbee made a motion that the application meets approval standard for site plan approval with the following conditions: 1) the planting of a double row of white pine to buffer/screen the site. 2) They are required to explore the possibility of obtaining an easement from the landlord regarding the preservation of the tree line around the perimeter of the park. 3) bonding be placed with the town for the taking down, or demolition (if necessary) of the tower. 4) section 5A, Assurance that the tower is constructed to collapse on itself.

Member Llerena seconded the motion.

Mr. Trafton stated that the conditions proposed the first, third and four items are acceptable. They were hopeful that the double row of staggered white pine would meet the intent of the ordinance. They would try to secure an agreement with the landlord, but cannot guarantee that.

Chairman Caliendo discussed with the applicant the trees that are to be planted, whether they would provide enough buffering to meet the intent of the ordinance.

Mr. Trafton asked if condition two could be restricted it to the southwest corner of the parcel.

Member Weatherbee amended his motion on condition two, to read "obtain" an easement from the landlord, this amendment was seconded by Member Llerena. The Board voted on the amended motion with six in favor and none against this motion to approve with conditions.

**A. Site Plan Revision – MSAD 22 – Request revision of the previously approved Site Plan to construct 6 outdoor ballfield lighting stanchions at Bordick Field, an accessory use to the public school, located off Main Road North in a Residential B District (Tax Map 6, Lot 45-A). - Public Hearing**

Chairman Caliendo opened the public hearing, asking for proponents then opponents, and anyone having general questions or comments. He confirmed that the item had been properly advertised and noticed for the public hearing with the Town Planner. Mr. Osborne indicated that this was a new application and new public hearing because the Board only had four members at the previous meeting.

David Shapiro, Athletic Director for Hampden Academy, spoke about this application. He stated that there will be six (6) lights towers 70 feet in height, so the ball field may be lit during the evening hours during playing season.

Mr. Shapiro indicated that the lights would be focused to contain the light on the site and hooded to limit the spillage of lighting off site into the neighborhood. The lighting design was analyzed by an engineer and an illumination plan was provided to the Board which demonstrated in foot candles that along a line measured 200 foot off the outfield fence line the illumination would be only 0.5 foot candles. This was characterized as similar to moonlight.

MSAD22 has accepted a donation to provide this lighting for the softball field.

The number of teams utilizing the ball field would be about 9 teams in total. April, May, and June months would be the peak times the field and lights would be used. The field is not a multi-purpose field and will not be used for purposes other than baseball and softball.

Herb Sargent, 47 Town Farm Road, spoke in favor/support of this application. Mr. Sargent stated the need for the field to be lit.

Bill Yamartino, 34 Main Road North, spoke in favor of the project.

John Melanson, 478 Sawyer Road, spoke in support of the application.

Rick Moore, 11 Independence Avenue, spoke for both himself and his son, in favor of the project.

Matt Scott, 63 Hughes Boulevard., spoke in support of the project.

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

Mr. Osborne discussed the similarities and differences between the proposed ball field lighting and the existing lights in the adjacent football field. He noted that the lights

would be of similar height, however, the proposed lights are of a more sophisticated technology which creates a more focused and contained form of lighting. The proposed lighting would not significantly spill over to adjoining properties as evidenced by the submissions provided by the applicant. He noted that because lighting the field is expensive (electricity) the school will only allow the ball field to be illuminated when in use as needed and this use is limited to certain months of the year as well which are primarily when leaves are on the trees. The proposed light fixtures and to a limited extent the light bulbs would be directly visible from some vistas off site but to a lesser extent than the football lights because of the improved technology. The night sky would unavoidably be lighted somewhat because of water vapor in the air reflecting the light. much like when the existing football field is being used at night and those lights are illuminated at present. Mr. Osborne cited the standard from Article 4.1.7.5 that requires lighting *"...be designed and located so as not to present a hazard, glare, reflection or unattractive appearance on or to adjacent properties and the traveling public."* Mr. Osborne stated that the lighting will not creating a hazard to motorists because it is elevated out of site lines with the streets and driveways and is well removed from public streets. The proposed lighting will not spill over on to adjacent properties in an unacceptable way and is clearly designed to limit off site impacts. The proposed lighting is not unattractive, in his opinion the lighting for the football field was not unattractive. The lights could be seen but in his opinion the proposed lighting meets the standards set out in the ordinance, and Staff would recommend Site Plan approval.

Member Avery stated his prior questions about this site plan application have been answered to his satisfaction.

After considerable discussion Chairman Caliendo called for a motion on the item.

Member Avery made a motion to approve this application for site plan review with the condition that the lighting to be turned off by 9:30 p.m. for practices only. This motion was seconded by Member Frazier. The Board voted six in favor of the motion and none against.

**C. Conditional Use/Site Plan Review – Bangor Hydro Federal Credit Union – Request site plan approval to construct a 3,432 sq. ft. bank facility with associated drive-through located at Mecaw Road in a Commercial Service District (Tax Map 10, Lot 50). Public Hearing**

Chairman Caliendo opened the public hearing asking for proponents then opponents then anyone with general questions or comments.

Jim Kiser, of Kiser and Kiser spoke as a representative of the applicant.

Mr. Kiser stated that this is a banking facility for Bangor Hydro's employees. There will be a drive-thru teller window on the rear of the building, as well as an ATM machine on the side of the building.

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

Mr. Osborne stated that the drive-thru elements of the proposed credit union are the conditional use. Essentially the requirements of Article 4.7.3 Drive Thru Business contain the standards by which the Board can consider if the design of the drive-thru meets the conditional use criteria contained in Article 4.2. The drive thru can cue up to 8 vehicles and access to the ATM has space for five cars. Some on the Board may recall that these drive-thru standards were completely reworked two years ago. The proposed queue lengths and bypass lanes meet the standards. The site plan also meets submission and review standards. Staff recommends approval of the conditional use and site plan approval as well.

Mr. Osborne asked Mr. Kiser to discuss the traffic generation the Bangor Hydro FCU generates and what could be expected at this site.

Mr. Kiser indicated that currently the credit union conducts approximately 100 to 150 transactions daily which could mean up to 200 to 300 trip ends spread across the entire day. The morning peak is from 11:00 a.m. 12:00 and the afternoon demonstrates less of a peak from 12:00 – 6:00 p.m. He noted that the peak hour does not coincide with the morning peak hour of the highway. This applicant does not need a MDOT traffic permit as it does not result in 100 trip ends in a peak hour. Mr. Osborne indicated that the Board had reviewed a plan previously that did require a traffic permit and that this traffic level is really quite modest averaging less than a trip per minute.

Mr. Kiser briefly discussed where the exterior lighting was indicated on the plan and the nature of the lighting fixtures proposed.

Mr. Osborne indicated that the relevant portion of the Conditional Use under 4.2 is 4.2.3 specifically those conditions that require that all provisions of the ordinance including Article 4.7.7 Drive-thru Business be satisfied and that traffic and lighting be considered.

Member Avery made a motion that the application meets conditional use. This motion was seconded by Member Weatherbee. The vote was six in favor and none against.

Member Avery made a motion that the application meets site plan approval standards this motion was seconded by Member Weatherbee. The vote was six in favor and none against the motion to approve.

**D. Final Subdivision Plan/Site Plan Revision – Highland Ridge Real Estate Investment, LLC – Request revision of the previously approved Highland Ridge Subdivision (a group development of 15 two-family dwellings) to divide off a two acre lot containing an existing single-family dwelling and to revise the size and location of the proposed two-family dwellings and septic systems located on Gee Way (off Main Road South) in a Rural District (Tax Map 3, lot 18)-  
Public Hearing**

Chairman Caliendo opened the public hearing asking to hear from proponents then opponents then anyone with general questions or comments.

Jim Tower, Engineering Dynamics spoke as a representative of the applicant.

Mr. Tower stated that the proposed amendments to the plan include renumbering the buildings, the ownership has changed, the road name has changed to Highland Ridge Drive and the building shapes sizes and locations have changed. The building locations and septic locations have moved and been enlarged.

Mr. Tower discussed proposed Lot one and conceded that, if it is separated from the overall parcel, the barn/garage cannot meet the setbacks, thus creating a non-conforming lot, which the planning board cannot approve. He stated that they would address that issue.

Mr Tower noted that septic system number 17 has been added and the separation between system 6 and 7 has changed.

Brian Leonard, a land abutter to the project stated his concerns over the storm water run off. The DEP was called earlier this summer about the sedimentation and storm water run off on this site. He has concerns over the amendments and changes that keep happening on this project. He also had concerns over the old Marsh house (proposed lot 1) and how that was being separated from the rest of the project.

Janice Minson land abutter to the project spoke about the sediment and storm water run off. How the brook is not flowing at all like it once did. She asked if the Marsh house could be developed as a community center because she noted that the people who locate in these subdivisions would not know one another. Ms. Minson also stated the odd working hours of the developers of this project.

As no one else wished to speak Chairman Caliendo closed the Public Hearing and asked for Staff comments.

Mr. Osborne stated that this project was originally approved over a year ago. It was previously amended as well to revise the septic system designs to three bedrooms per dwelling unit. When the systems were enlarged it was not noted by the soils scientist that the combined flows from these units required increased setbacks from building foundations. Subsequently when the building designs were finalized for larger units the septic setback question was identified as well and is now addressed. The buildings are larger than what was previously approved. There were issues regarding the water supply that Mr. Torrey could address.

Cam Torrey, General Manager of the Hampden Water District spoke about the curb stops not lining up to the proposed buildings. (The water lines are already installed). The line separation between septic systems and the water line is a concern. He indicated that he would need a revised plan that showed the specific details and needed changes before he could sign off on the plan.

Member Weatherbee made a motion to table this application this motion was seconded by Member Avery. The vote was six in favor and none against tabling this application.

**E. Final Subdivision Plan Revision – COL-TEA-MAC, Inc. – Request revision of the previously approved Cool Brook Acres, Phase 4 Subdivision (a 14 lot, single family dwellings on a 30 acre parcel located on Mayo Road near Western Avenue in a Residential B District (Tax Map 6, Lot 37) – Public Hearing**

Chairman Caliendo opened the public hearing asking to hear from proponents then opponents then anyone with general questions or comments.

Cam Torrey, General Manager of the Hampden Water District spoke for the applicant. Mr. Torrey stated that they are now proposing to run public water the full length of the development and looping it back around Main Trail. (The design originally was to loop the water line back out to Lindsay Way. However, that design was determined subsequently to not be feasible).

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

Mr. Osborne indicated that the proposed modification was a favorable change to the subdivision because it brings water service to an additional four lots. He noted that the plan also calls for the name of the street to be changed to Jays Way. The plan meets the standards for approval and staff recommends the change.

Member Llerena made a motion to approve the revision to the subdivision Member Frazier seconded the motion to approve the revision. The vote was six in favor and none against the motion to approve the revision.

**F. Subdivision Sketch Plan – Penobscot Indian Nation – Request review of subdivision pre-application for construction of 14 four-family dwellings and 4 two-family dwellings on a 30 acre parcel located on Mayo Road near Western Avenue in a Residential B District (Tax Map 6, Lot 37)**

Member Avery noted that this item is conflict for him because CES is his employer and that he would not be participating in the discussion.

Noel Munson of CES, Inc. spoke for the applicants. Mr. Munson stated that this is a multi-family quad-plex for 60 to 65 rental units. There would be a common area and office area, along with storage units for the tenants. Access to the parcel was discussed. Public water and sewer is proposed for this project as well as green space and open space.

Buffering and fire lane / emergency vehicle access are issues that need to be considered. The rental units would be open to the general public and would not be low income housing.

Laura Poll of 199 Mayo Road spoke about her concerns over the traffic and speed on

the Mayo road. Buses and Mail delivery along with pedestrian traffic were issues that Ms. Poll raised. Mrs. Poll asked if sidewalks and trash collection and snow removal would be all private or would it be part of the town's added cost.

All services would be private, buses will not go on private road and mail will not deliver on private roads.

Everett Poll of 199 Mayo Road asked if there would be a pumping station for the sewer, where would it be accessed from the Mayo road.

Member Llerena made a motion to class this proposed subdivision as a major subdivision this was seconded by member Weatherbee the vote was five in favor and none against this motion. Member Avery recused himself from this item. The firm (CES) is where Member Avery is employed.

This was classed as a major subdivision with a private street.

- 3. STAFF REPORT**
- 4. BOARD MEMBERS CONCERNS**
- 5. STAFF REPORT**
- 6. BOARD MEMBERS CONCERNS**
- 7. ADJORNMENT**

The Planning Board meeting adjourned at 10:30 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, August 9, 2006, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Chairman David Caliendo and Members: Michael Avery, Tony Llerena and Associate Member Peter Weatherbee.

Also in attendance: Town Planner Robert Osborne, recording secretary Rosemary Bezanson along with Applicants for tonight's hearings.

Item 2 C under New Business, Linda Williams has requested to be moved to the last item under new business.

**1. APPROVAL OF MINUTES (July 12, 2006)**

Member Avery made a motion to approve the minutes as written, Member Llerena seconded the motion. The vote to accept the minutes as written was unanimous.

**2. NEW BUSINESS**

- A. Site Plan Revision – David Moyse – Request revision of the previously approved Site Plan to construct a 5,300 sq. ft. building for office and service business uses located at the intersection of Mecaw Road and Nadine's Way in a Commercial Service District (Tax Map 10, Lot 49-C1) (Note: the previously approved plan was for a 3,000 sq. ft. Building. Public Hearing**

Chairman Caliendo opened the public hearing, asking for proponents then opponents, and anyone having general questions or comments. He confirmed that the item had been properly advertised and noticed for the public hearing with the Town Planner.

David Moyse presented his plans for the expanded building proposal. He showed the parking area. Mr. Moyse stated that there is a 2<sup>nd</sup> story for office space that would remain unfinished at present time. The building will be sprinklered for fire suppression.

Mr. Osborne stated that this application for revision to the site plan is straight forward. Mr. Osborne stated that requiring the stripping the full number of parking spaces sufficient for the second story space as well as the immediate first floor area seems reasonable. Additional parking will be required for the rental units of office space.

Planning board approval can be phased so that when the proposed garage is to be built Mr. Moyse would not be required to come back to the planning board.

Site lighting was discussed with the applicant. Mr. Moyse stated that there would be no glare from his proposed lighting spilling over on other properties.

Member Weatherbee made a motion to approve the application for site plan revision for office and service businesses, and constructing the garage at a later phase of the

project. The conditions would be that it would be done in phases, and in the rear of the building the parking would be stripped for the additional parking spaces required. This motion was seconded by Member Llerena. The vote was four in favor and none against this motion.

**B. Site Plan Revision – MSAD22 – Request revision of the previously approved Site Plan to construct 6 outdoor ballfield lighting stanchions at Bordick Field, an accessory use to the public school, located off Main Road North in a Residential B District (Tax Map 6, Lot 45-A). Public Hearing**

Chairman Caliendo opened the public hearing, asking for proponents then opponents and then anyone having general questions or comments.

David Shapiro, Athletic Director for Hampden Academy spoke about this application. He stated that there will be six (6) lights towers 70 foot in height, so the soft ball field may be lit during the evening hours during playing season.

The lights would be on a limited number of hours a week, the latest hour of operation being approx. 10 p.m. in the evening. They are proposing hooded lights to contain the spillage of lighting off site into the neighborhood. The lighting is measured in foot candles and was measured 200 foot off the outfield fence line as being 0.5 foot candles.

Mr. Osborne the stated that these lights would be similar in nature to the football field. The lighting would not significantly spill over to adjoining properties as evidenced by the submissions provided by the applicant. He noted that because lighting the field (electricity) is expensive they would be illuminated only when needed. However, the lights would be directly visible from some vistas and that the night sky would unavoidably be lighted somewhat because of water vapor in the air reflecting the light much like when the existing football field is being used at night and those lights are illuminated at present. Mr. Osborne cited the standard from Article 4.1.7.5 which requires that lighting *“...be designed and located so as not to present a hazard, glare, reflection or unattractive appearance on or to adjacent properties and the traveling public.”* Mr. Osborne stated that he did not see the lighting creating a hazard to motorists. The lighting does not spill over on to adjacent properties in an unacceptable way. The lighting was not particularly unattractive in his opinion the lighting for the football field was not particularly unattractive. The lights could be seen but in his opinion it meets the standards set out in the ordinance, and He indicated Staff would recommend approval.

Member Avery stated his concerns for the appearance of these lights may generate off-site. Under section 4.1.7.5 and 4.1.7.6 Member Avery asked if further information, such as drawings and/or photos could be provided showing the lighting from Western Ave, and Main Road. The type of lights and the specs of these lights were passed around for the Board Members to review.

Wendell Harriman, of Sargent Incorporated, spoke to the board on the proposed lights/and lighting. He stated that they will be approximately 70 feet in height. They

would be hooded, and focused on the ball field diamond. The lighting would be similar to that of the football field.

Member Llerena also stated his concerns of the spillage of the lighting off-site that these lights may generate.

Member Avery made a motion to table this application pending additional information. This motion was seconded by Member Llerena. The vote was four in favor and none against this motion to table the application.

**C. Subdivision Sketch Plan – Linda Williams – Request review of subdivision pre-application for a group development consisting of approximately 29 single-family structures on a 40 acre lot located on Kennebec Road in a rural district )Tax Map 5, Lot 81)**

This item was moved to the last item under new business.

Chairman Caliendo asked for a five minute break. Mrs. Williams needed to call her engineer who was still unavailable.

Chairman Caliendo called the meeting back to order after a five minute break.

Linda Williams spoke about the proposed sketch plan for the Kennebec Road location. Mrs. Williams stated that 19 buildings are proposed. 10 duplexes and 9 single family units making a total dwelling 19. The street is proposed to be a private street. They propose a condo association. The street would be built to town standards. Wetland crossing and drainage will be reviewed by the town's engineers.

Open space requirements were discussed. Water wells and septic designs were also discussed with Mrs. Williams. It was noted that this development would be subject to the Group Development standards of the Zoning Ordinance as it is an un-lotted subdivision.

Member Avery made a motion to class the subdivision as a major subdivision. This was seconded by Member Llerena. The motion was four in favor and none against.

**D. Subdivision Sketch Plan – Jeff Rawcliffe – Request review of subdivision pre-application for construction of a four-family townhouse building located on about 0.39 acres (17,000 sq. ft.) located on Orient Avenue (off Main Road South near Kennebec Road) in a Residential District (Tax Map 44, Lot 6)**

Chairman Caliendo stated that this application is a sketch plan there is no public hearing tonight. If there are people wishing to speak tonight, they can raise their questions, and at preliminary plan may speak as part of the public record.

Tony Fraser of SBA Builders spoke as an agent for Jeff Rawcliffe. Mr. Fraser stated that this would be a multi – unit dwelling with access coming from Orient Avenue. Mr.

Fraser stated that they are looking for guidance from the Planning Board tonight.

Mr. Osborne stated that one of the issues would be to make sure that each of the three lots owned by Mr. Rawcliffe have lot lines defined. The deed was not very specific on where those lot lines are.

This would be a major subdivision, a drainage analyzes would be needed, the hammer head turn around that is being proposed for the end of Orient Avenue which is a 36 x 36 needs to be provided for a fire truck to turn around.

Storm water run off calculations and a possible detention pond should be considered by the applicant's engineer to be reviewed by the town's engineers (J. W. Sewall).

Member Avery made a motion to classify the subdivision as a major subdivision this was seconded by Member Weatherbee. The vote was four in favor and none against the motion.

### **3. STAFF REPORT**

### **4. BOARD MEMBERS CONCERNS**

Mr. Osborne raised some concerns over previously approved site plans. The drainage analyses on some of the plans coming in have not been sufficient. The Lyford property on Old County Road has seen some drainage problems, and site plan issues.

Board Members held a discussion with Mr. Osborne on site plan issues, including drainage, storm water run-off, and turn around/fire lanes.

### **5. ADJORNMENT**

The Planning Board meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**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 12, 2006, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Chairman David Caliendo and Members: Andrew Nelson, Michael Avery, Mort Syversen, Tony Llerena, Peter Frazier and Associate Member Peter Weatherbee.

Also in attendance: Town Planner Robert Osborne, recording secretary Rosemary Bezanson along with Applicants for tonight's hearings.

**1. APPROVAL OF MINUTES (June 14, 2006)**

Member Syversen made a motion to approve the minutes as written, Member Llerena seconded the motion. The vote to accept the minutes as written was unanimous.

**2. NEW BUSINESS**

- A. Major Subdivision Preliminary Plan Review, - Jeffrey J. Fearon and Travis J. Fearon – Request approval of Highland Orchard Subdivision, a 2-lot Residential B Cluster subdivision with a Planned Group Development consisting of five, two-family dwellings on a 9-acre parcel and an existing two-family dwelling on a ¼ acre parcel located at 166 Kennebec Road neat the northeast corner of its intersection with Mayo Road in a Residential B District (Tax Map 39, Lot 23). – Public Hearing**

Chairman Caliendo opened the public hearing, asking for proponents then opponents, and anyone having general questions or comments. He confirmed that the item had been properly advertised and noticed for the public hearing with the Town Planner.

Jim Kiser, PE, of Kiser and Kiser spoke for the applicants. Mr. Kiser stated that the project is for a ten-unit condominium project consisting of five, two-family dwellings.

The house presently on-site would remain separate from the condominium association by the creation of a separate lot.

They proposed that the project would be serviced by public water and sewer but with a private pumping station. (Attached is a letter from Greg Nash, Hampden Public Works Director).

Don Sleight, 160 Kennebec Road, one of the abutter of the proposed project spoke in opposition stating that he had concerns over the ground water, access and added traffic on the Kennebec Road and the Mayo Road, water pressure problems, and safety. Mr. Sleight also asked about the type of buildings that are being proposed. He also wanted to know how this proposal could be allowed in this district. What kind of impact would this project have on property values, and assessments in the area?

Josh Peppard of 156 Kennebec Road voiced his concerns over the driveway access going into the proposed project, property values, water pressure issues, storm water and drainage along with the buildings that are being proposed, what they look like. Drawings of the proposed buildings were passed around.

David Roberts, 147 Kennebec Road spoke about water pressure problems, safety concerns at the intersection of Mayo Road and Kennebec Road. Mr. Roberts inquired if this would be low income housing and what type of housing is proposed?

David Waltz, 28 Mayo Road expressed concerns over the ground water, existing wild life in the area and his desire to increase the proposed buffering between the proposed site development and the neighboring properties.

Richard Smith, 44 Mayo Road asked how much frontage is needed for a project this size, how can they sub-divide a lot this small? He also expressed concerns over the ground water run off.

Catherine Ramsey, 190 Kennebec Road had some of the same concerns as the previous opponents. She stated her concerns over the traffic, and asked for more information on the proposed project.

Debbie Sleight, 160 Kennebec Road stated that she is speaking from an emotional level. This proposed development is in her backyard, and is making her sick with the thoughts of the disruption in the neighborhood with this development.

John Mahoney, 176 Kennebec Road stated he had concerns over the traffic, water pressure (being low at his residence) he has to take his dog to his mother-in-law's to wash due to the low water pressure. He also stated he has the same concerns as the others who have spoken. The home values being affected by this development, buffering from the private right of way, he now has Mayo Road, Kennebec Road and the new proposed right of way on all three sides of his property.

Don Sleight, 160 Kennebec Road asked would this proposal be a non-conforming use or lot.

As no one else wished to speak Chairman Caliendo closed the public hearing and asked if Mr. Kiser would be willing to address the questions and comments that were raised.

Mr. Kiser addressed the issues. He stated that the frontage for cluster (Residential B District Cluster standards) provides 80 foot frontage for multi-family. There is 100 foot width on the proposed lot where the existing house is and 85 foot width on the proposed condominiums. This does not create a non-conforming lot. Mr. Kiser stated that the stormwater run off was looked at by James W. Sewall Company. Catch basins for the storm water are being proposed. Mr. Kiser spoke about the drainage within the property. The traffic issues were discussed, Mr. Kiser stated that about 5 trips per peak hour are what they are looking at for increased traffic flow for a condominium development such as this.

The style of houses would be a nice raised ranch style of homes with garages. These are not low income, what is being proposed would be between \$100,000.00 and \$200,000.00 homes.

There are existing trees that buffer the property line that would be left untouched, along with a rock wall that is there. The front of the property where the driveway comes in will buffer the development making it somewhat secluded. The water pressure will need booster valves on it, they are working closely with the Hampden Water District on the water pressure problem (but he did not state if this would further affect the residents that already have water pressure problems).

Mr. Kiser indicated that he would research the drainage issues on the Kennebec Road more closely.

Mr. Osborne stated that the sewer question (pump station) is regulated under the Sewer Ordinance and that any waiver or variance from those requirements must be reviewed and approved by the Town Counsel. Because the Planning Board can not act on a preliminary subdivision plan that does not adequately address sewer waste disposal Mr. Osborne suggested that this item be tabled until applicant can resolve this issue.

Mr. Osborne noted that as this item did not go through sketch plan review he suggested that the subdivision should be classified by the Planning Board.

Member Michael Avery made a motion to classify the subdivision as a major subdivision; this motion was seconded by Member Tony Llerena. Several members indicated that they would prefer that sketch plan review not be skipped and that issues such as the sewer pump station be addressed prior to major subdivision preliminary plan review. The vote was seven in favor of the motion and none against.

Minor street standards for construction are being followed allowing a 20 foot wide traveled way access for emergency vehicles, snow plowing etc., on the proposed road. However applicant does not propose to create a separate 66 foot private right of way noting that this area would all be controlled by condominium association documents.

A motion to class the road as a minor street was made by Member Michael Avery; this motion was seconded by Member Tony Llerena. The voted was seven in favor of the motion and none against.

A motion to table this application was made by Member Peter Weatherbee; this motion was seconded by Member Tony Llerena. The vote was seven in favor of the motion and none against.

**B. Zoning Text Amendments – Town of Hampden – Requests several Zoning Text Amendments to accommodate the recently adopted Town of Hampden, Maine Appeals Board Ordinance. The changes are to the noted sections: 2.3.7 Question of Interpretation, 4.5.5.1. Non-conforming lots, 4.8.10.1.3.b removal of unlawful on-premise signs, 5.3.1.3. Building permits and numerous changes to Article 6 Appeals.**

Chairman Caliendo opened the public hearing, asking for proponents then opponents and then anyone having general questions or comments.

Robert Osborne, Hampden Town Planner spoke in favor of the proposal. Mr. Osborne stated that the Town Council recently adopted an Appeals Board Ordinance and that the composition and regulations for the Board of Appeals (formerly Zoning Board of Appeals) would now be contained in their ordinance and would be removed from the Zoning Ordinance. As such the items are house keeping items. Many of the noted changes simply note the change in name of the board. He also noted that only the ordinances that may be appealed locally were included in the new Appeal's Board Ordinance.

Amendments are attached to the memo by the town planner.

There was no one else wished to speak in opposition to the proposed amendments, Chairman Caliendo closed the public hearing.

The Board inquired what would change with respect to making an appeal? Mr. Osborne indicated that there really is no change to the process currently outlined in the Zoning Ordinance except that appellants would need a copy of the new Appeals Board Ordinance to review the particulars on making an appeal of a zoning decision or a variance. Mr. Osborne stated that this is basically a house keeping item and that staff recommended that the Board return this item to the Town Council with an 'ought-to-pass' recommendation.

Member Tony Llerena made a motion to recommend a "ought to pass" to the town counsel, this motion was seconded by Member Mort Syversen. The vote was seven in favor of the motion and none against.

### **3. STAFF REPORT**

Mr. Osborne stated that the moratorium for earthmoving and mineral extraction was now in effect. He indicated that the primary job to do now, during the moratorium, is to consider where and how minerals are extracted. He indicated that he is researching mineral extraction ordinances that could be included in the present zoning ordinance or be a stand alone ordinance. The planning board must continue to work on its analysis permitted and conditional uses by zoning district.

The agenda for next month appears light with no pending items other than the item

tabled earlier at tonight's meeting.

**4. BOARD MEMBERS CONCERNS**

**5. ADJORNMENT**

The Planning Board meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, June 14, 2006, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Members: Member Chairman David Caliendo, Andrew Nelson, Michael Avery, Mort Syversen, Tony Llerena, and Associate Member Peter Weatherbee. (Member Carrie Meo resigned from the board June 14, 2006).

Also in attendance: Town Planner Robert Osborne, recording secretary Rosemary Bezanson along with Applicants for tonight's hearing.

**1. APPROVAL OF MINUTES (May 10, 2006)**

Member Syversen made a motion to approve the minutes as written, Member Llerena seconded the motion. The vote to accept the minutes as written was unanimous.

**2. OLD BUSINESS**

- A. Site Plan Review – Lafayette Hotels, Inc. – Requests site plan revision to modify the parking lot design of the previously approved White House Inn/Best Western three-story addition located at Littlefield Avenue in an Interchange District (Tax Map 9, Lot 49 & 49A).**

Chairman Caliendo asked for a motion to remove this item from the table. (The item was tabled at May 10, 2006 Planning Board Meeting). Member Llerena made a motion to remove this item from the table, this motion was seconded by Member Avery. The vote was six in favor of the motion and none against.

Chairman Caliendo opened the public hearing, asking for proponents then opponents, and anyone having general questions or comments.

Jim Kiser, PE of Kiser and Kiser spoke for the applicant. Mr. Kiser stated that the parking lot has been re-designed. Some changes were made due to the discovered location of the septic and leech field. The turn around area for emergency vehicles and the fire lane were modified to accommodate the fire trucks. Three off-site, off-street parking spaces are leased from Dysart's for additional spacing in compliance with the Zoning Ordinance parking requirements.

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

Mr. Osborne stated that this is a straight forward change. It meets the parking requirements of the zoning ordinance. It has met with the satisfaction of the Public Safety Department. He noted that Public Safety has requested that the fire lane and

turn around include appropriate signage and stripping to make everyone aware of the firelane. Mr. Osborne stated that staff recommends approval of the revised site plan at this time.

Member Avery made a motion that the application meets the requirements under Article 4.1 governing site plan approval. This motion was seconded by Member Nelson. The vote was six in favor of the motion and none against.

### 3. NEW BUSINESS

#### **A. Major Subdivision Final Plan Review – Peter Michaelson- Request approval of Sunrise Estates Subdivision, a 12-lot 50 acre Rural Cluster subdivision with public improvements located on the west side of Carmel Road North at Piper Wood Road in a Rural District (Tax Map 1, Lot 27G).**

Chairman Caliendo opened the public hearing, asking for proponents then opponents and then anyone having general questions or comments.

Jim Kiser, PE of Kiser and Kiser spoke as a representative of the applicant, Peter Michaelson. He noted that Mr. Michaelson is present for tonight's meeting.

Mr. Kiser stated they are looking for final approval of Sunrise Estates Subdivision. The letter of credit was submitted and accepted by the Town Manager. The adjustment to the rear lot line of lot 12 is reflected on the subdivision plat plan. The driveways and rock outcrops are depicted on the plan as well as the abutting water wells.

Dale Thomas of 1135 Carmel Road North stated he is concerned over the vehicle traffic coming out of Rae Way and turning left. The vehicles headlights would be sweeping across the front of his home. He finds that very concerning especially in the winter months.

Mr. Thomas asked if the road could be moved 20 or 30 feet north in order to avoid this from happening.

There is a tree buffer of fir trees, but gaps in the tree line (due to dying trees) do not provide adequate buffering.

As no one else wished to speak Chairman Caliendo closed the Public Hearing and asked for staff comments.

Mr. Osborne stated that the town has received the improvement guarantee and had provided a letter from the Town Manager indicating that it is acceptable, but that certain deeds should be revised at the advice of the Town Attorney and that those deeds were not yet in our possession.

Mr. Osborne indicated that ownership of the open space was to be held in an association where each lot owner will pay a portion of the property tax. He indicated that this arrangement was innovative and perhaps superior to the developer retaining the open space because in future generations these subdivision open spaces will be inherited but will appear to have a negative net value and will most certainly result in tax default.

Mr. Osborne indicated that the design requires that a waiver be provided by the Planning Board for the stretch of road that does not meet minimum percentage gradient. A minor street requires a 1 percent grade and applicant proposes 0.5 percent grade. Jeff Allen from J.W. Sewall Company has no problems with the plan as submitted.

Staff would recommend approval with the condition that the mylars be held until the town receives the revised deed for the road, from the town's attorney.

Dale Thomas of 1135 Carmel Road North stated he has lived at 1135 Carmel Road North for 15 years. He likes the rural community, and if he wanted headlights from vehicle traffic he would live in town. He would like the road moved 30 feet which he does not feel would affect the subdivision or MDOT's permit for the road entrance permit.

Mr. Kiser also requested a waiver from the required 24 foot wide traveled way pavement width for a landscaped cul-de-sac and applicant proposes a 20 foot traveled way. He indicated that because both the inside and outside pavement radius of the proposed cul-de-sac is much larger than the minimum radius allowed (in the ordinance) the need for a wider pavement width is mitigated. School buses would have no trouble tracking around such a cul-de-sac and stay off the shoulders. The waiver request is for *Article 552.15.B.iv* of the subdivision ordinance.

Member Avery moved to grant the waiver from 24 foot travel way down to 20 foot travel way. This motion was seconded by Member Llerena. The vote to grant the waiver was six in favor and none against the request.

A second waiver was requested for the minimum road grade percentage. *Article 552.3* of the subdivision ordinance, to allow for less than one percent grade, for a minor street.

Member Avery made a motion to grant the waiver on the road grade, this was seconded by Member Llerena. The vote was six in favor and none against the motion.

The town planner stated that the town engineer looked at this request and saw no problems with it.

Member Avery made a motion to approve the Sunrise Estates Subdivision application for final plan review with the condition that the mylar be held until the town receives the revised deed for the road way. This motion was seconded by Member Llerena.

Mr. Osborne indicated that the specific waivers should be on the recording plan. Chairman Caliendo indicated that he would happily check to be certain that the plan has the correct waiver language on it before he would sign it. The Board agreed that this seemed reasonable. Chairman Caliendo called for a vote. The Board's vote was six in favor and none against the motion to grant approval of final subdivision plan review.

**B. Home Occupation Permit – Holly Shue – Requests approval for use of a room at her residence as an office for therapy located at 84 Main Road South in a Residential B District (Map 40, Lot 7) – Public Hearing**

Chairman Caliendo opened the public hearing asking for proponents then opponents then anyone with general questions or comments. Public hearing is open.

Member Syversen stated that this applicant was his next door neighbor. He asked if any of the Board Member or the applicant had a problem with him participating in this application.

No one had any issues with Member Syversen participating in this item.

Holly Shue of 84 Main Road South, spoke as the applicant for a home occupation. The home occupation would be 2 days a week with 10 clients receiving therapy in her home, hours of operation would be from 9 to 5 p.m.

Pat Kerfoot of 88 Main Road South spoke in favor of the application.

Marion Syversen of 70 Main road South called earlier that day giving her support for the home occupation application.

Ruth White of 82 Main Road South had a question about parking which was answered earlier by Mrs. Shue, she stated that there would be one vehicle at a time.

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

Mr. Osborne indicated that he was satisfied that the application meets the standards for a home occupation permit. He would answer any questions that members might have.

Chairman Caliendo complemented Ms. Shue on the completeness of her application and indicated that it was a pleasure to review.

Member Syversen made a motion to grant approval of the home occupation, this was seconded by Member Llerena. The vote was six in favor and none against the motion to approval.

**3. STAFF REPORT**

Mr. Osborne announced with regrets that he received a letter of resignation from Carrie Meo earlier today. He indicated that she truly enjoyed working on the Board but her work obligations were the reason for her resignation.

Mr. Osborne requested that the Board members stay for a few minutes after the close of the meeting for a workshop.

**4. BOARD MEMBERS CONCERNS**

**5. ADJORNMENT**

The Planning Board meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, May 10, 2006, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Members: Member Chairman David Caliendo, Andrew Nelson, Michael Avery, Mort Syversen, Peter Frazier, and Associate Member Tony Llerena.

Also in attendance: Town Planner Robert Osborne, recording secretary Rosemary Bezanson along with Applicants for tonight's hearing.

**1. APPROVAL OF MINUTES (April 12, 2006)**

Member Avery made a motion to approve the minutes as written, Member Syversen seconded the motion. The vote to accept the minutes as written was unanimous.

**2. NEW BUSINESS**

**A. Major Subdivision Preliminary Plan Review – Peter Michaelson-Request approval of Sunrise Estates Subdivision, a 12-lot 50 acre Rural Cluster subdivision with public improvements located on the west side of Carmel Road North at Piper Wood Road in a Rural District (Tax Map 1, Lot 27G).**

Chairman Caliendo asked to hear from Town Planner Bob Osborne on the preliminary Plan for Peter Michaelson's Sunrise Estates Subdivision.

Mr. Osborne indicated that at April's Planning Board meeting the Board had made no motion on the acceptance of the plan or its completeness. At the public hearing no evidence was presented challenging either the design or the completeness of the application. He indicated that the Board had seemed to indicate that the plan was both complete and satisfactory but had not indicated so in the form of a motion. He noted that the engineering of the plans and drainage analysis had been found to be acceptable by Mr. Allen at J. W. Sewall Company.

Member Avery made a motion that the application is complete. The motion was seconded by Member Llerena. The vote was six in favor and none against this motion.

Member Avery made a motion that preliminary plan meets the requirements for approval. The motion was seconded by Member Llerena. The vote was six in favor and none against the motion to approve the preliminary plan.

**B. Major Subdivision, Final Plan Revision – Webber Brook, LLC – Request approval of Hawthorne Ridge Subdivision, Phase 2, a 37-lot 115 acre Rural Cluster subdivision with public improvements located on Dunton Circle off the north side of Western Avenue in Rural District (Map 8, Lots 20A & 21) – Continued**

Chairman Caliendo asked for a representative of the application.

Steve Ribble of Ames AE spoke briefly about the storm water, drainage, and DEP application. This is the second phase of Hawthorne Ridge with 37 lots proposed.

Mr. Osborne stated that J.W. Sewall is satisfied with the drainage analysis and overall design. Mr. Osborne indicated that the item had been tabled after the April public hearing because drainage details were being finalized at that time. At that public hearing no evidence was presented challenging the design or completeness of the application. Staff recommends major subdivision preliminary plan approval at this time. He suggested that the Board first make a finding of completeness and then make a motion on approval of the plan.

Member Syversen made a motion that the application is complete. This motion was seconded by Member Avery. The vote was six in favor and none against this motion.

Member Avery made a motion to approve the preliminary plan as submitted with the comments from last month's meeting and tonight meeting. This motion was seconded by member Syversen. The vote was six in favor and none against the motion.

**3. NEW BUSINESS**

**A. Site Plan Review – Town of Hampden – Request amendment of previously approved site plan of Hampden Marina to construct a 300 sq. ft. accessory use public rest room building in a Commercial Service District located off the end of Marina Road (off Main Road North) in a Commercial Service District and Resource Protection District (Map 28, Lot 17A).**

Chairman Caliendo asked for a representative for the application.

Mr. Osborne spoke as a representative for the Town on this application.

Mr. Osborne stated that this proposal is to replace the port-a-potties with two 150 sq. ft. accessory structures with lavatory facilities. This would be hooked up to public sewer, and maintained by Hamlin Marine. As part of the lease agreement Hamlin Marine will be building this structure, and be responsible for the daily maintenance. He noted that these lavatories would be located below the 100 year flood elevation but that small accessory structures are exempted from a requirement that they be flood proofed.

Member Llerena made a motion to approve this application. This motion was seconded by Member Avery. The vote was six in favor and none against the motion to approve this application.

- B. Site Plan Review – Lafayette Hotels, Inc. – Requests site plan revision to modify the parking lot design of the previously approved White House Inn/Best Western three-story addition located at Littlefield Avenue in an Interchange District (Tax Map 9, Lot 49 & 49A).**

Chairman Caliendo asked for a motion to table this application (see attached request from Kiser and Kiser the representative of this application). The letter indicated that applicant was addressing fire lane issues with Hampden Fire Department.

Member Syversen made a motion to table this application to the next regularly scheduled Planning Board meeting. This motion was seconded by Member Llerena. The vote was six in favor and none against the motion to table this application.

- C. Zoning Map Amendment – Town of Hampden – Request amendment to change the zoning district of the southwesterly side of Mecaw Road from Industrial Park District to Commercial Service District for a distance of approximately 350 feet from Mecaw Road (approximately 9.6 acres). (portions of Tax Map 10, Lot 50 and Tax Map 10, Lot 49) – Public Hearing**

Chairman Caliendo opened the public hearing and asked to hear from a representative of the application.

Mr. Osborne speaking as a representative of the Town stated that this amendment was discussed at the Planning Board ordinance committee meeting earlier this evening. Both of these zoning districts were deemed to be consistent with Comprehensive Plan's proposed land use map which proposes industrial land use for this area. The Commercial Service district was originally the Commercial Industrial zone in the previous zoning ordinance and has always contemplated a wide variety of industrial uses. This area along Mecaw Road is currently Commercial Service District on one side of the street and Industrial Park District on the other side of the street. The land is somewhat rare and valuable for Hampden in that it has fine visibility and access from Route 202 Bypass and would augment the limited amount of commercial zoned property within the Town. He noted that a financial institution had expressed interest in the property and that the Industrial Park District would not permit the drive-thru element of a bank.

As no one else wished to speak Chairman Caliendo closed the Public Hearing and asked for staff comments.

Mr. Osborne recommended that the Board return this item with an "ought-to-pass" recommendation. He also noted that the Board had held an Ordinance Committee meeting on this item and suggested that they report to the Board.

Member Avery indicated that the Ordinance Committee had reviewed the proposed Zoning Map Amendment and had found it to be a good fit for the area and that it did not present any issues or conflicts with the Zoning Ordinance. There is a proposed financial institution with a drive-thru looking at this area, and the amendment would allow them to locate in this area.

Member Syversen made a motion that the proposed Zoning Map Amendment be returned to the Town Council with an "ought-to-pass" recommendation. Member Llerena seconded the motion. The Board voted unanimously (6 in favor and none against) to return the item to the Council with an "ought-to-pass" recommendation.

#### **4. STAFF REPORT**

Mr. Osborne announced with regrets that he received a letter of resignation from Thomas Cavanaugh. He noted that Mr. Cavanaugh had indicated that he did not feel as though he (at the present) had sufficient time and attention to dedicate to the role of Planning Board member and did not want to compromise the task.

Mr. Osborne stated that the workshop held May 6, 2006 went well. He noted that he would like to conduct another workshop for June 7<sup>th</sup> if it were at all possible.

Mr. Osborne noted that the Town Land and Open Space committee meeting was poorly attended and encouraged full participation in the committee.

#### **5. BOARD MEMBERS CONCERNS**

#### **6. ADJORNMENT**

The Planning Board meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, April 12, 2006, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Members: Member Chairman David Caliendo, Carrie Meo, Andrew Nelson, Michael Avery, Mort Syversen, Thomas Cavanaugh, Peter Frazier, and Associate Member Tony Llerena.

Also in attendance: Town Planner Robert Osborne, recording secretary Rosemary Bezanson along with Applicants for tonight's hearing.

**1. APPROVAL OF MINUTES (March 8, 2006)**

Member Syversen made a motion to approve the minutes as written, Member Cavanaugh seconded the motion. The vote to accept the minutes as written was unanimous.

**2. NEW BUSINESS**

**A. Major Subdivision Preliminary Plan Review – Peter Michaelson-Request approval of Sunrise Estates Subdivision, a 12-lot 50 acre Rural Cluster subdivision with public improvements located on the west side of Carmel Road North at Piper Wood Road in a Rural District (Tax Map 1, Lot 27G). – Public Hearing**

Chairman Caliendo opened the public hearing, first asking for proponents, opponents then anyone with general questions or comments.

Jim Kiser of Kiser and Kiser spoke for the applicant, Peter Michaelson, who was also in attendance at this meeting.

There was a site walk on Tuesday evening; Board Members in attendance were Member Nelson, Member Cavanaugh, Member Llerena, and Chairman Caliendo.

Mr. Kiser stated that the wetlands have been mapped, there is a stream running through the property. The public road will end at a cul de sac; there is a small detention pond area. Two road entrance permits were issued by the DOT on Carmel Road (Route 69) one for a driveway and the other for the proposed road. The lots will be served by wells and septic.

Dale Thomas of 1134 Carmel Road North spoke about the wet areas, the amount of development off the Camel Road and the added traffic to this area.

As no one else wished to speak Chairman Caliendo closed the public hearing and

asked for staff comments.

Mr. Osborne indicated that the Board had visited the site and found it to be generally well suited for development. He noted that although there are wetlands indicated on the plan they are generally in areas of pines rather than alders and bull rushes. The two wet areas of the site are an area along Piper Wood Road and an area near lot one. Mr. Osborne indicated that the site appeared to be well designed and that the lots met the zoning requirements for a Rural district cluster subdivision. Mr. Osborne asked Mr. Kiser if the developer would make a change to the Lot 12 to move its rear lot line away from the brook. He also indicated that the review comments from Greg Nash the Public Works director were not available and would ask that the final plan design be subject to those comments. Mr. Osborne indicated that the preliminary plan appears to meet the standards for approval at this time.

Lot one of the subdivision was discussed it is isolated from the rest of the subdivision. Mr. Michaelson purchased 50 acres from Ralph Cobb, and a boundary survey was done by Richard Perry.

There was discussion about the separation between the wells and septic in the area.

The open space was discussed, on whether it is useable or not. Lot 5 is being accessed from Piper Wood Road, with the frontage on the proposed town street.

Lot twelve's lot lines will be moved away from the stream which will allow better access to the open space.

The Board did not make a motion on the preliminary plan.

**B. Major Subdivision, Final Plan Revision – Webber Brook, LLC – Request approval of Hawthorne Ridge Subdivision, Phase 2, a 37-lot 115 acre Rural Cluster subdivision with public improvements located on Dunton Circle off the north side of Western Avenue in Rural District (Map 8, Lots 20A & 21) – Public Hearing**

Chairman Caliendo opened the public hearing, asking for proponents, then opponents, then anyone with general question or comments.

Steve Ribble of Ames Corp spoke as a representative of Webber Brook, LLC at this meeting. Mr. Ribble stated that this is Phase II of Hawthorne Ridge and includes another 36 lots. The open space is five acres. Stormwater was reviewed by Jeff Allen/Ken Libby. Mr. Ribble indicated that the stormwater design was not at this time finalized but would be by the next Board meeting. He was however looking for any public comment or board comment that could be included in the final design.

Public Hearing was closed.

DEP Permits were discussed with the applicant.

The report from S.W. Cole on potable water and septic designs was also discussed.

Mr. Osborne mentioned the ledge areas, making it more difficult for basement drainage and pipes. He suggested that care be taken in how residences are sited on these lots and that they may need to be set up out of the ground somewhat to be successfully drained.

The loop road was applauded over the roads that end in a cul-de-sac. Phasing of this last portion of Hawthorne Ridge was discussed with the applicant.

**C. Subdivision Sketch Plan – Linda Williams – Request pre-application review of a 6-lot 40 acre Rural Cluster subdivision with no public improvements located on the south side of Kennebec Road next to 449 Kennebec Road in a Rural District (Tax Map 5, Lot 81)**

Chairman Caliendo stated this is a sketch plan with no public hearing.

Linda Williams stated that the Board Members should all have a copy of the survey with wetlands on them. They are proposing 12 units, duplexes, townhouses that are affordable housing with open space conservation easement.

Mr. Osborne stated that the frontage is proposed at a point removed from the access point. The frontage is interrupted by an intervening parcel, and is not continuous. This site is the beginning of Baker Brook, which feeds into Cove Brook which is an Atlantic salmon habitat. They proposed two curb cuts on Kennebec Road, one that service lot six and the other one that come in on lot one service the other five lots. Frontage and access was discussed with the applicant.

The open space must be set apart from the lots.

The Board indicated that they would rather have the Williams' pursue a Group Development than a lotted development such as what the sketch plan indicates.

**3. STAFF REPORT**

A site visit to Webber Brook prior to the next planning board meeting was discussed.

The text amendment for the I2 district excluding mineral extraction did not pass at Council.

Site Plan application standards were discussed. The Board discussed relying on staff to review the site plans and make comments for the Planning Board to look at.

A Planning Board Workshop meeting was scheduled for May 3, 2006 to cover a number of topics of interest to the Board.

The comprehensive plan committee needs to schedule a meeting.

**4. BOARD MEMBERS CONCERNS**

**5. ADJORNMENT**

The Planning Board meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, March 8, 2006, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Members: Chairman David Caliendo, Andrew Nelson, Michael Avery, Peter Frazier, Thomas Cavanaugh, Mort Syversen, Carrie Meo and associate member Tony Llerena.

Also in attendance: Town Planner Robert Osborne, recording secretary Rosemary Bezanson along with Applicants for tonight's hearing.

**1. APPROVAL OF MINUTES (January 25, 2006 and February 8, 2006)**

Member Avery made a motion to approve the minutes as written. Member Cavanaugh seconded the motion. The vote was unanimous.

**2. OLD BUSINESS**

**A. Conditional Use/Site Plan Review – Cafua Management Co. – Construction of a 2,021 sq. ft. Dunkin Donuts restaurant with a drive-thru located at 76 Main Road North (currently the Big Apple convenience store) in a Village Commercial District (Tax Map 32, Lot 22). Previously Continued**

Chairman Caliendo opened the item noting that it was continued from the January 25, 2006 meeting. As there were a number of items that the Board had asked the applicant to address he asked for a representative of the applicant to speak.

Tim Woodcock, Esq. from Eaton Peabody stated he is here tonight representing Cafua Management. Tony DaCosta with Cafua Management is present tonight, along with Brad Hart, PE and Mike Waugh, PE with J.W. Sewall Company the traffic engineers who have been involved with this project and Jodie O'Neil, PE from Plymouth Engineering, to answer any question that the board may have.

Mr. Woodcock moved directly to the traffic standards. There are several traffic standards in the ordinance. The first is article 4.1.7.3, this standard provides that there shall be safe ingress and egress to and from public and private roads, by providing adequate location numbers, and control of access points including site distances, turning lanes, and traffic signals if necessary. The ordinance also stated the factors to take into account are turning movements in ratio to traffic flow, proximity to intersections location access of off-street parking, provision of pedestrian traffic, access by emergency vehicles and minimization of pedestrian and vehicular contacts. There will be a designated entrance point and exit. This is a deep site to allow for on site queuing.

So that traffic is not backed up on the street.

There is allowance for north bound left turn traffic onto the site development. The site development allows for the linear distance of four cars to queue in the north-bound lane. It allows for vehicles to pass on the right, with one wheel on the paved shoulder. They did go out and check the width of Route 1A, they determined it can be widened to allow for bypass traffic of all types of vehicles. The public safety department is satisfied that the site is accessible by emergency vehicles. Under 4.1.7 section 4 provides that the layout and design of on-site vehicular and pedestrian traffic patterns shall provide for safe interior circular, access by emergency vehicles, separation of pedestrian and vehicular traffic and storage of plowed snow. Interior parking is next to the building itself. Article 4.2.3.5 provides that the proposed use will not cause hazardous traffic congestion on contiguous or adjacent streets. 300 trips in a peak hour, 2.5 actual automobiles a minute during that hour (average), was what the traffic projections are for this proposed site development. The traffic analysis finds that this would not overload the intersection. Mr. Woodcock noted by comparison to Hampden's proposed site the Bangor Dunkin Donut sites have more limited queuing and much higher average annual daily traffic counts. The counts are two to three times higher, depending on what site in Bangor you are speaking about. A MDOT traffic permit was required and approved for this site. They are proposing a painted/textured (center) median, to move northbound traffic to the right about five feet. They plan to widen the road to create a north bound 16 foot travel way, and four foot wide paved shoulder. Left turning (exiting) traffic's line of sight might be interrupted by current on-street parking arrangements on Route 1A. We discussed with Maine DOT, who owns the legal right of way, putting in a raised curb, in that area (from the proposed exit to the intersection of Western and Main Road) which would take care of the (on-street) parking issue. They have also proposed putting in a sidewalk, all the way from the entrance of the site to Western Avenue. (Gorrill Palmer's letter was referenced.) The traffic light at the intersection of Western Avenue, Canoe Club Road and 1A was discussed. A proposal was made for the board to have a limited review of the exiting traffic again after one year, following the granting of a certificate of occupancy. Follow the traffic for the one year period, the applicant would provide a traffic engineering report to the Planning Board identifying accidents if any and their cause, and the traffic engineer and the Town would determine if changes are necessary to the approved site plan. Planning Board would have a chance to look at the site application again. It was noted that some minor adjustments to the phasing of the traffic light might not require that the Board review the plan. The left turning traffic issues were addressed.

Chairman Caliendo asked Mr. Osborne for his comments.

Mr. Osborne addressed the sketch that was on display depicting the three views of the site with different traffic movements superimposed on them. The plan demonstrates that the widened driveway can accommodate the drive-thru and by-pass vehicles on site. The plan demonstrates that the widened northbound lane and shoulder can accommodate four vehicles in a left-turn queue, waiting to enter the site, and allow a full size tractor trailer truck to by-pass on the right within the 20 foot perimeter from

centerline to the outer edge of the shoulder. The plan demonstrates that larger vehicles can be accommodated entering the site. Mr. Osborne spoke about the textured/painted median. He indicated that the purpose of the median is to direct northbound traffic five feet to the right closer to the right side of the lane. He noted that traffic signage at the intersection would make northbound traffic aware of the median. He indicated that applicant has done a number of things to improve sight distance for exiting vehicles looking south including the proposed curbing on Route 1-A to discourage on-street parking and the median which helps create a visual channel looking south. He noted that the exiting, left turning vehicles would occasionally experience visual and/or physical interference from southbound traffic standing at the intersection and might need to wait, but this circumstance is not unreasonable or unfamiliar as long as it is momentary in nature. The traffic analysis indicates that traffic clears out of the intersection relatively quickly. Nevertheless, exiting, northbound traffic appears to present the greatest challenge to safe egress given overall site distance to the south and left turning traffic on to the site, and this is why applicant has proposed to revisit that question a year after the certificate of compliance has been issued for the project.

Mr. Osborne reminded the Board that this item has received a Certificate of Appropriateness from the Historic Preservation Commission. He indicated that the Commission had recommended the design to have a larger green area to the front of the site development and the building to be set back as proposed here and that the building itself met both the design criteria for preservation and the additional setbacks.

Mr. Osborne indicated that the location of the parking and the drive thru window to the side and rear of the site are as required by district standards. He noted that the building itself was relatively small and creates impacts not unlike a residential sized structure for height and volume. He indicated that the plan and presentation appears to meet the standards for conditional use, site plan review and drive-thru business. He stated that with the noted conditions and the proposed plan, traffic and drainage analysis that Staff would recommend approval.

Chairman Caliendo thanked Mr. Osborne, and asked for questions from members of the board.

Member Cavanaugh asked if the proposed raised curb and sidewalk would eliminate any legal parking. Is that business losing parking spaces.

Mr. Osborne stated that all of that area is in the State right of way. None of the parking is expressly legal. They are parking directly across what should be the town's sidewalk.

Member Avery asked what is being proposed for the re-construction of roadway road bed for the width of the improvements. Do we have construction details?

Brett Hart with James Sewall Company addressed Member Avery's question. Everything has to meet with MDOT's standards for design and materials. He stated that

they will be working with MDOT, who will review it prior to construction.

Member Syversen asked if the bakery and Curves was brought into the traffic analysis.

Mr. Hart responded that the proposed road widening is completely within the State right of way. There will be impacts on those businesses, but limited to the parking lot and the side of the building where parking is not permitted.

Member Frazier made a comment as to this application, he cited two concerns, one turning left out of the site will be impossible during peak hours, and turn left out of Curves and the bakery, across the street will be impossible.

Left turning traffic was discussed with Mr. Hart.

Mr. Michael Waugh senior traffic engineer with J.W. Sewall Company, spoke about the peak (traffic) 15 minute interval. They have taken four times the peak 15 minute interval into consideration in all their capacity analysis. Curves did not appear to have the same peak hour traffic that (Dunkin Donuts) the proposed site has. Mr. Waugh stated that he does not think that there is going to be a big problem with left turning traffic.

There was some discussion with Mr. DaCosta not heard on the tape recording. Mr. DaCosta indicated the actual number of customers that they expect at this location in a peak hour is below the 150 that the traffic design is based on. He indicated that 150 is based on their busiest Bangor facilities where there is as much as twice the background traffic as there is on Main Road in Hampden.

Tim Woodcock stated the left turn out of Dunkin Donuts is something that they propose to monitor. He assured that, they would be willing to have this site plan reviewed after a one year time period after certificate of occupancy is issued. If there is a problem, and if there is a proposal to address the problem in a way that would alter the site plan as approved by this board, then it would come back to board for further analyses and action.

Chairman Caliendo stated that he was glad to see the time and effort the applicant has spent into developing this site, the traffic study, and the site plan. Their allowance to come back after a one year period and have the site plan revisited is a very good idea.

Mr. Osborne stated that what was discussed is the town would receive a report a year down the road reporting on the left turning movements off the proposed site. We would see if there are problems or issues at that time. The wording on the condition was discussed. The draft that was worked on by Mr. Woodcock was passed around. Staff also recommended some of the other conditions of approval in the staff memo. The texture median was discussed. MDOT Victor Smith was involved in the conversation with regard to the median.

Member Syversen asked what would happen if the Planning Board re-visited the site

plan after the year.

Mr. Woodcock stated that if modifications are recommended in the study that would require a change to the site plan, then that would require the planning board to review the site plan again with the proposed and recommended changes. Some of the wording to the approval and conditions was discussed. The report that would come back to the planning board was also discussed, and what actions would be taken.

There was someone in the audience wanting to speak again. Chairman Caliendo indicated that the public hearing was held last month (January 25, 2006) and the chairman had closed the public hearing at that time. The public hearing was noticed for that date.

Member Avery made a motion that the application meets the standards for Article 4.2 conditional uses. With the conditions that this board require: The split entrance/exit demarcation. Delineation of the exterior side of the shoulder, as shown on the plan, by painted striping. The inclusion of the raised curb, and sidewalk from Western Avenue to northerly property line of the site development. The establishment of a center median as indicated on the plan, a grinded and painted median vinyl or plastic application, with the fall back of the possible of using a texturing of the asphalt, and applying paint to that. The establishment of a sign visible to north bound travelers alerting them the median. Signage and striping details would be subject to MDOT final approval. Conditioned on re-visiting the application after one year, (as written in the addendum provided by Eaton Peabody in the application for Cafua Management). The motion was seconded by Member Cavanaugh. There was discussion of the maintenance of the median. The vote was seven in favor and none against the motion to approve the conditional use. Member Avery yes, Member Cavanaugh yes, Member Frazier yes, Member Llerena yes, Member Meo yes, Member Nelson yes, Chair voted yes.

Member Avery made a motion that the application meet Article 4.1 site plan, Member Cavanaugh seconded the motion. The vote was seven in favor and none against the motion to approve.

**B. Major Subdivision Final Plan review – M & D Real Estate, LLC – Request approval of Madison Way Subdivision, a 6-lot 16.24 acre subdivision with public improvements located on the south side of Shaw Hill Road at Miller Road in a Rural District (Tax Map 7, Lot 86). Previously Continued**

Chairman Caliendo opened the item noting that it was continued from the February 8, 2006 meeting. As there were a number of items that the Board had asked the applicant to address he asked for a representative of the applicant to speak.

Darrell Ginn, PLS representing M & D Real Estate stated that at the previous meeting we discussed a drainage easement for the new drainage coming off of Shaw Hill Road. Don Hanscom and M & D Real Estate came to a mutual agreement by trading a portion of the field for a suitable lot number six. Note thirteen has been added to the recording

plan mylar. The fee in lieu of open space in the amount of \$3248.00 was discussed.

Mr. Osborne indicated that the final subdivision plan was complete. He stated that the drainage issue that was previously noted had been resolved because an easement had been secured from Mr. Hanscom. He suggested that the result of the plan change (due to the proposed land swap) was an improvement in the configuration of one of the proposed lots to site a residence. He indicated that the drainage easements that are found on the subdivision address drainage considerations from Shaw Hill Road and the proposed Audrey's Estates directly north of this site. He noted that the fee-in-lieu of open space is the only outstanding feature remaining. He recommended that the board approve the plan as it meets the standards for final plan approval conditioned on receipt of fee in lieu of \$3,248.

Member Syversen made a motion to approve the final subdivision plan with the condition that the fee in lieu of open space of \$3248 be received by the town. This motion was seconded by Member Llerena. The vote was seven in favor and none against the motion to approve Madison Way Subdivision.

**C. Major Subdivision Final Plan review – M & D Real Estate, LLC – Request approval of Audrey's Estates Subdivision, a 14-lot 54.82 acre subdivision with public improvement located on the northeast intersection of Shaw Hill Road and Miller Road in a Rural District (Tax Map 7, Lot 69) –Previously Continued**

Chairman Caliendo opened the item noting that it was continued from the February 8, 2006 meeting. As there were a number of items that the Board had asked the applicant to address he asked for a representative of the applicant to speak.

Darrell Ginn, PLS representing M & D Real Estate stated that the Miller Road improvements and the alteration of the proposed open space are the only changes to the subdivision from last month's preliminary plan but that the drainage easement on Mr. Hanscom had also been secured which directly addressed a concern raised at the previous meeting.

Mr. Osborne indicated that the final subdivision plan was complete. He stated that the drainage issue that was previously noted had been resolved because an easement had been secured from Mr. Hanscom. He indicated that the drainage easements that are found on the Madison Way Subdivision address drainage considerations from Shaw Hill Road and Audrey's Estates. He noted that the plan includes work on Miller Road and Shaw Hill Road to re-work the ditches to better convey drainage in those areas and it also includes two new culverts under Shaw Hill Road. He noted that Town Council had voted to accept the proposed open space for this subdivision based of the wider access of 66 feet. He recommended that the board approve the plan as it meets the standards for final plan approval

Member Syversen made a motion to approve the subdivision this motion was seconded

by Member Llerena, the vote was seven in favor and none against the motion to approve Audrey's Estate Subdivision.

**D. Site Plan Review – O'Donald's Concrete, Inc. – Request for construction of an 11,136 sq. ft. building for a service business – Business park use located on 68 Carey Circle (off Route 202 Bypass) in an Industrial Park District ( Tax Map 10-B, Lot 18) Previously Continued**

Chairman Caliendo opened the item noting that it was continued from the February 8, 2006 meeting. As there were a number of items that the Board had asked the applicant to address he asked for a representative of the applicant to speak.

Renee O'Donald of O'Donald's Concrete stated that the new revised site plan shows the town easement where the temporary cul-de-sac is located. This is a service business use. No large retail tenants are proposed. It provides adequate parking.

Mr. Osborne indicated that the revised plan addressed a number of omissions that were noted on the previous plan. It addresses the cul-de-sac. It addresses the topographic detail around the proposed building. It proposes planting and landscaping as required. He recommended that the plan is now complete and that the Board approve the plan as it meets the standards for site plan review.

Member Avery made a motion that the application before the Planning Board meets the requirements for site plan review. This motion was seconded by Member Cavanaugh. The vote was seven in favor and none against this motion.

**E. Conditional Use/Site Plan Review – Vaughn Thibodeau & Sons, Inc. – Request for mineral extraction of a 9.4 acre area to extract approximately 600,000 cubic yards of rock material over a six year period. The application also includes a reclamation plan. The site is located off Ammo Park Drive in an Industrial 2 District (Tax Map 10, Lots 61 and 56-3). – Public Hearing – Previously Postponed**

Chairman Caliendo opened the public hearing, asking for proponents, then opponents and anyone with question or comments. Please come to the podium

Ed Gould, attorney with Gross, Minsky, Mogul in Bangor, here tonight representing Vaughn Thibodeau & Sons on this application. Mr. Gould stated that Fred Marshall from Plymouth Engineering was present for tonight's meeting, along with Mike Thibodeau, Wilbur (Bub) Saunders, and others of Vaughn Thibodeau and Sons.

Mr. Gould stated that the application is fairly straight forward itself. It's not straight forward factual, legal and political issues we are dealing with, but at least the application itself is straight forward. Mr. Gould stated he has had the benefit of reading both Mr. Russell's opinions as well as Mr. Osborne's memorandum. The application is a permitted use in this zone, subject to the conditions set forth in the ordinance, which

Vaughn Thibodeau and Sons are more than happy to comply with whatever reasonable conditions that this board might impose on this application.

But it is a permitted use that we are dealing with here and that has to be our starting point.

The company has been working with Mr. Osborne off and on for several months regarding this project. They would like to move forward, they are ready to move forward. He addressed the white elephant in the room which is the later item on the agenda regarding the proposed amendment to the ordinance. As you know the ordinance hasn't been amended, we are dealing with the current ordinance, which says that this is a permitted use. The ordinance is something to be dealt with at a later point in time and frankly it is not part of your consideration right now. He would simply ask that you treat this application as you would treat any other application that comes before the Board, give it fair consideration, deal with it on it's merits, please vote on it tonight. There is no reason to wait any further. Vote it up or down on its merits. If you have any questions of me or on any of the technical aspects of the project, we have the company and the engineering representatives to address any questions you might have. Thank you.

Chairman Caliendo asked if there was anyone else wishing to speak in favor of this application.

Mr. Richard Cox, Fuller Road, Carmel. This property lies between the Northern Maine Junction railroad track, there's Lane Construction which has a big pit there, which was formerly Henry Page's, and then you have Odlin Road, then you have an outfit of Thibodeau's there, and across the interstate is this site. I think it's a good thing for this to happen, its all of the same type of thing from the railroad tracks in Bangor, all the way over it's the same type of soil thru there. Years ago, when I (Mr. Cox) bought this property, I was 16 years old, at that time the people he bought it from Norman and Duncan Gillis. At that time way back years ago, these people started out with a horse and buggy type thing and they hauled gravel out of there. After that they got a dump truck. In one respect, I do not know what laws have been changed in State or what laws have changed in the towns or what they have changed on it (the property in question). When I bought that property you would have what they call farmers, grandfather's rights on the property to do such a thing as excavation. I think it a good thing. I am getting ready to retire, and would like to bring it to a close, as long as it meets the approval of the board, and it meets the requirements that you put upon it. Thank you.

Chairman Caliendo asked if there was anyone else wishing to speak in favor of the application. No one responded. Chairman Caliendo asked if anyone who would like to speak in opposition to the application. No one responded. Is there anyone who would like to make (with) general questions or comments. No one responded. Hearing none, Chairman Caliendo closed the public hearing.

Chairman Caliendo asked to hear from Mr. Osborne.

Mr. Osborne, the town planner, stated this application is deemed to be a permitted use. You have in your packet (not attached to this application but attached to the ordinance amendment) indicating from Tom Russell (town attorney) that he deemed this, this use to be a permitted use in the District. The rationale for that, was the I 2 District, if you look at the permitted uses, the very first phrase says "any industrial and commercial use". Mr. Russell deemed that, that was such a broad sweeping phrase, that it also included mineral extraction as a permitted use. The question for the board is not whether the use is permitted, or even one of, if this use is the sort of thing that ought to go on in this neighborhood or that neighborhood, it's more simply a question of these ordinance regulations that are found in article 4.9 the excavation, removal and fill of lands, that place both mandatory and volunteer (optional) conditions on the, at the board disposal for applications such as this. In the staff memo you will find on page 8, the rule for article 4.9 is printed out, the ones that I deemed to be relevant (see attached memo) to the board review. I point out that 4.9.2 and point 3 have to do with fill and grade projects that didn't require Planning Board approval. That is why he dropped those items out of description. Notice the conditions that have to be met are number one the smallest amount of bare ground shall be exposed for the shortest time feasible. It talks about temporary ground cover being used, diversion silting basins, terraces and other methods to trap sediment, that lagooning shall be conducted, not create fish trap conditions. Going down thru the optional conditions, one thing that is relevant is number eight, the cleaning, repair and/or resurfacing of streets used in removal of said activity. One of the kinds of things that I think would be a very reasonable condition to place on a operation like this, is that heavy truck full of excavation from this facility aren't tearing up the streets during this freeze/thaw situation we are in right now. One of the things the Planning Board could look at is to condition the approval on something to the effect that when town roads are posted, that this road (even though it is a private street) would, operate under those same conditions as town posted roads. If you had some reason to feel more concern that there was no way to conduct this activity without damage to the street, there could be some kind of a motion to obligate the applicant to repair damage that they may have caused. The perimeters of how you would determine the street was like before they started and so forth, but somehow have to fall into a motion. Myself or the board is not familiar with an application like this, I think the best thing to do is throw it open for discussion, to get some questions answered. I note that Fred Marshall with Plymouth Engineering is here, as is Ed Gould, as is Mr. Saunders and others, to get some pretty good answers. Some of my thoughts are there ought to be some conditions added to the approval to do our best to preserve the Ammo Drive, but other than that, let's see where our conversation takes us.

Chairman Caliendo thanked Mr. Osborne. He asked for questions from members of the board.

Member Avery asked what the proposed hours of operation are at this point in time. Mike Thibodeau stated that it would be from 7 a.m. to 5 p.m. weekly.

Chairman Caliendo asked if it would be five (5) days a week, seven days a week.

Mike Thibodeau, Winterport, one of the issues brought up was the Ammo Park Road, it's not the best road in Hampden, and they currently patch the pot holes with dirt. They are more than willing and will be offering to pave from our entrance back to Odlin Road, so that not only our equipment but the other trucking firm that is in the park does not have to pound over the road. Of course that would be up to the owners of the property whether they want to accept that offer or not. Mr. Thibodeau stated they have a nice set of buildings there, we are not into staving up the road and mom beating her car across it every morning, he would be in trouble, that's the reality.

Chairman Caliendo asked what they were going to do, what are you excavating?

Mr. Thibodeau stated they are taking rock out of the pit. We pave streets and have a ready mix concrete operation on the Odlin Road. That's an aggregate reserve, we would like to take and remove the rock. You can see the City of Bangor is built on a clay pit. We feel this is a good opportunity to fill that back in, it's ready for re-development down the road we have a nice piece of property in that park. It is a piece of land locked land currently.

Chairman Caliendo stated just to sum up the project you are going to be extracting 600,000 yards of stone that you are hauling from that site, to your other site on the Odlin Road, for processing to use in aggregate and making your concrete.

Mr. Thibodeau stated so we can build you a new school here in Hampden.

Chairman Caliendo asked if this involves drilling and blasting, and how that works.

Mr. Thibodeau stated that yes it does. The State of Maine regulates drilling and blasting. I do not want to bring up anybody else's operation, but this is a very small operation compared to some of the others in the State. 600,000 yards of rock, this is not a major operation, our own operation in Prospect would dwarf this. This is a small operation. We take nearly that a year out of Prospect.

Chairman Caliendo stated, help us out, we are layman, will there be (from the blasting) a lot of noise, will there be dust blown in the air?

Mr. Thibodeau stated this all falls under State guidelines. The blast size, we're shooting some place around 10,000 yards at a time in Prospect. He has an idea that they will shoot 4 or 5000 yards once they get the hole opened up, at a time here (Hampden location). Again, I do not want to bring anybody else's operation up but, it is small shots compared to what might be going on in other areas.

Chairman Caliendo asked if Mr. Thibodeau could estimate how far away someone would hear or feel it?

Mr. Thibodeau stated that anybody that is not hearing or feeling it currently would not be

hearing or feeling it from our operation. Does that make sense?

Chairman Caliendo stated because it is already going on in that area?

Mr. Thibodeau stated less than a thousand feet away.

Member Meo asked how deep they would be going, drilling or excavating.

Mr. Thibodeau stated less than 60 feet, he thinks. I think this is somewhere in the neighborhood of 8 to 10 year operation. He does not think it would go beyond that, but be somewhat short of the 8 to 10 year projection.

Chairman Caliendo stated that in the current ordinance that permitting is for 3 years, with additional 3 years, totaling six years.

Mr. Osborne stated that this is something the board needs to evaluate, how they read that rule. My thought is that you ought not to propose more than you can accomplish in six years.

Mr. Thibodeau stated that he is not trying to put rules on himself, but you tell me, I can't open up more than X number of acres at a time; he's a pretty reasonable guy. I have a fill permit right behind it. I don't anticipate having all that opened up at any given juncture.

Chairman Caliendo asked if they plan to excavate and fill as they go.

Mr. Thibodeau stated yes. The unfortunate thing is we are all in a race, I'm in a race, and you are in a race. Because of the political ramifications here, it's kind of too bad; we could have and should have been in a better situation. He spoke with a few different people, we wouldn't have even been opposed to putting money into a joint account with the Town of Hampden, to guarantee that it gets filled back in, a per yard, every yard we took out, we put some in, every yard we put back in the hole take some out. Just so everyone would win. But now we are in a race.

Chairman Caliendo said Mr. Thibodeau; you are not in a race with us tonight.

Mr. Thibodeau stated that it is unfortunate. I don't feel like I am in a race with you, but you can understand where I am coming from.

Chairman Caliendo assured Mr. Thibodeau that the board will hear his plan without influence to other items on the agenda.

Mr. Thibodeau stated that he does appreciate that, and hopes that you can understand my position; we have spent some serious money to have these gentlemen working for them on this site and site plan.

Chairman Caliendo asked Mr. Thibodeau to tell the board what his plans are. We are not talking about putting restrictions on it at this stage, just trying to get a sense of what your goals and plans are. Do you plan to open it all at once or an acre at a time, two acres.

Mr. Thibodeau stated that they would need about half of it for it to be a workable operation. We would start on the end (indicated on the site plan map, on display) come this way, bring fill in behind us. As we opened it up with room to work.

Chairman Caliendo asked if they had rough numbers that he could give us an estimate on the truck traffic this is going to increase. How far down the road are you going? A mile? Two?

Mr. Thibodeau stated that they would not be on any public roads in the Town of Hampden. Mr. Thibodeau stated he could help us with the traffic count for Dunkin Donuts. We are bringing 100 trucks a day thru that intersection. In the summer time, approximately 100 loads a day out of the quarry are proposed.

Chairman Caliendo asked if it was a year round operation.

Mr. Thibodeau replied no. Seasonal. More or less. In the winter we may stockpile some.

Chairman Caliendo stated he did not realize blasting was going on in that neighborhood. He was not aware of that.

Member Avery said it's not on this property though.

Mr. Thibodeau replied it is on the opposite side of the interstate 95. They did some blasting on their property on the other side of the interstate, and the Town of Hermon got confused because someone called them asking where the quarry was. They wanted to know if I was starting a quarry in Hermon. He assured them he was coming to see the Town of Hampden.

Chairman Caliendo stated that Mr. Thibodeau had stated he was willing to set aside funds to guarantee the town, that if something should happen there would be sufficient funds to cap the fill. Could you outline that for the board?

Mr. Thibodeau replied he was bouncing around (not sure if he mentioned it to the town planner, Bob Osborne) for every yard he takes out make him escrow a dollar, for every yard he brings back in, you release the funds. We have been here a long time, we are not going to run and hide. If you drive down the Back Winterport Road there are a lot of pits down there, the only one that is filled back in is the one Vaughn Thibodeau and Sons dug.

Chairman Caliendo asked for other questions from Board members.

Member Cavanaugh had a curiosity question. When you take it all out and you fill in all back in then what is it useful for?

Mr. Thibodeau replied, anything you want to do.

Member Cavanaugh asked if you could sell it as a buildable, developable site.

Mr. Thibodeau stated absolutely.

Mr. Frazier asked if they had rock crushing, sizing on site. So all they would do is take the rough rock out, using Dynamite, a front end loader and a truck.

Mr. Thibodeau replied yes they do, but not on this site. They just want to remove the rock, keep it just as simple and easy for you guys as we can. We do own the major substantial building in the area. They bought the Larkin buildings with this in mind. They are not going to destroy that set of buildings.

Member Avery asked what kinds of material they would be back filling with.

Mr. Thibodeau stated they would use excavate material off of job sites, primarily till, clay, whatever comes off the job sites.

Mr. Osborne asked what the weight of the trucks would be, that you would be utilizing for hauling the stone.

Mr. Thibodeau replied that most of them would be 54,000 lbs, 10 wheeler dump trucks, Gross weight. They would be less then the trucks going into the freight terminal. Those trucks could weigh up to 100,000 lbs.

Chairman Caliendo stated a plain vanilla dump truck we see every day, in other words.

Member Frazier asked if the rock was being taken to their site on the Odlin Road. For crushing, sizing, for sale. They would come out of Ammo hang a U turn, and go back down Odlin Road. Can't make a short cut.

Mr. Thibodeau replied that the rock would be taken to their Odlin Road site. Some of it may go direct to a job site. Wished he could make a short cut.

Mr. Osborne stated that since Mr. Marshall was here tonight he could give what the pre- and post- development drainage, what it looks like.

Fred Marshall, from Plymouth Engineering introduced himself. He stated that they submitted three scenarios as part of the application. One is what the existing conditions are; granted most of the site is forested now wooded, not old growth, pretty young. Then we did an operation analysis, since it's a bowl the way it's designed, (going back

to the cross sections page on display) as the pit gets developed the theory is that there will be a road that kind of hugs the edge on a terrace and goes down. It may not be this precise location, but depends on the quality of rock as they excavate. Prior to operation once they clear the site, there is an erosion fence that goes around, that limits the disturbance, and in affect we are creating a slight berm around the entire pit so that any water, storm water, or dust, whatever is generated within the pit, stays within the pit. So nothing is flowing out. During the course of operation storm water falls are internally drained. Closure, the long term closure, we've slightly bowled the interior, so it will be grassed and fertilized with a cover, the drainage will not change because the storm water will not be going off the site any place else. There will not be any increase. The question was brought up at one point, that the storm water run off would be increased because you are changing it from a forested cover to a grass cover, that's true, but they are not increasing because the storm water will not be flowing off the site, it will remain inside, a large scale very shallow detention pond for lack of a better description.

Member Frazier asked what they would do once they dug the hole and it starts filling up with water?

Mr. Marshall stated that the ground water isn't that high, wells in that area are down at least 150 feet before they are getting any kind of yield.

Member Frazier asked, you are not going to hit any springs or anything?

Mr. Marshall replied that they hope not. We cannot guarantee anything, because he is not a geologist.

Mr. Frazier asked if it did fill up with water, does that mean you stop. Or do you pump it out somewhere.

Mr. Marshall stated he needed to defer to Mike (Mr. Thibodeau) Mr. Thibodeau answered Mr. Frazier's question (it was not picked up on the tape).

Mr. Frazier stated that we have a little adversarial position with the DEP.

Mr. Marshall stated that they are proposing to take demolition debris or something, take it off of Casella, so that they could put it in the pit, but we knew it would not be politically slippable (just was all said in good humor) everyone was laughing. Mr. Marshall stated he was just trying to lighten up. I'm sorry. I could see the horror on your face, like oh... no!

Member Syversen had a question about them going down 60 feet in depth, the contour lines show 120 feet, am I right or wrong?

Mr. Marshall replied at the high end, you are right. Over average it's no more than 60 feet through the cross section, because the site really slopes toward Bangor.

Member Syversen asked if they had a profile showing that type of contour. I am still reading 120 feet. That's not my concern as much as how deep you are going. I don't know how you are going to be able to maintain a situation where you are excavating part of it and back filling behind you, you can't maintain your slopes.

Chairman Caliendo stated that the grades would be very steep.

Member Syversen asked how big is this thing. (parcel)

Mr. Marshall replied nine plus acres over all.

Member Syversen stated you are going to have over half of it open at any one time, at least. Probably the whole thing will be open.

Chairman Caliendo stated not if we condition it to limit it.

Member Syversen replied, they couldn't use it, then.

Mr. Marshall replied there is also the reality that there is a whole vegetative buffer as required by the ordinance all the way around it, existing trees. There is some visual shielding in excess of 100 feet.

Chairman Caliendo asked what difference does it make whether open four acres or nine acres? Is there environmental impact? There are no site issues inside the industrial park.

Mr. Marshall answered no, but referred to Mr. Saunders for answers.

Bub Saunders, Winterport. Mr. Saunders stated that the guidelines under DEP, you can only have 15 acres open. Obviously we are trying to permit a little under ten. When you have fifteen acres open, five acres has to be in reclamation, five acres in stockpile, and five acres in active excavation. We won't be getting close to any threshold that the State regulation has. Even if we opened up the whole thing, 9.4 acres is the size. We would not be triggering any DEP regulations.

Chairman Caliendo clarified that the total parcel is nine point something acres and you have to reserve some of it for stockpiling.

Mr. Saunders replied that they were not going to have stockpiles, they would be hauling off, we are going to be reclaiming right behind. So we are actually doing above and beyond anything the DEP would require.

Chairman Caliendo asked when they mentioned stock-piling; it is stock-piling off site.

Mr. Saunders and Mr. Thibodeau confirmed stock-piling is off site.

Member Frazier stated that he presumed part of your plan is to bring fill back in, in the empty trucks, before they load with rock, if you can do it.

It was answered from the audience (not recorded on tape).

Member Syversen stated he wanted to re-visit the contour issue again. You are telling me that there is a 60 feet slope existing already over the extent of this pit area. You got existing contour lines on the left hand side of 190; on the right hand side are 178.

Mr. Marshall pointed out on the display map / cross section; he stated that basically they go from 180 to 180.

Member Syversen clarified they are going down 120 feet in depth. He stated that the data and documents you are presenting don't verify that data, they contradict you, I want to know why.

Mr. Marshall explained, he conceded that the over all depth was 60 feet, they are going down 120 feet.

Member Syversen stated that if you look at any kind of slope to retain that, he stated that this whole thing is going to be open.

Mr. Marshall stated to put it in scale, this is the Ammo Park, and this area is the proposed pit, it is not that big of an area. (he showed on the display map the area)

Chairman Caliendo asked about security. Is there fencing around this.

Mr. Marshall stated that access is through Thibodeau's office building site which is gated.

So it is gated.

Mr. Marshall stated that it is currently gated, and would be gated.

Chairman Caliendo stated you fall 60 feet you're dead, but you are saying 120 feet.

Mr. Marshall stated that the way the road goes around it creates benches, so every thirty feet vertical, effectively there's a bench. Mr. Marshall stated that people reading the signs going in the Ammo Park, they know they are not supposed to be there unless they are on business.

Chairman Caliendo stated creative nuisance. When he was a kid they would snowmobile all through that park, until the air-marshall's chased them out.

Chairman Caliendo asked if there were any further questions from members of the Board. It appears that the application is complete. There are a number of things in

approval we want to make sure we are all clear on. So the devil's in the details. Who is going to be brave on this one.

Mr. Osborne stated that the first thing that is at the heart of this question is the question about the time line. It seems important that the planning board not grant approval for something that takes a longer time period than contemplated in the ordinance.

Chairman Caliendo replied I thought we had made that clear, that it is a three year permit that can be extended once (for three years) then it would have to come back to the (4.9.7) I am sure the applicant has read it, and is clear. But I will read it in the record, no permit shall be issued for a period to exceed three years, you would have to come back, however, if requested such permit shall be renewed by the planning board for an additional three year period. Then it's over. So your business plan or excavation plan needs to be based on our current ordinances, on a maximum of six years period. Not eight, like your thoughts were. We do not need to condition the approval just a clarification here, we don't need to condition any time line. It is in the ordinance. The use is not in question, we have the letter from the attorney, the town's counsel makes it clear, and this is a permitted use, not even a conditional use. The applicant has volunteered on the record to be operated 7 to 5 week days only. They have described their methods of removal and processing, basically there are no processing other than what has to be done to remove the rock. The applicant volunteered to pave the road. He would need the owner's permission Mr. Thornton. Our (the board's) concern is not that you pave the road, what comes to light is this, if your heavy truck action causes the road to deteriorate to where only the trucks can pass, common sense applies, but we need to be careful with this, I guess we ....

(Un-audible from audience)

Chairman Caliendo stated he would be more comfortable with you (the applicant) maintaining the road.

Member Avery stated possibly conditioning it on maintaining the road, keeping it clean ...

Chairman Caliendo stated he did not think anyone felt that the cost be with you to pave the road.

Member Avery stated that under item 8, it is something that we have the discretion to address. Given that there are other operations on the roadway, I think it's reasonable to suggest that the road be maintained.

Chairman Caliendo stated that 4.9.6 item 8 cleaning, repair and/or re-surfacing of streets used in removal activity ... that is an optional condition, so that particular item yes, we would need condition any approval with that. One of the recommendations from staff was, seemed reasonable for the Ammo Drive be posted for weight limits during the seasonal freeze/thaw.

There was some comment from the audience that was not heard on the recording tape.

Mr. Osborne stated that his proposal was not that the road be posted, but that this applicant agrees that while the town's roads are posted, that the heavy truck traffic stops with regard to this site development, or operation. In other words it's not that you're posting this private road, because we do not have any authority to post a private street. The point is that, as you know, even a road that's paved pretty well, during these thaw periods is just like a soda cracker, it just crumbles when you drive something heavy across it. That was my suggestion that the board consider, that as a condition of the approval that the applicant agree not to run these heavy trucks across the road during days of the year that the town roads are posted.

Chairman Caliendo stated that while at the same time we are insisting they take care of the roads, and maintain them. If they want to beat them up (the roads) they fix them up.

(There was some discussion at the map on display in the council chambers that was not heard or recorded on the tape.)

Chairman Caliendo said a few feet from the bridge. Is the bridge a private bridge?

Mr. Osborne stated that the bridge is a state owned bridge; it is part of the interstate system. The bridge is not at issue here. The DOT folks tell us that you can take 100,000 pound truck across those bridges.

Chairman Caliendo stated he would leave that to the pleasure of the board whether we want to restrict the weight limits or time of usage where it is pretty clear we are going to be putting a condition this that the maintenance of the road is going to be their responsibility.

Member Cavanaugh stated he was thinking the same thing. He stated, if we have a winter like this winter has been, they have a chance to go in and make some money, because it's workable, are you traveling on any town roads? During this up and down thaw, in general. You run a lot of trucks. During this kind of weather, we have had potholes in January which we normally don't do.

(There was someone speaking from the audience that was not captured on tape.)

Member Cavanaugh asked if you are taking rock out, how far do you take it, to work it, to crush it.

Chairman Caliendo stated about ½ mile away.

Member Cavanaugh stated that he did not think we need to get in to posting for ½ mile distance, how much of that do you own, or is it a private road. If we condition it that he maintains the road. He can't travel over badly damaged roads, without damaging your vehicles too, right?

More discussion not recorded.

Member Frazier stated that he would think that the road responsibility would be between the applicant and the owner of the road. Why are we involved?

Mr. Osborne stated that because the concern that he had was the owner does not have a lot of control in this instance. These folks have a deeded right of access to this site development. But nobody in a million years when they wrote that deeded access ever imagined 100 trucks a day with 54,000 pounds in them, pounding across it (roads). That's why I am suggesting that some element of protection for Mr. Thornton's road wouldn't be an unreasonable thing for the planning board to be looking at.

Member Syversen asked if that would not be part of the condition that he maintains the road.

Chairman Caliendo said that's what we are talking about.

Member Meo stated that on the deed there's a utilities easement mentioned. She asked how they got access to that.

Mr. Osborne stated he was talking about the Larkin piece; it was Larkin that has a deeded right of way. The only reason this one has access is because of what was the Larkin piece. It is going out though that site development to get on the street.

(Member Meo had the utility easement clarified for her, the power and telephone poles)

Chairman Caliendo stated it says utility easement, New England telephone, Bangor Hydro and all these, if you look at 99 percent of all the deeds that are out there, you are granting to them the power to bring power to your house. So this is granting the Bangor Hydro the easement to bring power to their own operation, doesn't necessarily mean passing through to somebody else's to them, because there is no public way.

Chairman Caliendo noted the hour. He is looking for a motion. He told Member Llerena that he would not be voting on this item.

Member Syversen stated he would give it a try. I move that we approve as submitted conditioned on maintenance of the roadway, to not make it any (for lack of a better word) worse than it already is.

Member Avery stated that he would say under 4.9.6 item 8 in accordance with.

Member Syversen stated that 4.9.6 is part of the application and it's the write ups.

Chairman Caliendo stated that this is optional.

Mr. Osborne stated that this is the options.

Chairman Caliendo stated that if we want to include it we need to say it.

Member Syversen stated that being the case he is not ready to complete the motion, and asked to withdraw his motion.

Mr. Osborne stated that it would be reasonable for the motion to site 4.9.5 that it is subject to all of those standard conditions for an earth moving permit. He would note that one of those is that topsoil or loam shall be restored to a depth of not less than three inches and seeded. I am just saying that down the line when a code enforcement officer is trying to figure out what happened here, that you direct him to the part of the ordinance that you attached conditions to this approval.

Chairman Caliendo stated 4.9.6 we discussed item one. Item two they volunteered hours of operations seven to five, Monday thru Friday. There are no new temporary structures. They have described into the record their route of transportation. We discussed area and depth of excavation. They detailed out to us the provisions of temporary and permanent drainage. We did not talk about disposition of stumps, brush, boulders and other top cover that you are removing. What's happening to that?

Mr. Marshall stated they have a couple of options, one is to grind them, the other is to bury them some place in the pit, stock pile them for a while, and then put them back in as fill. One of the erosion practices we have is to do a mulch berm, and you screened it out.

Member Avery stated there's not going to be boulders, that's what you are looking for, right.

(Laughter)

Chairman Caliendo stated that item eight we have talked about, as well. 4.9.7 surety you are required to post a bond of \$100.00 per acre that's \$900.00. That's just a matter of the regulations that you are required to meet. We don't have to read that into the conditions.

Member Syversen stated he would try again. He moved that we accept as submitted with the understanding that all of 4.9.5 be followed and regards to 4.9.6 the optional conditions we understand the methods of removal of processing is some blasting, whatever it takes backhoes to pick it up, trucking it off site, hours of operation are Monday to Friday from 7 a.m. to 5 p.m.; there are going to be no new temporary structures, the routes transporting material are thru Ammo Road out to Bangor, by truck. Depth of excavation in the neighborhood of 120 feet. Temporary or permanent drainage will be addressed as submitted in the plans. Disposition of stumps, brush, boulders will be by grinding. Reclamation of the material use as drainage protection. Cleaning, repairing and re-surfacing of the streets as needed which have been adversely affected by the said activity. Member Syversen stated he would encourage you to be cognizant of the easement condition on your neighbors. Also that the surety

will be posted with the code enforcement people, under Article 4.9.7.

Member Cavauagh seconded this motion made my Member Syversen.

Chairman Caliendo asked if we need to discuss this. He would note in our motion that we did not limit you in surface area, we left it. Sensing no further discussion.

Chairman Caliendo called for a vote all in favor: Member Syversen yes, Member Cavanaugh yes, Member Avery yes, Member Frazier yes, Member Meo yes, Member Nelson yes, Chairman votes yes. The vote was 7 in favor and none against.

### **3. NEW BUSINESS**

#### **A. Home Occupation Permit – Roberta Jeffery-Gant – Request for home occupation permit for therapeutic massage in her residence located at 186 Western Avenue in a Residential B District (tax Map 30, Lot 35) – Public Hearing**

Chairman Caliendo opened the public hearing, stating that the format was the same, first hearing from proponents then opponents, then anyone with general questions or comments.

Roberta Jeffery-Gant of 186 Western Ave, spoke about her proposed project. This is a therapeutic massage business. She stated this would be a part-time situation until she builds her clientele. There would be no outside employees, and would take up one room in her home. She is currently employed full time outside the home, so this would be an hour in the evenings, and Saturdays. FedEx could be making a delivery once a month. Hours of operation would be one client per evening probably 6:30 to 8 p.m. and Saturday from 9 to 6 p.m. There is adequate parking and an area to turn around in her yard.

Yann Kaloustian 193 Western Avenue spoke in favor of the application.

Public hearing was closed.

The Board discussed the location of the proposed home occupation. They noted that a home occupation permit is issued to the business owner and no longer runs with the land. They verified that less than ten trips were to be generated daily for the business and that no outside employees were to be involved. They verified that there was ample parking available. They verified that no outward evidence of the home occupation would be observable.

Member Avery made a motion to approve the application, this motion was seconded by Member Cavanaugh the vote was seven in favor and none against the motion to approve the application for a home occupation.

#### **B. Site Plan Review/ Final Subdivision Plan Review – Kevin Ireland – Request**

**for construction of a 4,300 sq. ft., six-unit, townhouse building for multi-family residential use located on Mayo Road in a Residential B District (Tax Map 6, Lot 32) – Public Hearing**

Chairman Caliendo asked if this application has been noticed. Mr. Osborne stated that it had. Chairman Caliendo asked to hear from proponents then opponents, then anyone with general questions or comments.

Public Hearing was opened.

Jeanna DeTour, PE of Carpenter Associates spoke for the applicant. Ms. DeTour stated that this is a proposal for 4,200 square foot, two-story townhouse building in a residential B district on a 1.4 acre lot. Six units with only external access and no interior access between units. The building is 31 feet in height. A 6-inch water line and a fire hydrant along with under ground utilities are also proposed. She noted that on-site waste disposal is proposed and that it was adequately sized for the number of bedrooms proposed for the project.

Public hearing was closed as no one else wished to speak and Chairman Caliendo asked for staff comments.

Mr. Osborne stated that this is a subdivision because of the 6 dwelling units in the building. The septic/leach field is under the paved parking area. This is a major subdivision. The fee in lieu of open space is \$2400.00. Condition on the approval of the septic system being approved by the town's plumbing inspector. There are 2 one bedrooms, and four 2 bedrooms.

The exterior lighting was discussed.

Member Avery made a motion that the application meets subdivision approval conditioned on receipt of a system design acceptable to the town. This motion was seconded by Member Meo, the vote was seven in favor and none against the motion to approve the major subdivision.

**C. Zoning Ordinance Text Amendment – Town of Hampden – Request to amend Article 3.12 Industrial 2 District to specifically exclude mineral extraction from uses contemplated in the district – Public Hearing**

Chairman Caliendo opened the public hearing, asking for proponents, opponents, then anyone with questions or comments.

There was no one wishing to speak or having comments on this item.

Chairman Caliendo closed the public hearing.

Mr. Osborne spoke about the text amendment. He stated that this item was sent to the

Planning Board, from the Town Council. What is being said here is, when the interpretation from Mr. Russell came through that the Industrial 2 District contemplated mineral extraction in the context of Industrial uses, I think that the Council and the town planner and the code enforcement officer, all of us, were pretty surprised at that. Our understanding was that the Rural District expressly contemplated mineral extraction, and, that was the presumption that, that was the part of town that mineral extraction in fact was allowed. The fact that it was allowed there and was not mentioned in the Industrial District would have lead us all to believe that that use was not allowed there ( I2 district). Mr. Osborne pointed out there are only a few hundred acres of this I2 district in the Town of Hampden (600+-). The Council expressed some concern that the broad range of uses that this district allows is a unique situation. There is real concern, in their estimation, that they don't want to see a situation where large tracts of it are tied up for long periods of time in the mode of being an open pit, and not being able to provide any opportunity for industrial development. The kind of industrial development, that this district uniquely offers, where you can have uses that run the range from commercial and industrial uses, it is kind of a unique situation. If you look for example at the industrial park district you are pretty limited on how much retail activity you can do. If you look at the commercial service district you are limited on industrial activity you can do. You get up to 10,000 feet and all of sudden you are kind of cut off; you can't do more than that. So this zone does offer some unique things that other districts don't. The Council expressed concern that in fact this area be preserved to be that range of commercial and industrial uses, but not to be tied up in mineral extraction. They viewed this amendment as a clarification to what everybody's understanding has been to the ordinance, that in fact that the use was to be segregated to the rural district and not contemplated in the industrial districts. So they have sent this to you (the Planning Board) for a recommendation, subsequent to your recommendation they would take up this matter at a subsequent council meeting, and make a final decision as to whether or not the ordinance should be amended or not. But they are looking for your recommendation. He would also note that the planning board's ordinance committee discussed this earlier this evening, and it would be good to report on what their findings were.

Chairman Caliendo asked who the Chairman was of the ordinance committee.

Member Avery is the chairman of the ordinance committee and he reported that the Planning Board ordinance committee met prior to this meeting this evening. They almost ran out of time in discussing this, it is not a straight forward issue. They did come to a unanimous vote/decision to send this item back to Council with an "ought not to pass" as written (of course). Several different thought processes are behind this. Actually Chairman Caliendo, with your experience with these issues and the ordinance we are working with, maybe you could address it a little better. Well with respect to when this particular item was first written, item 3.1.2.2 read, under permitted uses, prior to this: commercial and industrial uses, take out restaurant, accessory uses or structures, and so on. What I understand is that if a use is not expressed then in the past, it's been presumed it's not permitted, if it's not explicitly mentioned in here.

But of course our town counsel has come back with a different opinion. Member Avery corrected himself stating the town attorney Mr. Russell, has come back saying that the term "industrial uses" is so wide spread that it does, or could be interpreted as being included.

Chairman Caliendo said unlike the other wording in the other zones, which are more concise or precise, the wording for this particular district was rather vague and or broad. That was the basis for Tom Russell's interpretation that it was a permitted use. It does not change the fact that the history or tradition of the interpretation by the town fathers and the planning board has not been for the most part, traditionally that: if it's not in there it's not permitted. So the decision that the ordinance committee came to tonight, there is no right answer, there is no wrong answer, it's a difference of opinion of what direction we want to go in. Do we want to take the traditional, do we agree with tried and true tradition that if it's not in there (ordinance) it's out. In that case we would send this back to the town council with an "ought to pass" recommendation, or is our interpretation of industrial use permitting mineral extraction.

Member Avery stated that one of the thought processes is that if we do send it back to the town council it doesn't necessarily mean... they could vote either way. The other thing that we were discussing was sending it at the time to our comprehensive committee to take a look at how this fits in with the comprehensive plan. We would have to turn it around fairly quickly. We would like to get some input from that aspect.

Chairman Caliendo stated, so we ended up having a three to zero vote of the ordinance committee this evening, that of course this is a permitted use in the industrial zone, how much more industrial can you get. Mineral extraction located on the perimeter of the town, away from residential use, where any noise or pollution, light, traffic is away from the residential centers of the community. It's almost written for an industrial zone, the use. It's going against the grain. To start applying it out, would you want a quarry next to your rural residential neighborhoods, say Aaron's Way, or .....

Member Meo was speaking (was unable to hear what she had to say on the tape).

Chairman Caliendo stated that some of the feedback that Mr. Osborne brought up was very valid, he does not want to sound like we are trying to shove this through. There is a limited amount of Industrial acreage in the Town of Hampden. 272 acres he thinks, in the entire community.

It was in the Comprehensive Plan. We did review the town's comprehensive plan, and it speaks specifically to the Ammo Industrial Park, where right now current, right now it's what is called an un-serviced Industrial Park meaning it has no utilities, no water, no sewer. There is the intent at some future point, it is hoped, that that can become serviced by public utilities become a serviced industrial park. The town fathers, thinking this though about tying up the limited industrial acreage with a quarry or pit has some validity, but perhaps they missed the magnetism that is already tied in the ordinance. That it's a three year and three year process, which in the scheme of industrial, is that a

sufficient period of time for tying things up. Not to be sarcastic, we have had just a tremendous influx of businesses coming into Hampden seeking industrial land for uses. That was sarcasm. He looks to the rest of the board what's your pleasure what's your opinion.

Member Meo asked if mineral extraction is now permitted in the Rural zone.

Chairman Caliendo stated that yes it is. In Rural only, unless we accept the interpretation of the town's attorney, and that is why this is before us tonight is to formalize yea or nay. Keeping in mind whatever decision we make here it is a recommendation it is not set in stone. The town council can make any decision they want, based on our feedback or whatever.

Industrial 2, there are three industrial districts, industrial A, Industrial B, Industrial 2.

Member Avery stated Industrial 2 is the Ammo Park.

Mr. Osborne stated that it is the Ammo Park, it is also the Old LL Bean property that is now owned by the town and it's also several lots that are peripheral to the north end of the Ammo Park, like Mr. Cox's property.

Chairman Caliendo stated that we are under a time frame and need to do something tonight to pass back.

Mr. Osborne said from the date the town council sends you one of these things, there are 45 days to respond. Given the time line here, it would be sensible for whatever you do to go ahead and send a recommendation back on this one tonight if you are ready to do that. If you had thoughts of doing some work, subsequent to this, you are certainly free to do that. Both the council and the planning board can originate proposed text amendments. There would be no point in creating a lag period.

Mr. Osborne also pointed out that Councilor Murphy is here tonight, if he wanted to say anything or not.

(could not hear the response)

Member Avery asked Mr. Osborne what it said under the Rural District. It explicitly says..

Mr. Osborne stated it called it mineral extraction. It is a conditional use in that district.

Member Avery stated that if you wanted to send this back with clear language that we wanted to allow mineral extraction in this zone, we could simply state that, along with take-out restaurant, accessory uses and so on. Rather than saying except.... That's another option.

Mr. Osborne stated probably what you would do is send back (intact) what the council sent to you, then you could basically just strike the word excluding, send a second one back (to council) with an ought to pass.

There was some discussion on the tape but un-auditable.  
Member Avery thought was it would remove the question of this mineral extraction. This caused us to get an opinion from the town attorney.

Chairman Caliendo agreed with Member Avery, but stated the only thing that bothered him about that it starts the slippery slope here, of well, what else do you have to name. How can we be all things to all people in naming to generate a list of what our approved industrial uses are. Item by item, is smelting industrial?

Member Avery stated that maybe what we need to visit is the definition of industrial use.

Chairman Caliendo agreed, just for information, after we address this issue, I am going to ask staff to set up a comprehensive planning committee meeting, to bring a list of these issues, definitions for industrial like we talked about at the meeting, so we can try to be pro-active.

Member Avery agreed with Chairman Caliendo this is not the place to start listing out every possible industrial use that we might be able to think of.

Chairman Caliendo stated it would give the town planner a chance to do some research on how other communities define it.

Member Avery stated then put it in the definitions, so that then when we say industrial use anywhere in our ordinance, go to the definition for more definitive explanation of what it is.

Member Syversen asked if we could look at it in two points. The intent of what they are sending us is not to have anymore mineral extraction.

Mr. Osborne also pointed out that it's retro-active.

Chairman Caliendo stated if the town council takes the wording as submitted here, Mr. Thibodeau's project would be DOA.

Member Syversen said that the second part of their intent was, did they express that adequately, by giving us this.

There was some discussion that did not record (in-audible).

Member Syversen was speaking but was not audible on the tape recording.

Chairman Caliendo stated to Member Syversen that after we deal with this issue I am

going to direct Mr. Osborne to come up with a comprehensive committee to look at, to come back to industrial and make a definition for industrial and see which zones we are going to recommend those definitions apply to. Right away.

Member Syversen asked if we could vote on it in two parts.

Chairman Caliendo stated that as far as the council is concerned what we will be doing here, unless we follow Member Avery's concept, is the first thing we have to do is send it back yea or nay. On what has been presented to us. Then if we want to, the second part of it, we could send them a recommendation for new text on this issue or we could simply give Mr. Osborne a memo to pass to the council on what our thoughts were on sending them back an ought not to pass.

What does the town have against mineral extraction?

Chairman Caliendo stated he did not know.

There was some more discussion but was in-audible on the tape.

Those areas you just described are already open to pits.

Member Syversen was speaking but unable to hear what was said on the tape.

Someone described the Ammo Park as a dump.

Mr. Osborne stated that you should be careful in describing it. Mr. Osborne pointed out the Larkin building alone is a million dollar facility, you can't, (the one Thibodeau bought) their water tower looks like it could use a little adjustment. The Freightliner facility out there as well. There are some modern new things out there, it's not like it is an ammo dump, it isn't. Chairman Caliendo read earlier in the comp plan that one of the things the comp plan alluded to about the Ammo Park area was that was an area slated for future of expansion of urban services. The hope was that, part of reason it's not zoned with the industrial park zoning, but is in this I2 zone is that, there were zoning issues they could not overcome because of private streets, no frontage, that kind of thing. The Comp Plan very clearly says that it is the hope that there will be a full range of urban services brought in to all that area that's zoned I2.

There was some more discussion that the tape did not get.

If this thing does, or does not go through, and the council changes it, and puts this wording in, thanks for the recommendation, why did we put Thibodeau through all the expense he has gone through, to do what we gave him permission to do tonight.

Member Meo spoke, but was unable to hear on the tape what she had to say.

More discussion on the issue of what the council could do with the recommendation.

Mr. Osborne stated never mind the retro-active piece, the first thing I would say is that our first contact with Mr. Thibodeau was last summer, and we expressly told them then that this use is not contemplated in this district. They said why don't you work with us to see if we could do some kind of an amendment to the I2 district, to specifically add mineral extraction to that district so that we could do this.

At a staff level and council level that was reviewed, and the council said no we are not going to do that. The fact that we subsequently got an application around Christmas time, Thibodeau knew the town had issues about this, but they went out and pulled together a full application anyway. Put it on Rosemary's desk Christmas week. They had their attorney looking at this, and figured that if they did get turned down on the basis of the use question, they had a pretty good shot of arguing. Because you go to the zoning board they are supposed to err on the side of the applicant if there are questions not to the town. They felt confident they had a good shot there. When Mr. Russell looked at it, when we asked him, once we got an application, he agreed that that language was plenty ambiguous.

So, here you are tonight, you have reviewed this Thibodeau application and given it a conditioned approval but, nevertheless the Council wants you to look at this question, and give a recommendation as well.

I think the fact that it may turn out to be retro-active, and so forth really isn't your thing. Your thing is as far as what you are challenged with is to just give your honest opinion as to what you think of this amendment, and send it back to the council in a timely matter.

Chairman Caliendo stated, like he said in the beginning, it's not like its right or wrong, it's what you think. We all have different opinions. Make it very clear that custom and tradition has been that if it's not spelled out, it's turned down; it's not a permitted use. In this particular instance, I think that leaving it out was wrong, I would vote to send it back with an ought not to pass recommendation.

I think that Member Avery's point was that we should be a little pro-active and then send back to them 3.1.2.2., with the word except changed to included; commercial uses and industrial uses including mineral extraction.

Member Avery stated that he is not comfortable naming all of these industrial uses, whether they fall under industrial uses. In hind sight I would prefer to see industrial uses defined explicitly elsewhere in our ordinance.

My recommendation right now is to send this back to council with an ought not to pass. If they want to define industrial uses...

Chairman Caliendo asked if anyone wanted him to read the paragraph in here on industrial areas, from the comprehensive plan.

This is from your 2001 comprehensive plan, industrial areas... Industrial areas are

classified as serviced and un-serviced. Serviced industrial areas are which have available sewer and water is intended for clean industrial operations having few if any objectionable impacts. Un-serviced industrial areas are designed to provide larger locations for industrial uses and do not require or seek the amenities of industrial parks. The one exception to these two industrial districts is the Ammo Industrial Park. Presently that area has no public access or sewer and water utilities, it is our intent that at some future date, those utilities would be provided and that some of the existing streets could be accepted. At that time the area should be re-designated as a serviced industrial area. The industrial areas should be limited to that area adjacent to the interstate and the Route 202 by-pass, which will limit their adverse impact on residential properties.

That's all it says.

That's pretty clear as far as it takes it.

Chairman Caliendo asked what's our pleasure.

More discussion that was not picked up on the recording tape.

Mineral extraction is an industrial use.

Member Cavanaugh made a motion to send this back to council with an ought not to pass recommendation. Seconded by Member Syversen. Chairman Caliendo asked for the vote, Member Cavanaugh yes, Member Syversen no, Member Nelson yes, Member Meo no, Member Frazier yes, Member Avery yes, Chairman votes yes, the motion passes, 5 in favor and two against.

Chairman Caliendo asked if we just want to let it go at that, or do we want to send some message to council by means of a recommendation for wording or...asked staff to pass on what our philosophy was in dealing with this.

More discussion that was not audible on the tape.

Chairman Caliendo and other members were discussing mineral extraction.

Chairman Caliendo asked the town planner to put together some thoughts and notes so that we can have a comprehensive planning committee meeting to come up with some recommendations to be done in time for our next regular meeting. To clarify the definition of industrial and if you would be so kind as to prepare some kind of memo to pass to the town council ordinance committee, that this is what our next step is, we are going to do this, we are not just saying no. We would like to have it before our next regular scheduled meeting to come back at them with some suggestions on how to deal with this. Rather than react to it.

Mr. Osborne gave his assent.

Member Frazier spoke but was not audible on tape.

## **5. STAFF REPORT**

Mr. Osborne told the planning board he is on vacation the following week.

Chairman Caliendo asked who is on the comprehensive committee, Member Syversen is Chair, Member Meo; the new Members were invited for the time being to attend both comprehensive plan and ordinance committee meetings.

Next months agenda has only a few items on it.

## **6. BOARD MEMBERS CONCERNS**

## **7. ADJORNMENT**

The Planning Board meeting adjourned at 11:05 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, February 8, 2006, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Members: Chairman David Caliendo, Andrew Nelson, Michael Avery, Peter Frazier, Thomas Cavanaugh, Mort Syversen and associate member Tony Llerena.

Also in attendance: Town Planner Robert Osborne, recording secretary Rosemary Bezanson along with Applicants for tonight's hearing.

**1. ELECTION OF OFFICERS**

Member Avery nominated Member Caliendo as chairman, this was seconded by Member Nelson, and the vote was six in favor of electing Member Caliendo as Chairman of the Planning Board for 2006.

Member Avery nominated himself as secretary; this was seconded by Member Syversen. The vote was six in favor of Member Avery being the Secretary of the Planning Board for 2006.

**2. APPROVAL OF MINUTES (December 14, 2005)**

Member Avery recommended that Item 3.A clearly state that his motion included a condition that the buffer of pine trees being extended the full length of the scrubber pad.

Member Avery made a motion to approve the minutes with the above mentioned amendment. This was seconded by Member Syversen; the vote was seven in favor of approving the minutes as amended and none against.

**3. OLD BUSINESS**

**A. Conditional Use/Site Plan Review – Cafua Management Co. – Construction of a 2,021 sq. ft. Dunkin Donuts restaurant with a drive-thru located at 76 Main Road North (currently the Big Apple convenience store) in a Village Commercial District (Tax Map 32, Lot 22).**

Chairman Caliendo stated that the Board had a request from applicant to table this item until the next regularly scheduled meeting on March 8, 2006.

Member Llerena made a motion to table this application this motion was seconded by Member Syversen, the vote was seven in favor and none against the motion to table the application.

It was noted that this item would be re-noticed to the public and the abutting property owners.

**B. Conditional Use/Site Plan Review – Vaughn Thibodeau & Sons, Inc. – Request for mineral extraction of a 9.4 acre area to extract approximately 600,000 cubic yards of rock material over a six year period. The application also includes a reclamation plan. The site is located off Ammo Park Drive in an Industrial 2 District (Tax Map 10, Lots 61 and 56-3). – Public Hearing**

Staff recommended that this application be postponed, until the next regularly scheduled Planning Board meeting because insufficient time had been available to review the recently received full application.

Member Llerena made a motion to extend the postponement until the next regularly scheduled meeting on March 8. This motion was seconded by Member Avery. The vote was seven in favor and none against extending the postponement.

It was noted that this item would be re-noticed to the public and the abutting property owners.

#### **4. NEW BUSINESS**

**A. Major Subdivision Final Plan review – M & D Real Estate, LLC – Request approval of Madison Way Subdivision, a 6-lot 16.24 acre subdivision with no public improvements located on the south side of Shaw Hill Road at Miller Road in a Rural District (Tax Map 7, Lot 86) – Public Hearing**

Chairman Caliendo opened the public hearing, asking for proponents then opponents, and anyone with general questions or comments.

Darrell Ginn stated that this is a 6-lot subdivision. There are some ditching problems that are being worked on. Jim Kiser submitted a letter stating his findings on the drainage was fine.

Mr. Kiser stated he did not believe Mr. Hanscom's land would be adversely affected by the post-development storm water run off. Mr. Kiser spoke to the board on the drainage issues on Shaw Hill Road.

The letter Greg Nash, the Town's Public Works director, issued on his findings was passed around for the planning board members to review.

As no one else wished to speak Chairman Caliendo closed the Public Hearing and asked for staff comments.

Mr. Osborne stated that although the agenda indicated that there are no public improvements,

in fact, there are public improvements in the form of the proposed stormwater spreaders which would become publicly maintained. He also indicated that it was his understanding from the Preliminary Plan review that applicant proposed fee-in-lieu of open space. The amount of open space fee would be \$3,248.00 based on \$200.00 per acre on 16.24 acres.

Mr. Osborne discussed the proposed stormwater plan. He noted that the plan proposed to receive stormwater from the proposed Audrey's Subdivision located to the north as well as some stormwater from Shaw Hill Road via two proposed culverts. He noted that there is an existing issue in Shaw Hill Road when during some storm events the existing ditch rows overflow. Applicant has agreed to address the known issue because additional driveways and culverts would compound the problem for the proposed new lots. The plan proposed to limit post-development runoff to predevelopment rates for the two subdivisions but did not address the diversion of Shaw Hill Road water. Initially a drainage easement was sought from the neighboring property, Mr. Hanscom, but he did not agree. Now other possible designs are under consideration but the issue is not settled at this time.

Member Avery made a motion to table this application. This motion was seconded by Member Syversen. The vote was seven in favor and none against the motion to table.

**B. Major Subdivision Final Plan review – M & D Real Estate, LLC – Request approval of Audrey's Estates Subdivision, a 14-lot 54.82 acre subdivision with no public improvement located on the northeast intersection of Shaw Hill Road and Miller Road in a Rural District (Tax Map 7, Lot 69) – Public Hearing**

Chairman Caliendo opened the public hearing. He asked for proponents, opponents then anyone with general questions or comments.

Darrell Ginn stated that this is a 14-lot subdivision with open space being proposed. The Town Counsel did not accept the open space as it was proposed, they asked if the access to the open space could be made a 66 foot access strip of land.

Janice Van Brook of 121 Miller Road asked if the open space abutted their property. They operate a working farm with cows that give birth to their young right by the proposed open space, and this as cause for concern.

Dale McGarriale of Shaw Hill Road had several concerns. One of the concerns is the drainage set up, where the coverts are going. His well is on the north side of Shaw Hill, and he has concerns about the septic designs. Where the test pits are were shown.

As no one else wished to speak Chairman Caliendo closed the Public Hearing and asked for staff comments.

Mr. Osborne spoke about the proposed open space. He stated the Town Counsel would like to see wider access to the open space. Mr. Osborne discussed the drainage design. Mr. Osborne also discussed the proposed widening of Miller Road by the subdivision from 3 rod to 4 rod road.

Member Avery asked if this was to be dedicated to Miller road. He also asked about the existing line and the open space. Member Avery asked about the access to the open space being 50 feet wide.

Jim Kiser spoke about the improvement going on between Miller Road and Shaw Hill Road, the ditching and access on Miller Road.

A Buffer strip between the farm and the proposed open space was proposed.

Member Avery made a motion to table the application, this motion was seconded by Member Syversen the vote was seven in favor and none against the motion to table the application.

**C. Site Plan Review – O’Donald’s Concrete, Inc. – Request for construction of an 11,136 sq. ft. building for a service business – Business park use located on 68 Carey Circle (off Route 202 Bypass) in an Industrial Park District ( Tax Map 10-B, Lot 18) – Public Hearing**

Chairman Caliendo opened the public hearing, asking for proponents then opponents, then anyone with questions or comments.

Renee O’Donald spoke about the proposed commercial building. Mrs. O’Donald indicated that the proposed building would house either one large commercial tenant 1 or 2 smaller tenants to rent or lease the proposed building. She noted that some elements of their application were not complete at this time because the details of the temporary cul-de-sac at this end of Carey Circle were not known at the time of the application.

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

Mr. Osborne indicated that at this time some elements of the site plan were not yet complete. He mentioned that lighting, plantings, topography and all existing and proposed features were previously identified to be addressed. He discussed the temporary cul-de-sac noting that the paved area of the traveled way extends 20 feet on to the O’Donald’s property and that the easement extends 50 feet on to the property. He indicated that because this is an easement set backs are not required as they would be from a property line. Lighting and plantings where discussed with the applicant.

Member Syversen made a motion to table the application this was seconded by Member Llerena. The vote was seven in favor and none against the motion to table the

application.

#### **5. STAFF REPORT**

Mr. Osborne stated that March's agenda promises to be long. He suggested that it not go past 10:00 p.m. or 10:30 p.m. and proposed to continue on Thursday March 9 any items not yet completed. All the Members were in favor of this proposal.

Mr. Osborne indicated that the Town would soon adopt a set of the GIS based zoning maps as the official zoning maps of the town. He suggested that the Board's assistance would be needed in this endeavor.

#### **6. BOARD MEMBERS CONCERNS**

#### **7. ADJORNMENT**

The Planning Board meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, January 25, 2006, at the Hampden Municipal Building by Acting Chairman David Caliendo.

Attendance: Planning Board Members: Member Acting Chairman David Caliendo, Carrie Meo, Andrew Nelson, Michael Avery, two new members, Peter Frazier, Thomas Cavanaugh, and one new associate member Tony Llerena.

Also in attendance: Town Planner Robert Osborne, recording secretary Rosemary Bezanson along with Applicants for tonight's hearing.

**1. ELECTION OF OFFICERS**

This item was moved to the end of the agenda. (Subsequently, time did not allow getting to this item at tonight hearing). The election of Officers was placed on February's agenda.

**2. APPROVAL OF MINUTES (December 14, 2005)**

This item was moved to the end of tonight agenda. This item will be heard at February's meeting, due to the length and lateness of tonight's meeting.

**3. NEW BUSINESS**

- A. Use/Site Plan Revision – Giles Property Management, LLC – Construction of an 8,000 sq. ft. building with outdoor storage for a service business use and a 1,500 sq. ft. office building located on Nadine's Way (off Mecaw Road) in a Commercial Service District (Tax Map 10, Lot 49-8). – Public Hearing (This lot is co-located in Hampden and Bangor and only 1/3 of the proposed 8,000 sq. ft. building and the outdoor storage area is located in Hampden.**

Acting Chairman Caliendo opened the public hearing, first asking for proponents, opponents then anyone with general questions or comments.

Todd Hardy of MD Hardy spoke as a representative of the applicant. Mr. Hardy stated that this would be an 8,000 sq. ft. building with 1/3 of the outdoor storage area in Hampden, and the remainder in Bangor. Bangor's planning board approved this application at their last planning board meeting. (see attached letter)

As no one else wished to speak Chairman Caliendo closed the Public Hearing and asked for staff comments.

Bob Osborne, Town Planner stated that the conditional use is in the commercial service district is any outdoor storage of 5000 square feet or more. Outdoor storage will be mostly under a lean-to area which is attached to the back of warehouse.

This is the first lot to be development in the new Mecaw Road business park, approved this summer by the planning board.

The outside storage was described in a little more detail for the board. Mr. Osborne indicated that the conditional use outdoor storage met the standards governing conditional uses and that the site plan met the standards governing site plan review. Staff recommended that the Board approve both the conditional use and the site plan application.

Member Avery made a motion to approve the conditional use and this motion was seconded by Member Cavanaugh. The vote was seven in favor and none against the motion to approve conditional use.

Member Avery made a motion to approve the site plan review under article 4.1, as submitted. Member Cavanaugh seconded the motion. The vote was seven in favor and none against the motion to approve the site plan.

**B. Conditional Use/Site Plan Review – Cafua Management Co. – Construction of a 2,021 sq. ft. Dunkin Donuts restaurant with a drive-thru located at 76 Main Road North (currently the Big Apple convenience store) in a Village Commercial District (Tax Map 32, Lot 22). – Public Hearing**

Acting Chairman Caliendo opened the public hearing, asking for proponents, opponents, than anyone with general questions or comments.

Tim Woodcock, Esq. of Eaton Peabody of Exchange Street in Bangor spoke as a representative for the applicant. The traffic permit from DOT has been issued. Mr. Woodcock spoke to each article in the zoning ordinance that pertained to this application. He stated they have met the required guidelines of the zoning ordinance for the Town of Hampden. Mr. Woodcock also introduced the other members of his team representing Cafua Management. Tony Decosta of Cafua Management, Scott Braley, and Jodi O’Neil, are with Plymouth Engineering, Andrew Hamilton of Eaton Peabody, Brett Hart of J.W. Sewall Company, Brett is here as the traffic engineer. Mike Waugh did the detailed traffic engineering on this project but could not be present for tonight’s meeting.

Raymond McGeechan of 29 West Elm Street spoke in opposition of the application, stating that there is already a traffic problem in the school hours. Mr. McGeechan stated the problem with parking on the corner at Scissor Excitement. He also stated that this is a historical district. Mr. McGeechan submitted a written letter to the planning board for the record.

Marvin Nutter owner of the Coffee Break Bakery also spoke in opposition of the application. Mr. Nutter passed around picture showing other Dunkin Donuts in Bangor and surrounding area, showing the traffic overflowing the site developments.

Steve Nutter, Manager of the Coffee Break Bakery questioned DOT’s findings in issuing

the traffic permit. He asked when the traffic study was issued; asking if school was in session at the time that DOT issued the permit.

Acting Chairman Caliendo stated that a copy of the DOT permit is at the town office for the public to view.

Donna Fransen of Piper Wood Road had some questions about whether the gas station (Big Apple), at the proposed Dunkin Donut's site, presently meets the zoning ordinance for the town.

William Barron, land abutter to the proposed site, spoke about the traffic problem in the area. Mr. Barron stated they already have a problem getting out their driveway. Their vision is blocked by big trucks when they are trying to get out their driveway.

Donna Della, and Denise Clark spoke in favor of the application. They stated that a Dunkin Donuts in Hampden would create jobs, and be good for the town.

Don Darling of Murphy Lane asked what other locations were considered for the proposed Dunkin Donuts.

William Barron asked what the hours would be for Dunkin Donuts be operating, would it be a 24/7 operation.

Debbie Tardiff spoke in favor of the application, stating that the applicant run a nice clean site, with a clean facility.

Acting Chairman Caliendo closed the public hearing.

Brett Hart of James W. Sewall Company spoke at length about the traffic study, answering questions from the Planning Board.

This application was table to the next regularly scheduled planning board meeting. The staff would like more time to look at the traffic study.

Member Avery made a motion to table this application; this motion was seconded by Member Cavanaugh. The vote to table the application was seven in favor and none against the motion.

**C. Conditional Use/Site Plan Review – Gary Bickford – Construction of a 12,200 sq. ft. automobile service business with outdoor storage located at 637 Main Road North in a Commercial Service District and Resource Protection District (Tax Map 28, Lot 16). Public Hearing**

Acting Chairman Caliendo opened the public hearing, asking for opponents, then proponents, then anyone with questions or comments.

Jim Wilson of Woodard and Curran spoke for the applicant. He stated that this business was destroyed in a recent fire and they are looking for re-build the facility. Mr.

Wilson stated that there are two variances on the property due to set back restrictions. The eagle nesting area was also discussed.

Acting Chairman Caliendo closed the public hearing.

The Board had some questions about the emergency vehicle access around the building.

This proposed building will be sprinklered; and meet all the new fire and safety regulations.

Member Avery made a motion that the application meets conditional use guide lines; with the condition that there is adequate fire and emergency vehicle access, and the new plan reflects the plantings. This motion was seconded by Member Cavanaugh with the stipulated conditions. The vote on this motion was seven in favor and none against.

Member Avery made a motion to approve the site plan. This motion was seconded by Member Llerena. The vote was seven in favor and none against this motion to approve the site plan.

**D. Conditional Use/Site Plan Review – Vaughn Thibodeau & Sons, Inc. – Request for mineral extraction of a 9.4 acre area to extract approximately 600,000 cubic yards of rock material over a six year period. The application also includes a reclamation plan. The site is located off Ammo Park Drive in an Industrial 2 District (Tax Map 10, Lots 61 and 56-3). – Public Hearing**

This application was tabled, until the next regularly scheduled planning board meeting.

**E. Subdivision Sketch Plan – Linda Williams – Request for Sketch Plan review of a 3-lot, 40 acre Rural District residential subdivision with no public improvements located on the south side of Kennebec Road next to 449 Kennebec Rd. (Tax Map 5, Lot 81)**

Acting Chairman Caliendo asked to hear from the applicant on the proposed subdivision sketch plan.

Linda Williams spoke to the board members about the sketch plan. She stated that this is a 3 lot subdivision with no public improvements.

Member Llerena made a motion to classify this subdivision as a minor subdivision, Member Meo seconded this motion. The vote was seven in favor and none against the motion to classify this subdivision as a minor subdivision.

**F. Subdivision Sketch Plan – Webber Brook, LLC – Request for sketch Plan Review of a 37-lot, 115 acre Rural District residential cluster subdivision (Hawthorne Ridge Subdivision, Phase 2) with public improvements including an extension of Dunton Circle (a town street) located off Western Avenue on Dunton Circle (Tax Map 8, Lot 20 & 20A)**

Steve Ribble of Ames Corporation spoke for the applicant, Webber Brook LLC. Mr. Ribble stated that this is phase II of Hawthorne Ridge with 37 proposed lots on 115 acres. This proposal is a cluster subdivision with 38 acres of open space.

Member Avery made a motion to classify phase II of Hawthorne Ridge as a major subdivision, with the un-named road as a minor street, and the continuation of Dunton Circle as a collector, this motion was seconded by Member Llerena. The vote was seven in favor and none against this motion.

**G. Subdivision Sketch Plan – Peter Michaelson – Request for Sketch Plan review of a 14-lot, 50 acre Rural district residential cluster subdivision with public improvements including a town street located on west side of Carmel Road North and the south side of Piper Woods Road (tax map 1, lot 27)**

Acting Chairman Caliendo asked to hear from the applicant on this proposed sketch plan.

Jim Kiser of Kiser and Kiser spoke for the applicant on this proposal. Mr. Kiser stated that this is a 14 lot, cluster subdivision with public improvements.

The wetlands were discussed with the applicant. Drainage, open space and lot fourteen's frontage was discussed as well. Lot number one was discussed about access over the wetlands. It was noted that the open space may not qualify for cluster standards. It was also noted that the soils appeared marginal based on the materials provided in the pre-application. The Board indicated that the plan as proposed would be a major subdivision with a minor street.

**4. STAFF REPORT**

**5. BOARD MEMBERS CONCERS**

**6. ADJORNMENT**

Due to the lateness of the hour, the election of officers, and approval of the minutes was moved to the next planning board meeting, February 8<sup>th</sup> 2006.

The Planning Board meeting adjourned at 10:45 p.m.

Respectfully Submitted,

Michael Avery, Secretary