

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The special meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, December 12, 2007, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

**1. APPROVAL OF MINUTES (November 14, 2007)**

A motion to approve the minutes of November 14, 2007 as written was made by Member Avery, this motion was seconded by Member Llerena. Vote was six in favor and none against the motion to approve the minutes as submitted.

**2. NEW BUSINESS**

**A. Site Plan/Conditional Use Review – Farren Veterinary Clinic – Request approval to construct a building containing 5,740 sq. ft. veterinary clinic and 3,300 sq. feet of commercial space as Business Park uses located at Commerce Court in an Industrial Park District (Tax Map 10-B Lots 1). – Public Hearing**

Chairman Caliendo stated that the Board would hear first proponents, then opponents then anyone wishing to speak. Chairman Caliendo opened the public hearing.

Barbara Farren spoke about the proposal stating the Robert Frank and John Kenney of the WBRC are going to present the site plan and conditional use to the Board. She indicated that she wished to operate her veterinary clinic in a new building that they propose to construct in the business park and that she is excited to do so.

Robert Frank, PE of the WBRC introduced himself and passed out an exhibit showing the free standing sign that they propose to add to the site plan. Mr. Frank then introduced Mr. Kenney.

Mr. John Kenney, PE of the WBRC introduced himself, and stated this proposal before the board tonight is for a first floor veterinary clinic, security living quarters upstairs and some additional commercial space on the first floor of the proposed building. Mr. Kenney showed the parking plan and the landscape and planting plan. The lighting and grading along with storm-water was discussed with the Planning Board. The utilities with overhead lines and well as underground wires were shown on the site plan. He indicated that the plan meets the standards for both the conditional use security living quarters as well as the site plan review standards.

Roxanne Ellsworth spoke in support of the application.

Public hearing was closed.

Bob Osborne the Town Planner spoke about the application. This is a two-story structure with 3,300 sq. ft. commercial space, plus the veterinary clinic (on the first floor) and living quarters on the second floor, for security personnel. He noted that Town Attorney Tom Russell's opinion on

the proposed living quarters on the second floor of the facility is that it does meet the intent of the zoning standard because of the special circumstances of operating a 24 hour veterinary clinic. He provided a copy of the proposed condition that the board would attach to an approval and read the text of the proposed condition into the record.

Member Avery made a motion to approve the conditional use with the condition (Tom Russell's suggested text) that was read into the record this motion was seconded by Member Syversen. The vote was six in favor and none against the motion.

Member Avery made a motion to approve the site plan as submitted this motion was seconded by Member Syversen. The vote was six in favor and none against the motion.

**B. Home Occupancy Permit – Roxanne Ellsworth – Requests approval for an in home doggie day care located at 1381 Kennebec Road (off Merchant Road) in a Rural District (Tax Map 1 Lot 17-A) – Public Hearing**

Chairman Caliendo opened the public hearing, stating the same rules apply as before.

Roxanne Ellsworth 1381 Kennebec Road stated the proposal is for in home doggie day care for 10 dogs. It would be in the basement of her home. They would also be offering pick up and delivery of the animals. All the dogs would be gone home by 6 p.m. she proposes to employ 2 part time workers. She stated that there is a 6 foot commercial fenced area with the fence buried 3 feet in the ground to prevent any dogs from digging under the fence. Mrs. Ellsworth stated she has been working with Tom Cox from the State in this proposal in getting her kennel/boarding license. She has her Breeders license presently. Mrs. Ellsworth stated she has also been working with Teresa Pipes the animal control officer for the town. Mrs. Ellsworth stated that the property is 20 plus acres. She also raises and breeds Retrievers.

Lillian Fogg stated she lives 1/3 of a mile from the proposal, and is not in favor of it. They can hear the dogs barking at night. All night it seems.

Donna Leonard stated that she has concerns over the barking dog noise. There are 10 more dogs going to be added to the already 7 or 8 dogs.

Terry Grace a neighbor of Mrs. Ellsworth stated they have complaints to the town over the barking dogs. He gets up at 1 a.m. to go to work and the dogs are barking. Do they have re-course to the barking dogs.

Roxanne Ellsworth stated she has over 20 acres and raised her own concerns over her neighbors.

Roland Fogg lives 1/3 miles from Ellsworth's and the barking dogs do affect them. It is hard to sleep when dogs are constantly barking. They let their dogs run free, could they do an enclosure to knock down the noise.

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

Bob Osborne stated that a dog kennel has been in discussion for well over a year. (Ms. Ellsworth had previous discussions with the town and the board over the question of the private road (Merchants Road) and if the board could approve a use on such a road. Town Attorney Tom Russell indicated some time ago that because this lot was legally constituted, (the street was subsequently discontinued or abandoned) and because there is no proposal to divide the lot the

fact that the lot has no frontage on a town owned or maintained street does not preclude the planning board from considering uses that require site plan approval or conditional use approval). Mr. Osborne indicated that the home occupation permit rule requires that noise be strictly controlled and that any home occupation proposal would have to strictly control noise sources including barking dogs. Under home occupancies there are no more than 10 trips per day permitted, and no more than 1 other employee. Mrs. Ellsworth lives on the Merchant Road which does not have frontage on a town road. She license is a Breeders license not kennel/boarding of dogs.

The Board discussed the fact that the neighbors indicate that the barking of dogs is an issue.

Chairman Caliendo had several questions for Mrs. Ellsworth.

Hours of operation are from 7:30 a.m. to 6:00 p.m. – Monday thru Friday. Employees would be only one other then Mrs. Ellsworth. There is no sign being proposed, and no more than 10 auto trips per day. The noise of the barking dogs was discussed with Mrs. Ellsworth.

Member Syverson had questions for Mrs. Ellsworth questioning how she proposed to control noise and could she meet the noise standard?

Chairman Caliendo called for a vote. Member Avery moved that the application did not meet the standards for a home occupation permit because of the noise standard. Member Syverson seconded the motion. The Board voted six in favor and none against the motion. The application for the doggy day care was denied based on the board's finding adequately control of noise to meet the strict standard for home occupations.

The Board briefly discussed the potential to re-apply for a conditional use boarding of animals use with construction of a kennel. Chairman Caliendo indicated that the noise standards were somewhat different in that it did not prohibit noise at the property line and also that the proposed kennel could utilize building technology that would mitigate and control noise.

### **3. STAFF REPORT**

The date of the meeting with the council for January 9<sup>th</sup> was discussed. The planning board meeting for January was moved from the 9<sup>th</sup> to the 16<sup>th</sup> of January 2008. Shoreland zoning was discussed and a joint meeting with the council was proposed to help the planning board get acquainted with the new state regulations.

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

### **5. ADJOURNMENT**

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, November 14, 2007, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

**1. APPROVAL OF MINUTES (October 10, 2007 and October 24, 2007)**

A motion to approve the minutes of October 10, 2007 as amended (with Michael Avery in attendance on October 10, 2007 meeting) and the October 24, 2007 accepted as written was made by Member Avery this motion was seconded by Member Llerena. Vote was eight in favor and none against the motion to approve the minutes as submitted.

**2. OLD BUSINESS**

- A. Site Plan Review – Michael and Kristi Lyford – Requests of a revision to the previously approved plan of construction of a four-family construction with minor rearrangement of parking and building location and a modification to the drainage design located at 333 Old County Road in a Residential B District (Tax Map 20, Lot 36) – Continued from October 10, 2007 meeting.**

Chairman Caliendo reopened this item and asked for an update. (At the previous meeting the Board had asked for additional information).

Jim Kiser, PE, of Kiser and Kiser spoke as a representative for Mike and Kristi Lyford. Mike Lyford is present tonight.

Jim Kiser stated that he, Bob Osborne, and Jeff Allen, PE, of Sewall Company visited the site, and Mr. Allen gave a written report on this site, as asked by the Planning Board at the previous meeting.

Mr. Kiser stated that the level spreader adjustments have been made as suggested. Photos taken today, Wednesday November 14, 2007 of the site was passed around. (See attached)

Mr. Leighton of Main Road North stated that he is still having problems with water issues.

Jim Kiser stated that there were no visible signs of erosion at the site. He also indicated that the water exiting the Lyford site development was not directed at the Leighton residence but rather drained along the adjoining driveway and down to Main Road North.

Mr. Leighton stated the inspections happened when the ground was not frozen.

Member Weatherbee asked Mr. Leighton what they would see on his property today, would there be evidence of erosion.

Member Frazier asked when the foundation drain was unhooked by the DOT.

It was established that the DOT re-connected this drain pipe last year. Terry Hannan from the DOT confirmed this for Mr. Osborne in a phone conversation early in the week.

Some discussion on the contours and water flowage post and pre-construction and whether there were adverse effects on Mr. Leighton's property.

Kim Farley, Mr. Leighton's daughter spoke about the water problems on the property.

Michael Lyford stated that the ground slopes away from Mr. Leighton's house.

Mr. Leighton stated that he wants culverts and catch basins installed.

Town Planner Bob Osborne indicated that this application is essentially an as-built application that addresses a relocation of parking and building as well as some adjustments to the drainage design. As far as the proposed location of the building and parking is concerned they both meet the standards for setbacks. Applicant has indicated no-parking signs in front of the new four-plex building in an area that is to remain accessible to both the fire truck and to those passing through. With regard to the drainage design what was previously approved and constructed was a level spreader that diffuses the flow of stormwater. What is new is a paved water bar that helps the stormwater find its way from the parking area into the level spreader (a gravel water bar is also present and was originally proposed there). Mr. Leighton has raised water issues that may not entirely be stormwater related but may also be groundwater related. Nevertheless the engineering review that was done by both Mr. Kiser and Mr. Allen find that the proposed design is acceptable in design and that such a spreader is a proven means to dissipate stormwater flow. Staff recommends site plan approval for the revised site plan.

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

Member Weatherbee excused himself from the rest of the meeting tonight. (8:05 p.m.)

### **3. NEW BUSINESS**

- A. Site Plan and Minor Subdivision Plan Review – Lead Mountain Properties, Inc., – Request approval of the Lead Mountain Properties Subdivision (Apartments) a 0.85 acre, 4-dwelling unit un-lotted subdivision by construction of a four-unit town house apartment located at Main Road South next to Reeds Brook School in a Residential B District (Tax Map 41 Lots 1-A).**

## – Public Hearing

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

Renee O'Donald spoke as a co-owner of Lead Mountain Properties. She stated that this proposal is for a 4-unit dwelling, with public water and sewer. There was a site visit a few months ago.

Public hearing was closed.

Mr. Osborne stated that this is a 4-unit multi family dwelling which requires both minor subdivision review as well as site plan approval. With regard to the subdivision he indicated that the recording plan appears to meet all submittal requirements. They are offering fee in lieu of open space in the amount of \$800.00. There are no public improvements. Staff recommends approval of the subdivision plan. With regard to the site plan the building and parking meets the requirements of the town's Zoning Ordinance. The proposed building is to be served by public water and sewer. The Water District has indicated that they are satisfied with the designed water service and the Public Works director indicates that he is satisfied with the connection to the neighboring sewer manhole. Staff recommends approval of the site plan as submitted.

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

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

### **B. Site Plan Revision – K.R. Properties, LLC – Request changes of the previously approved plan to construct a 6,960 sq. ft. building for use as a trucking office and maintenance facility to enlarge the proposed parking lot located on lot 15 of the Hampden Business and Commerce Park subdivision on Carey Circle an Industrial Park District (Tax Map 10-B lots 13 and 15). – Public Hearing.**

Chairman Caliendo opened the public hearing, stating the same rules apply as before.

Amy Young of Plymouth Engineering spoke as a representative of the applicant. She stated the changes to the parking area for the trucking facility. They are proposing to extend the parking area. The proposed additional parking spaces are not required by ordinance but were desired by the leaseholder. The spaces are proposed in an area that is within the limits for impervious surfaces.

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

Mr. Osborne indicated that this item was a modest revision from the previous plan but that

the additional parking requires planning board approval. He noted that the added parking is within the impervious surface limitation that is established on the subdivision plan as well as meeting parking setbacks. Staff recommends site plan approval of the proposed revision.

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

**C. Site Plan Revision – Irving Oil Corporation – Request changes the siding and colors of the existing gas station and convenience store located at 63 Main Road North in a Village Commercial II District. (Tax Map 36, Lot 44) – Public Hearing**

Chairman Caliendo opened the public hearing, stating that the same rules apply as before.

Carolyn Parker spoke as a representative of Oil Irving Corp. She stated that back in February she applied for a building permit for some revisions and renovation to their filling stations. The color of the building will be lemon drop yellow.

Public hearing was closed.

Mr. Osborne stated that at the time this site plan was approved by the Planning Board there was a condition placed on its approval that any changes must return to the Planning Board and since it was approved with full color renderings a color change would require that the Board review the proposed change. Subsequently the zoning district was changed to Village Commercial II District which now contains a special district regulation that requires the Board avoid inappropriate use of color. The proposed color scheme is not deemed by staff to be inappropriate. When the ordinance language was drafted inappropriate use of color would have been a set of bold color stripes like many 1980's gas stations that functioned as a sign or corporate logo and had no other architectural value. Staff recommends site plan approval for the revision of the colors as submitted.

Member Syversen made a motion to approve the modification of color on the site plan this was seconded by Member Llerena. The vote was seven in favor and none against the motion.

**D. Minor Subdivision Review – Linda Williams – Requests a three-lot, 40.9 acre Rural District conventional subdivision located at 437 Kennebec Road in a Rural District and subject to shoreland zoning (Tax Map 5, Lot 81). – Public Hearing**

Chairman Caliendo opened the public hearing.

Jim Kiser of Kiser and Kiser spoke as a representative of the applicant. Linda Williams is also present for tonight's meeting. This is a three lot subdivision, with open space. He indicated that one of the three lots was already out and the plan indicates parcels a and b. He indicated that the open space is to be retained by the developer and is to be subject to

revision for future development proposals.

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

Mr. Osborne indicated that the minor subdivision plan appears to meet submission requirements and that the recording plan is ready for approval.

Member Avery made a motion to approve the minor subdivision was submitted this motion was seconded by Member Syversen. The vote was seven in favor and none against the motion.

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

A site visit for Penobscot Indian Nation on the Mayo Road was set for December 1<sup>st</sup> at 11:00 a.m.

Member Avery has recused himself from this application, the company he is employed by is employed to do the site plan.

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

#### **6. ADJOURNMENT**

The Planning Board meeting adjourned at 9:05 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The special meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, October 24, 2007, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

**1. NEW BUSINESS**

- A. Zoning Ordinance Text Amendment – Town of Hampden – Requests to revise Article 3 to specify that excavations, pits and quarries are permitted only in the Rural District and excluded from all other districts. Requests revision to Article 4.9 Excavations, Removal and Fill of Lands to remove the current language governing excavations, pits and quarries, bring earthmoving rules more in line with current state regulations, set new thresholds for the various levels of permits required and establish a new process for sureties. Requests a new Article 4.23 to govern Excavations, Pits and Quarries, establish new setbacks and buffer area requirements, establish new requirements for sureties, and require existing excavations, pits and quarries to register with the Town. (Continues from October 10, 2007 meeting).**

Chairman Caliendo asked to hearing from the ordinance committee chairman Member Avery. Member Avery stated that the committee had met on the previous Wednesday; the Town's Attorney Tom Russell had provided legal language for this new ordinance.

There are some changes that have been passed out this evening by Mr. Osborne most are basic housekeeping items such as clarifications as well as grammar and spelling corrections.

Although the public hearing portion of this item was closed at the last meeting, Chairman Caliendo asked if there was anyone wishing to speak that was in the audience tonight.

Chip Laite from Sargent Corp., spoke about the time frame of 45 days to view an application. He felt that this is a long time for any company waiting for a permit from the town. Mr. Osborne indicated that the time frame was more in line with the site plan review criteria.

Gene Welden from Lane Construction spoke on the proposed ordinance, stating that he feels it is restrictive, but thanked the Board for it's time and patience.

Janet Hughes from Hughes Brothers spoke about the proposed ordinance and pointed out and editorial change on the noise section.

Chairman Caliendo stated that the proposed ordinance in its original form needs to be voted on.

Member Avery made a motion to send the original ordinance back to the Town Council with an "Ought Not Pass" recommendation. This motion was seconded by Member Nelson. The vote was six in favor and none against the motion.

Member Weatherbee made a motion to send the revised proposed ordinance back to Town Council with an "Ought to Pass" recommendation. This motion was seconded by Member Llerena. The vote was five in favor and one against the motion. Chairman Caliendo voted no to the recommendation.

**3. STAFF REPORT**

**4. BOARD MEMBERS CONCERNS**

**5. ADJOURNMENT**

The Planning Board meeting adjourned at 8:05 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The special meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, October 10, 2007, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

**1. APPROVAL OF MINUTES (September 12, 2007)**

A motion to approve the minutes as written was made by Member Weatherbee, this motion was seconded by Member Llerena. Vote was five in favor and none against the motion to approve the minutes as submitted.

**2. NEW BUSINESS**

- A. Site Plan and Major Subdivision, Final Plan – D.W. Jordan and Sons – Requests review of the Jordan Apartments Subdivision, a 1.6 acre, 9-dwelling unit un-lotted cluster subdivision by construction of two, four-unit town house apartments and inclusion of one existing single-family dwelling located at 206 Western Avenue in a Residential B District (Tax Map 30, Lot 32) – Public Hearing.**

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

Jim Kiser, PE representing D.W. Jordan and Sons spoke about the application. Mr. Kiser stated they propose two buildings with four dwelling units in each building, and a single family dwelling, (existing) as a rental. He indicated that the site plan and final subdivision plan are complete and meet the standards for approval.

Bob Osborne the town planner stated that this is final plan for major subdivision and site plan review. Mr. Osborne noted that the Water District has concerns over the sizing of the water lines proposed to serve the development. He indicated that a copy of the driveway entrance permit from the DOT has been received. Site plan shows the location of the buildings and drainage. A new sewer man hole is being proposed in Western Avenue. He indicated that staff is satisfied that the site plan now meets the standards governing site plan approval pending the sizing of the water line. He indicated that the final subdivision plan meets the standards governing final subdivision plan review.

Cam Torrey General Manager of the Water District spoke about the proposed water line for the development. He stated that he and Mr. Kiser spoke before tonight's meeting on the size of the water line required. A four inch line would be adequate to service this development, with 2 inch lines going into town house building.

Mr. Kiser stated that they are willing to install whatever size line is needed for the proposed

site. They will be compliant with what the water district requires.

Member Avery asked about the lighting being proposed.

Two lights in front of each unit and lighting in the parking area is proposed. These lights will be down casting lights.

Member Avery made a motion to approve the site plan with the condition that a 4 inch water main is installed to the water districts specifications. This motion was seconded by Member Weatherbee.

The Board had some discussion with Mr. Kiser and Mr. Torrey on the water main. Mr. Kiser asked if the could leave the size restriction out of the motion.

Member Avery withdrew his motion.

Member Avery made a second motion that the site plan meets approval with the condition that the Town Planner receives a letter from the Water District stating their acceptance of the water main. This was seconded by Member Weatherbee. The vote was seven in favor and none against this motion. (Associate Member Blais is voting tonight.)

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

**B. Site Plan Review – HEC, Hampden, LLC – Request revision to the previously approved plan of construction of a 8,400 sq. ft. office building with minor rearrangement of parking and building placement located at Lot 3 Business Park Carey Circle in a Industrial Park District (Tax Map 10-B Lots 3). – Public Hearing**

Chairman Caliendo stated that the same rules apply as before: first proponents the opponents then anyone wishing to speak. Chairman Caliendo opened the public hearing.

Todd Hardy of M.D. Hardy stated that this application is a revision of the parking spaces and a shift of the building's location.

There was no others wishing to speak, and Chairman Caliendo closed the public hearing.

Mr. Osborne the town planner stated that this is a modest revision of the placement of the building and elimination of three parking spaces. The applicant has received a waiver from the Town Council on the (subdivision declaration of covenants) building limits set by the town (as the developer of the subdivision). The building is 4.9 feet outside one of those limits, which is why the waiver from the Town Council was required. Mr. Osborne indicated that for purposes of this review the Board should regard this application as being in conformance with the building limits in much the same way that if they were reviewing an application on a parcel of land that had previously received a dimensional variance that they would regard the application as being in conformance with building setbacks. Mr. Osborne indicated that the plan meets the zoning building setbacks for the district and the standards governing site plan review, The plan also meets the parking standards. Staff would recommend approval of the revised site plan.

(Member Weatherbee recused himself from this item).

Member Nelson made a motion to approve the revisions under 4.1 and 4.7 of the zoning ordinance. Member Avery seconded the motion. The vote was six in favor and none against the motion to approve.

**C. Site Plan Review – Michael and Kristi Lyford – requests of a revision to the previously approved plan of construction of a four-family structure with minor rearrangement of parking and building location and a modification to the drainage design located at 333 Old County Road in a Residential B District (Tax Map 20, Lot 36). – Public Hearing.**

Chairman Caliendo re-stated the rules and opened the public hearing.

Jim Kiser, PE of Kiser and Kiser spoke for the applicant stating that there are some minor revisions to parking, modification to the drainage, the four-unit apartment building shifted location, along with the elimination of the proposed garage. The fire safety vehicles turnaround area stayed the same. Mr. Kiser stated the buildings are currently occupied are 333 Old County Road. He indicated that the proposed revisions meet setbacks and zoning standards.

Robert Leighton of 704 Main Road North had concerns over the water drainage. He cited several problems he has had since this site was built. Mr. Leighton also stated that tenants the use the right-of-way off Main Road (1A) and throw out trash there as well. Mr. Leighton stated he is opposed to the whole plan.

Carolyn Gilbert, the personal representative of May Dixon of 692 Main Road North, spoke about their concerns over the use of the right of way by the tenants at 333 Old County Road. She does not want the area closed off, but noted the illegal use of this right-of-way by the Lyford tenants, and the trash the leavings on the right-of-way.

Mr. Kiser showed Mrs. Gilbert (on the display map) the right of way location with regards to the applicant's site.

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

Mr. Osborne stated that the building was located in the incorrect positioned about 12 feet away from the building setback lines. This essentially eliminated the parking from the front of the four-unit building. The revised parking layout relocated parking to the area previously proposed for the garage and that the spaces depicted on the plan meets the ordinance requirements. The re-working of the drainage design with the level spreader was reviewed by Jeff Allen at Sewall.

Mr. Osborne indicated that clearly during the construction of this project there were erosion control issues that were observed off-site and that sedimentation was deposited on the Leighton property. Mr. Leighton's trees were impacted with scouring and sediment during a heavy storm event, when the site was under construction. Erosion control does not seem to have been an issue subsequent to the completion of construction. The Leighton house is some 300 feet away from this site. The Town Engineer visited this site over a year ago. He made some comments at that time which were addressed by Mr. Lyford. Mr. Osborne indicated that the plan clearly meets the dimensional standards of the ordinance for building and parking. However the Board should evaluate Mr. Leighton's issues.

Mr. Leighton stated that he has lived in Hampden 51 years and never had a water issue coming down the center of his lot before the development at 333 Old County Road went in.

Mr. Kiser stated that the asphalt berm for water diversion was constructed across the driveway and the level spreader has been installed. The spreader reduces peak flow and dissipates water flow. Two berms have been installed to help control water issues. The retaining wall was relocated in the parking lot to better accommodate parking spaces.

Member Avery asked about contour lines, whether the site plan is an "as built" drawing. Mr. Osborne indicated that the plans that the Board had received did not have some of the contour lines turned on and had provided a copy of a portion of the previously approved plan so that the board could see that information is available.

Member Weatherbee made a motion to table this application until further information can be obtained this was seconded by Member Avery. The vote was seven in favor and none against the motion to table this application.

Board Member Avery asked the Town Planner if he could arrange for the town engineer to have a walk-thru on this site and give some feedback to the town.

**D. Zoning Ordinance Text Amendment – Town of Hampden – Requests to revise Article 3 to specify that excavations, pits and quarries are permitted only in the Rural District and excluded from all other districts. Requests revision to Article 4.9 Excavation, Removal and Fill of Lands to remove the current language governing excavations, pits and quarries, bring earthmoving rules more in line with current state regulations, set new thresholds for the various levels of permits required and establish a new process for sureties. Requests a new Article 4.23 to govern Excavations, Pits, and Quarries, establish new setbacks and buffer area requirements, establish new requirements for sureties, and require existing excavations, pits and quarries to register with the Town.**

Chairman Caliendo opened the public hearing.

Gene Weldon of Lane Construction Corp., handed out his comments (attached) and proceeded to make those comments for the record.

Janet Hughes of Hughes Brother had comments for the Board as well. She urged the Board to use a different approach for stockpile operations and not to treat them like excavations.

Mr. Osborne indicated that he greatly appreciated the many hours of work that everyone had put into revisions to the ordinance. He indicated that he felt that the document is pretty close to being referred back to the Town Council and encouraged the Board to incorporate these latest comments into the document.

A motion to table this item as made by Member Nelson, this was seconded by Member Avery the vote was seven in favor and none against the motion to table this application.

The Board agreed to send these comments back to the Ordinance Committee.

### **3. STAFF REPORT**

Mr. Osborne stated that the ordinance committee meeting will be held Wednesday the

17<sup>th</sup> of October, 2007 at 6 p.m. A special meeting was also schedule for Wednesday October 24, 2007 at 7 p.m.

**4. BOARD MEMBERS CONCERNS**

**5. ADJOURNMENT**

The Planning Board meeting adjourned at 9:05 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The special meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, September 12, 2007, at the Hampden Municipal Building by Acting Chairman Peter Weatherbee.

Attendance: Planning Board Acting Chairman Peter Weatherbee and Members: Peter Frazier, Tony Llerena, Mort Syversen, Andrew Nelson and associate member Thomas Blais.

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

**1. APPROVAL OF MINUTES (July 11, and August 8, 2007)**

A motion to approve the minutes as written was made by Member Llerena, this motion was seconded by Member Frazier. Vote was five in favor and none against the motion to approve the minutes as submitted. Member Blais did not vote on the minutes.

**2. NEW BUSINESS**

**A. Major Subdivision, Preliminary Plan – Lane Construction – Applicant requests preliminary subdivision approval of the 14.3-acre, 15-lot, single-family Dance Hall Subdivision located on east side of Main Road North just south of Carver Road in a Residential A District (Tax Map 24, Lot 47). – Public Hearing.**

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

Jim Wilson, PE of Woodard & Curran spoke for the applicant. Mr. Wilson stated that this is a 15 lot single-family dwelling subdivision, on public water and sewer. He discussed the layout of the subdivision noting that they propose to retain a wooded buffer around the perimeter of the land. A single new street is proposed which would not connect to Carver Road but would include a new sidewalk. He stipulated that they were aware that a number of comments had been received through the review process and the site visit and that many of those changes would be incorporated into the final design. Mr. Wilson stated that they would like to amend the design for the open space from what was indicated on the plan. They would retain the open space along the Penobscot River, which is in resource protection, rather than deeding it over to the town. He indicated that the Subdivision Ordinance indicates that they could offer \$400.00 per lot in the subdivision, fee in lieu of open space.

There was no one wishing to speak with questions or comments.

Public hearing was closed and Chairman Weatherbee asked for staff comments.

Mr. Osborne, the town planner stated that this is a 15-lot conventional subdivision, in a Residential A District. A combination of catch basin and open ditch designs are being proposed. Mr. Osborne stated that ordinance requires a closed storm drain system which

experience demonstrates would be better. He noted that the fire department had asked for the re-positioning of a fire hydrant in the design. He indicated that the Town would want a note on the final design that clearly indicates that the wooded buffer is a covenant civil issue (not a code enforcement issue). He noted that some of the proposed lots would not have sufficient topography to allow for foundation drains to daylight. Care should be taken that those houses (on flat lots) could be drained to the storm drains proposed for the street and that access to that system be contemplated for those lots. He noted that the Town has had some concern with field basins when alternate driveway locations are selected after the subdivision driveway aprons are constructed. He asked the applicant to consider that they keep their engineer available to review altered driveway locations if relocations are proposed so that the designed drainage scheme continues to work as designed. Mr. Osborne indicated that no application had been made for a Maine Department of Transportation street permit and that would be needed in order to grant final plan approval. Mr. Osborne indicated that the plan before the board calls for gifting several acres of the open space located behind the proposed development and that is the application before the board. He indicated that applicant can provide the board with the details of the suggested open space proposal at final plan, and the board can consider it at that time. He cautioned the applicant that any proposition to speculate on future subdivision regulations on open space carries certain risks, and the Board can make no assurances as to such a proposal into the future.

Mr. Osborne noted that he neglected to read a letter into the public hearing and asked if the Chairman would allow him to do so now. Chairman Weatherbee indicated that he should do so. A letter was read into the record by Mr. Osborne from the Gliders on Carver Road (attached). It indicated that they objected to Carver Road being connected to the proposed street and it indicated that they enjoy the wildlife in the area and are seeking a minimal amount of disruption to that habitat.

Member Frazier asked about the disruption on Carver Road (for the residents) for hooking into the utilities.

Mr. Wilson answered that a couple of weeks of interruption would occur at most. (affecting only the few homes at the lower part of Carver Road.) He noted that at no time would Carver Road be completely blocked.

Member Syversen asked about the location of the fire hydrant.

Mr. Wilson indicated that applicant proposes to gift the town the Carver Road turn-around which is fully located on Lane's property. He also indicated that they are aware that the DOT will need to issue a road entrance permit before final subdivision plan review.

Mr. Osborne indicated that the name of the road (Lane Avenue) was a matter of concern to the Public Safety officials because there are a number of streets in Hampden with either a lane or avenue handle and this name is likely to create confusion during public safety communications over the radio. He suggested that applicant could honor a specific Lane family member and still call the street a lane.

Member Syversen made a motion to approve preliminary plan with recommendations as stated in the town planner memo. This motion was seconded by Member Llerena. The vote was six in favor and none against the motion to approve preliminary plan for the Dance Hall Subdivision.

**B. Site Plan Review – K.R. Properties, LLC – Request Site Plan review of construction of a 6,960 sq. ft. building for use as a trucking office and maintenance facility located on lot 15 of the Hampden Business and Commerce Park subdivision on Carey Circle an Industrial B District (Tax Map 10-B Lots 13 and 15). – Public Hearing**

Acting Chairman Weatherbee opened the public hearing, asking for proponents first.

Bion Foster, Economic Development Director for the Town of Hampden spoke about the proposal for lots 13 and 15 in the Hampden Business Park.

Mr. Foster stated: Developer John Austin, builder Jeff Brown and designer Scott Braley are present at tonight's meeting. This proposal will be located on lots 13 & 15 in the Business Park. A purchase and sale agreement has been received and signed.

Scott Braley, PE of Plymouth Engineering stated that this proposal is located on lot 13 & 15 in the Hampden Business Park. It is located at the end of the present cul de sac where Carey Circle currently ends. Mr. Braley discussed stormwater run-off. The business will be on public water and sewer. It will include raised, landscaped buffers from Route 202, due to the amount of larger trucks that will be present on site.

There were no opponents and no one with questions or comments.

Public hearing was closed and Chairman Weatherbee asked for staff comments.

Mr. Osborne stated that this proposal is for a 6,960 square foot building to be used for truck leasing and service facility, and this use is permitted in the zoning district. The plan indicates two alternative designs. One design is temporary while the temporary cul-de-sac remains and no front driveway apron is possible in front of the building. The second design shows the cul-de-sac removed, and in that design the building's front overhead doors and front driveway area may be utilized. Mr. Osborne indicated that staff does not feel that the lack of the front driveway and utilization of the front doors creates a circulation hazard for customers. The proposed service facility of this truck leasing facility utilizes 24 foot trucks which are driven in and out of the proposed building by employees. Applicant proposes no direct customer access driving trucks in and out of the building. He also noted that most truck service buildings and truck operations in general do not provide drive-thru building designs in any case. The plan appears to be safe and access is well considered. He indicated that staff recommends approval of the site plan as it meets the standards governing site plan approval.

Mr. Osborne noted that the land under the temporary cul-de-sac is an easement on lots 13 & 15 and no property would change hands after the cul-de-sac's traveled way is removed.

Mr. Osborne noted that although there is no time table for the extension of Carey Circle

and the removal of the cul-de-sac there is a proposal to develop lots beyond it and it appears that the cul-de-sac will be removed in the foreseeable future.

Mr. Osborne indicated that although the Planning Board did not receive it in their packages the valid purchase and sale agreement is now available for review.

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

**C. Major Subdivision, Preliminary Plan – D.W. Jordan and Sons – Applicant requests preliminary subdivision approval of the 1.6 acre, 9-dwelling unit un-lotted cluster subdivision for construction of two, four-unit town house apartments and inclusion of one existing single-family dwelling located at 206 Western Avenue in a Residential B District (Tax Map 30, Lot 32). – Public Hearing.**

Acting Chairman Weatherbee opened the public hearing and asked for proponents.

Jim Kiser spoke for the applicant D. W Jordan and Sons. Mr. Kiser stated that they are proposing two buildings, each with four units, and the existing single-family house, for a total of 9 rental units. Mr. Kiser discussed the parking and open space. Mr. Kiser discussed the proposed addition of a sewer manhole at Western Avenue and a field basin that would drain a portion of the front of the site to the Western Avenue drainage conveyances. The cluster provisions under the ordinance have been met.

Rick Redman of 17 Evergreen Drive, asked about the site and noise barrier/buffer. He lives in an elite neighborhood with covenants and does not want his property de-valued because of this development going in his backyard.

Chairman Weatherbee closed the public hearing and asked for staff comments.

Mr. Osborne stated that this is a 9-unit development, 2 buildings with four units each and one exiting single-family house. It is in a Residential B District. It will be serviced by public water and sewer off of Western Avenue.

Mr. Osborne noted that there was a site visit just prior to tonight's meeting for all interested parties and that the site was upland and well depicted on the site plan's topographic contour lines.

Mr. Osborne indicated that he discussed this proposal with Tom Russell, town attorney. Mr. Russell indicated there is not a requirement that a Residential B cluster subdivision be broken into lots but rather that it meet all of the dimensional standards for a cluster subdivision including the minimum open space of 40 percent and the maximum gross density of 8 dwelling units per acre. He noted that both of these items (minimum open space and maximum gross density are (Zoning Ordinance) defined terms and the maximum gross density consists of the entire land parcel including the required open space.

Mr. Osborne noted that the proposed turn-around for the fire lane was widened after comments from the fire department. He noted that a Maine Department of Transportation driveway permit will be needed for this site on Western Avenue which is a state highway from MDOT before final plan approval.

Mr. Osborne indicated that staff recommends preliminary plan approval with the noted comments.

A change to the man-hole location was noted.

Member Syversen asked about the fire hydrant distances for this development.

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

**D. Site Plan Review – Ralph and Cindi Cox – Applicant requests site plan review of the reuse of an existing building for a service business child care center for 20 children located at 108 Main Road South (in the former Natural Foods building) in a Village Commercial II District (Tax Map 43, Lot 10). – Public Hearing.**

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

Ralph and Cindi Cox of 277 Shaw Hill Road spoke about their proposed child care center location on 108 Main Road South. Mrs. Cox stated that this will be located where the Hampden Natural Foods was. There will be a fenced in play area with two gates. She indicated that they propose to have twenty children at the facility and to primarily serve the children of school teachers. She noted that they do not propose to utilize the access driveway from Main Road South and to gain all access from Kennebec Road.

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

Mr. Osborne indicated that this is a proposed re-use of an existing building that previously was home to the Natural Foods business and that the proposed use of child care center is contemplated as a service business use in the Village Commercial II District. Mr. Osborne explained to the board members that a reading of the definition of child care center explains that it is included in service business uses. He also indicated that he and the Code Enforcement Officer had reviewed the regulations found in Article 4.19.2 and determined that the Day Care regulations found in that section apply to only home day care and day care facility. Thus the Article 4.19 standards would not be applied to this application (children per acre and play area setbacks). He indicated that staff found the application to be complete and recommended approval of the site plan application because it meets the standards governing site plan review found in Article 4.1. He noted that the site plan did have an error indicating that the two old buildings on the corner have uses associated with them. In fact these two buildings have been unoccupied for years.

Member Frazier asked what the hours of operation would be.

Mrs. Cox explained that the hours would be from 7 a.m. to 4:30 p.m. with an extra hour given for those who make prior arrangements.

Mrs. Cox explained that the cap on capacity would be 20 children with 3 employees. They need state licensing for this child care center.

Member Llerena made a motion that the site plan meets requirements for approval. This motion was seconded by Member Syversen. The vote was six in favor and none against the approval.

**E. Site Plan Review/Planned Group Development – Benjamin J. Curtis – Applicant requests site plan and group development approval to construct two single-family residences on a 4.96 acre lot located at 1181 Kennebec Road in a Rural District (Tax Map 1, Lot 54-27). Public Hearing.**

Public hearing was opened by Acting Chairman Weatherbee

Ben Curtis applicant and owner of 1181 Kennebec Road, stated that this would be a single-family dwelling with a guest house on 4.96 acres with plenty of space between the buildings. The soil has been tested, with no issues. A letter from the Leavitt Brothers, who were the developers of Emerald Estates with which this parcel is part of, had no issues with Mr. Curtis's proposal.

Darren Yocum stated that he had a general question. His land is on the backside of the proposal. He wanted to know if there would be additional buildings on this site, and had the iron rods been placed.

Mr. Curtis stated that the iron rods have not been placed, but did not think they would be near the lot lines. No additional buildings are being proposed.

Mr. Curtis showed Mr. Yocum his site plan which answered all his questions and addressed his concerns.

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

Bob Osborne indicated that this is a very modest site plan/planned group development proposal for two single-family residences on a single 4.96 acre parcel of land. The lot area and frontage of the parcel is sufficient for the parcel to be divided at some point (into two acre lots in the future) but the wish of the applicant is that the parcel not be split and both houses to be owned in common and to be served with a common driveway and common septic system. Applicant indicates that the second house will serve as a guest house for family members. Essentially all of the planned group standards can be met including the additional 25 percent (7.5 foot) setback on all yards. The soils investigation found suitable soils for a septic system and a system design will be available shortly. He suggested that an easement be established on the driveway so that if the houses are financed separately each will have a deeded right-of-way to their house. He indicated that the application appears complete and that staff recommends site plan approval. He did note however that Kennebec Road is a state highway and that a driveway permit from MDOT was required.

Member Llerena made a motion that the application meets the standards of Article 4.1 with the

condition that applicant provide a copy of the MDOT driveway permit and that he provide a copy of the septic system soils report to staff. Member Syversen seconded the motion which passed unanimously.

**F. Major Subdivision, Preliminary Plan – Jeffrey J. & Travis J. Fearon – Applicant requests preliminary subdivision approval of the 9.1 acre, two-lot, 12 dwelling unit Fearon cluster subdivision for construction of five two-family dwellings and a lot division for the existing two-family residence located at 166 Kennebec Road in a Residential B District (Tax Map 39, Lot 23). - Public Hearing.**

Acting Chairman Weatherbee opened the public hearing.

Jim Kiser of Kiser and Kiser spoke as a representative of the applicant. Mr. Kiser stated that this is a proposal for 10 units with an existing 11th unit being the single family house. They are proposing a private pump station. They previously meet with staff for review of the project. The current application reflects most of the changes that were suggested by staff but noted that several changes stated in the cover letter were not yet made.

Amy Bennoch of 176 Kennebec Road spoke in opposition of the project. She stated that her house is now surrounded on two sides by public roads, (Mayo and Kennebec) this proposed project would establish a road on the third side (east side) next to her property. She was approved a few months ago for a day care facility, which she currently has 8 children at the day care. Ms. Bennoch asked how far from her property line would the road be. She wanted to know how many bedrooms would be in each unit. She asked about lighting. She asked about buffers to cut down the noise and lights. She had questions about the wetlands and DEP approvals. She also had concerns over the water pressure and the impact more units would have on the water pressure. Ms. Bennoch also asked how high the proposed road would be compared to her property, and what the setback requirements are.

Don Sleight of 160 Kennebec Road, a land abutter to the proposed project voiced his concerns. Mr. Sleight asked about the impact on the neighborhood and what it would do to the property values. He stated concerns over the density of the development, what the floor plan look like, how many bedrooms, and what the square footage of each unit. He stated his concerns over the impact to wildlife in that area. He questioned the traffic safety, the proposed development is only a few feet away from Mayo Road entrance this is already a high traffic area what would it be like with 10 additional dwelling units. He raised questions about the storm water and drainage, the changing landscape, and how will they be dealing with the water.

Mr. Sleight asked about the utilities and the engineering of the new pumping station that is proposed.

Josh Peppard of 156 Kennebec Road asked about if the driveway permit has been issued. He also had concerns of the public water pressure in this neighborhood as it is already low and the potential impacts of the stormwater drainage.

Jim Kiser replied to some of the concerns voiced. He stated that the road location would

be 40 feet off the property line (side yard line shared with Amy Bennoch). The existing driveway will be expanded to twenty feet in width, and one of the existing curb cuts will be eliminated, there will be two accesses to the property. The design of the dwelling units is for 2 and/or 3 bedroom units, he indicated that this had not been finalized. There are street lights on the plan. These are condo units that will be for sale with common land ownership. Buffer zones would be the larger areas not being touched by the development area. Wetland alteration impacts are less than 4,000 square feet and do not need permitting by the DEP. Mr. Kiser indicated that the water pressure in the area is low although there is adequate capacity, and to both their project as well as existing residences in the area private booster pumps can be added to any of the residents dwelling to help with the water pressure. The cul de sac was reviewed by the town engineering consultant. Traffic numbers and site distances along with the utilities were discussed. The sewer would be a privately owned and maintained pump station, with the condo association being responsible for the fees and up keep. The sale price of each unit would be between \$190,000.00 - \$215,000.00 and square footage would be between 1,200 sq. ft. and 1,500 sq. ft. per unit.

Amy Bennoch asked what the width of the right of way would be, and would it be a private street or town maintained.

Mr. Kiser indicate that the road way would be 20 feet in width built to minor road standards, and the condo association will own and maintain the road.

Mr. Don Sleight asked about the sewer pump station. He also asked about buffers for the land abutters for the site lights and sounds.

Jim Kiser stated that the pump station requires approval by the Town Council. Mr. Kiser stated that something could be worked out for better on buffering.

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

Mr. Osborne stated that this is a 10-unit Residential B District cluster development. Like the Jordan proposal the town attorney indicates that an unlotted cluster subdivision is not precluded by the rules as long as it meets the development standards including open space and gross density. He indicated that the front 3<sup>rd</sup> of the 9.1 acre parcel is being developed the rest is primarily wetlands and that further development of the parcel is quite unlikely. Thus, the parcel easily meets the minimum standards for cluster development.

He noted that the private pump station is new territory for the town and that the council must approve all private pump stations. He noted that staff expects this developer must provide emergency power to the pump station although this will be addressed by the Town Council. He noted that the public works director had indicated that a man-hole at Kennebec Road was needed and this has been added to the plan. A fire hydrant has also been added to the plan as required by the Fire Department.

Mr. Osborne indicated there is potential for head lights sweeping across the existing

houses and requested that the board address this with a small vegetative buffer. There were no comments from the Public Works Director (present for tonight's meeting).

Mr. Kiser was asked to set up a meeting with the neighbors on buffering. The site visit was last August 2006.

Member Frazier made a motion to approve the preliminary plan with the conditions that the Town Council accepts the proposed pump station and the meeting with the neighbors about the buffering take place. This was seconded by Member Syversen. The vote was six in favor and none against the approval of the preliminary plan.

**G. Zoning Ordinance Text Amendment – Town of Hampden – Applicant requests a text amendment to Article 3.1.2 to change the current regulation (within an approved a business park) that prohibits retail sales in buildings in excess of 5,000 sq. ft. to a limitation that no individual retail sales activity can exceed 5,000 sq. ft. - Public Hearing**

Acting Chairman Weatherbee opened the public hearing.

Bion Foster Economic Development Director spoke about this application. Mr. Foster stated that this would allow retail sales in the business park not exceeding 5000 square feet in space to occupy a building in the business park.

An Ought to pass recommendation from the committee was discussed to correct the language to the ordinance.

Public hearing was closed.

Mr. Osborne stated that this is basically a house keeping amendment that would more equitably treat buildings of differing sizes.

Mr. Osborne stated that an Ought to pass recommendation is made by staff.

Member Syversen made a motion for an ought to pass recommendation to council on this item. This motion was seconded by member Llerena. The vote was six in favor and none against the motion for an ought to pass recommendation to the town council.

**3. STAFF REPORT**

**4. BOARD MEMBERS CONCERNS**

**5. ADJORNMENT**

The Planning Board meeting adjourned at 10:00 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, August 8, 2007, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

**1. APPROVAL OF MINUTES (June 13 & 27, 2007)**

A motion to approve the minutes as written was made by Member Llerena, this motion was seconded by Member Avery. Vote was six in favor and none against the motion to approve the minutes as submitted.

**2. NEW BUSINESS**

**A. Site Plan Revision – Highland Ridge Real Estate Investments, LLC – Requests site plan revision to move the location of the project's land clearing debris stockpile – Located on Highland Ridge Drive in a Rural District (Tax Map 3, Lot 18) Public Hearing**

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

Jim Tower of Engineering Dynamic spoke about the debris stockpile. He stated that they want to move the pile of earth, roots and stumps deeper into the property. They are expecting DEP approval within the next few days.

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

Bob Osborne stated that this is a move of debris pile, that is stumps and boulders, taking it from its currently approved location just beyond the cul-de-sac to near to the pipeline further into the site and out of view of all residences.

Member Avery asked if the stock pile could be keep back from the pipeline setback by at least 30 feet, so it would not kill the trees that are being used as a buffer between the pipeline and the tree line.

Mr. Tower stated that a wider buffer would not be a problem.

Chairman Caliendo asked about the wetland impact.

Mr. Tower stated they will be impacting the wetlands only in the sense that in order to

move debris to the stockpile location it must cross wetlands, and propose to make the stockpile move in a day, on a day when it is the driest of weather.

The other site will be mulched and re-seeded.

Member Avery made a motion to approve the application with the condition that a setback of 30 feet from the pipeline easement be met. This motion was seconded by Member Llerena. The vote was six in favor and none against the motion to approve with conditions.

**B. Conditional Use/Site Plan Review – Farren Veterinary Clinic – Request Conditional Use review of living quarters for security purposes – Request site plan review for construction of a 8,400 sq. ft. building for use as a 2,600 sq. ft. veterinary clinic and two 1,600 sq. ft. commercial spaces located on lot 1 of the Hampden Business and Commerce Park subdivision on Cary Circle an Industrial B District (Tax Map 10B lot 1) Public Hearing**

Chairman Caliendo indicated that the Board would postpone a public hearing on this item as per the applicant's written request. (attached letter). It was noted that prior to the rescheduled public hearing the item would be re-advertised and re-noticed by mail.

**C. Home Occupation Permit – Wendy Holden – Requests a Home Occupation Permit for a dog grooming business proposed for 16 Papermill Road in a Rural District (Tax Map 15, Lot 8A) Public Hearing**

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

Wendy Holden of 16 Papermill Road spoke about her application for a dog grooming business. She stated that this would be a small business operated out of her home. She would provide baths and grooming to her clients dogs. She would have 3 to 5 dogs on any given day. Hours of operation would be from 7:30 a.m. to 5:00 p.m. and there would be no additional employees. She is proposing a sign.

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

Bob Osborne stated that this use is a low impact use. The neighbors are a good distance away. Driveway provides a loop around travel way for the proposed clients. And the number of clients per day is relatively small. Staff would recommend approval. He also reminded the Board and the applicant that any approval of this application would go with the owner of the property and is not transferable were the property was to sell or change hands.

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

**3. STAFF REPORT**

Bob Osborne reported on the committee meetings. He stated that all Members of the

planning board are welcomed to attend any of these meetings.

**4. BOARD MEMBERS CONCERNS**

No concerns were stated.

**5. ADJORNMENT**

The Planning Board meeting adjourned at 7:45 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The special meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, July 11, 2007, at the Hampden Municipal Building by Chairman David Caliendo.

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

Also in attendance: Town Planner Robert Osborne, recording secretary Vivian Gresser (filling in for Rosemary Bezanson) and Applicants for tonight's hearings.

1. **APPROVAL OF MINUTES (June 13 & 27, 2007)** Minutes were unavailable.

2. **OLD BUSINESS**

**A. Conditional Use/Site plan Review – Joan Palmer – Request site plan review of boarding of animals (dogs) located at her residence at 538 Main Road South in a Rural District (Tax Map 3, Lot 57) – Continued from previous meeting.**

Chairman Caliendo reopened this item from June 13<sup>th</sup>, 2007 meeting and asked for an update from the applicant.

Lynne Palmer, the applicant's daughter, spoke about the proposed dog boarding. She stated that the privacy/stockade fence is near completion. The fence is set back 52 ft. from the northern property line and 119 ft. from the southern property line and the fence facing north is complete. There is an eight foot section of the fence not yet installed but will be within the next few days. They would limit the use to a maximum of 3 dogs being boarded at any given time. The hours of operation would be from 7 a.m. to 5 p.m. for customer dropping off and picking up of dogs.

Chairman Caliendo asked for an update from staff.

Bob Osborne stated that the fence had now been installed on the northerly side line and is set back 52 feet from that property line. Staff would recommend that you place a condition on this application (just like a home occupation) that the approval would run with the owner rather than with the land.

As there was no more discussion Chairman Caliendo called for a motion on the item.

Member Weatherbee made a motion to approve the site plan, and conditional use with the condition that the fence is completed, that the maximum dogs being boarded are three and that the approval goes with the property owner not the parcel of land. This motion was seconded by Member Llerena. The vote was six in favor and none against the motion to approve with conditions.

Member Avery made a motion that the application meets site plan approval. This motion

was seconded by Member Weatherbee. The vote was six in favor and none against the motion to approve the site plan.

- B. Zoning Ordinance Text Amendment – Town of Hampden – Requests to revise Article 3 to specify that excavation, pits and quarries are permitted only in the Rural District and excluded from all other district. Requests to revise Article 4.9 Excavations, Removal and Fill of Lands to remove the current language governing excavations, pits, and quarries which would be govern by the new proposed Article 4.23. Thus, Article 4.9 would continue to govern earthmoving for development and amended to bring the rules more in line with current state regulations governing earthmoving and to set new thresholds for the various levels of permits required and establish a new process for sureties. Requests to create a new Article 23 which would now govern Excavations, Pits and Quarries and would establish new setbacks and buffer area requirements as well as requirements for sureties. Article 23 would also require that existing excavations, pits and quarries register with the Town and maintain the new buffer requirements. – Continued from previous meeting.**

This item was removed from the table. Mike Avery, Chairman of the Ordinance Committee gave a report on the meeting held on Tuesday July 10, 2007 at 6 p.m. He indicated that the committee had begun a review of this large set of amendments and had made recommendations on some of its content: Article 3 (which governs districts and their uses) the committee voted three in favor and two against limiting these operations to the rural district. He indicated that Article 4.9 was discussed extensively and a number of revisions were proposed. He indicated that the committee had started its review of Article 4.23 needs another meeting or two. Chairman Calideno noted that the Board was not ready to report back to Town Council on item. Notice will be sent on the next meeting.

Bob Osborne suggested that the item be tabled until another meeting can be scheduled and the committee can report back to the full board.

Member Weatherbee made a motion to table this item. This motion was seconded by Member Frazier. The Vote was six in favor and none against the motion to table this item.

- 3. A. Site Plan Revision – New England Waste Services of Maine, Inc. – Requests revision of the previously approved plan to construct a gas to energy facility by adding an 400 sq. ft. accessory building and rearranging the parking lot located at 358 Emerson Mill Road in an Industrial District (Tax Map 9, Lot 46). Public Hearing**

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

Dan Dutille, Environmental Technician at Pine Tree Landfill indicated that they are seeking a Site Plan Revision for New England Waste Services of Maine to revise the previously approved 5,000 sq. ft. landfill-gas to electric generation building and 1,200 sq. ft. scrubber building to add a 400 sq. ft. blower skid and rearrange the parking area. He indicated that

as the details of this project evolved it became evident that an additional accessory building would need to be built on site and that some rearrangement the parking area was required as well.

Kathy Simpson a representative of the White House Motel owned by Daniel Lafayette. She had concerns and comments over the building's safe guards for noise. (attached letter)

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

Bob Osborne, town planner gave a summary of the proposed project revisions, this is the third time it has been revised and in front of the Planning Board. The proposed revision is a modest change from the approved plan in March and staff recommends approval of the change as it meets the requirements of the district and site plan review.

The noise level was discussed. The Landfill is closing in 2010, and the life of the landfill was discussed. In 25 years everything will be off-line in Hampden and operations will be in Old Town.

Member Avery made a motion to approve the site plan revision as submitted. This motion was seconded by Member Llerena. The vote was six in favor and none against the motion to approve the revised site plan.

**B. Final Subdivision Plan Revision – Town of Hampden – Requests major subdivision final plan review for a revision to the Hampden Business and Commerce Park subdivision to upgrade two previously approved right of way access drives to public streets and adjust lot sizes of lots 1,3, 2 and 6 to accommodate the width of the proposed street. The site is located off Route 202 Bypass near Mecaw Road in an Industrial B District (Tax Map 10-B, Lots 1, 2, 3, and 6) – Public Hearing**

Chairman Caliendo opened the public hearing. Same rules apply as before.

Jim Kiser, PE of Kiser and Kiser spoke in favor of the application for the Town of Hampden's Economic Development Committee. Mr. Kiser stated that the change proposed is an alteration of the proposed private right-of-way from 40 feet to 66 feet in width and that the street would be a town road.

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

Bob Osborne spoke about this proposed change. He noted that lots 1 and 3 and lots 2 and 6 would be adjusted to widen the proposed right-of-way width in order to accommodate a street of 66 ft. in width. This proposed widening is necessary in order for the Town to accept the street. He noted that the Board would also be asked to waive the requirement for a cul-de-sac because none is proposed. He indicated that the proposed design is both consistent with the original design and that construction of a cul-de-sac on a

street that is only 300 feet deep/long is perhaps not really that desirable.

A waiver for a cul-de-sac was discussed.

Right-of-way width was discussed, along with the snow plowing issues in the winter. The road names are Business Court, and Commerce Court.

The reduction of the lot areas that this may affect is not substantial. There were no issues identified with the lots that have been sold.

Member Weatherbee made a motion to grant the waiver to not have a cul-de-sac at the end of the town road, under Article 610 special circumstances are present. This was seconded by Member Avery. The voted was five in favor and one against the motion. Chairman Caliendo was the no vote on this item. Motion passes. Member Avery asked to retract his yes vote and changed it to a no vote. So the vote was four in favor and two against. The motion passes.

Member Weatherbee made a motion to approve this revision to the subdivision. This was seconded by Member Llerena. Vote was four in favor and two against the motion. Chairman Caliendo voted no and Member Avery voted no on this item. The motion passes.

**C. Subdivision Sketch Plan Review – Lane Construction Corporation – Requests pre-application of a 14.3 acre 16 –lot single-family subdivision located on the south side of Carver Road (on land accessed from Main Road North and backing up to the Penobscot River) in a Residential A District and Resource Protection District (Tax Map 24, Lot 47)**

Chairman Caliendo opened the item and indicated that although there is no public hearing at sketch phase that public comment is encouraged.

Jim Wilson, PE of Woodard and Curran representing Lane Construction gave an overview of the proposed project. This is a Residential A District and would be a major subdivision with a proposal of 16 lots. A Town road, open space along the Penobscot River and walking trails are being proposed. The site is 80 percent wooded. The site is generally well drained good soils. Applicant also proposes a sidewalk. Mr. Wilson indicated that they do not propose to connect their street to Carver Road.

Chairman Caliendo asked for staff comments.

Bob Osborne stated that this would be a major subdivision with a minor road. He suggested that a wooded buffer in the back yards would make sense in order to minimize the impact that the new homes and lawns would have on the Carver Road residents. The trail system will be along the river in the proposed open space and this would be a highly valuable open space for the Town. Mr. Osborne indicated that he had heard from several Carver Road residents, all of whom indicated that they did not wish to see the proposed new street connected to Carver Road primarily because it is such a narrow street.

Member Avery stated he lives on Riverview Road, which is a short distance from the proposed project. The board had no concerns over Member Avery proximity to the project.

Chairman Caliendo indicated that the Board would like to hear from interested parties at this time.

Jim Noble, property abuts Carver Road, approves that they do not bring loop road onto Carver Road. Likes the 25' buffer idea.

Brian Kelly, Carver Road expressed his concerns about the impact to Carver Road residences and traffic and safety issues.

John Gallant 27 Carver Road, abuts wetlands, wetlands are marked off and bottom is drainage ditch. Mr. Gallant had concerns of the wetland. Liked the buffer zone between the old subdivision and the new subdivision.

Reilly's letter was read into the record.

Lori Noble spoke about the access to Carver Road.

Member Avery had sewer concerns for the new development.

Member Frazier had questions about possible sidewalks.

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

Member Llerena made a motion to class the street as a minor street. Member Avery seconded this motion. The vote was six in favor and none against this motion.

A site visit was scheduled for 5:30 p.m. before this next scheduled meeting.

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

A site visit to Linda Williams property, on Kennebec road for Thursday July 19th at 5:30 p.m. was scheduled.

The next Ordinance meeting set for August 1<sup>st</sup> at 6 p.m.

**5. BOARD MEMBERS CONCERNS**

None were stated at that time.

**6. ADJORNMENT**

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

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The special meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, June 27, 2007, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

**1. NEW BUSINESS**

- A. Zoning Ordinance Text Amendment – Town of Hampden – Requests to revise Article 3 to specify that excavations, pits and quarries are permitted only in the Rural District and excluded from all other districts. Requests to revise Article 4.9 Excavation, Removal and Fill of Lands to remove the current language governing excavations, pits, and quarries which would be govern by the new proposed Article 4.23. Thus, Article 4.9 would continue to govern earthmoving for development and amended to bring the rules more in line with current state regulations governing earthmoving and to set new thresholds for the various levels of permits required and establish a new process for sureties. Requests to create a new Article 23 which would now govern Excavations, Pits, and Quarries and would establish new setbacks and buffer area requirements as well as requirements for sureties. Article 23 would also require that existing excavations, pits, and quarries register with the Town and maintain the new buffer requirements. – Public Hearing**

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

Town Councilor Thomas Brann spoke in favor of the proposed text amendment. He stated the State's minimum requirements and the town's obligation to follow those minimum standards. Dr. Brann also spoke about land management in the town.

Bob Osborne, town planner read a letter from John Mahoney into the record, in support of the amendment. The letter primarily concerned nuisance noise from back-up alarms. (Attached)

Wally Jakubas of 67 Ichabod Lane spoke generally in support of the amendment. He did question the reclamation provisions which would allow re-use of a pit for outdoor recreation without typical reclamation, and he recommended against that provision. He also noted that there has been much noise from a pit near Meadow Road in recent months and questioned if more could be done to control noise from excavations.

Kirk Bloomer, attorney for D & D Construction spoke about the impact that these

amendments would mean for the small gravel pits in Hampden. He questioned costs to small pit owners forced to close in the short time provided.

Gene Welden of Lane Construction, made comments (see enclosed copy). He cited some common goals set out by the Council Charter and Ordinance Committee and encouraged the Planning Board to take the time needed to work through the document in a meaningful way with all interested parties.

Janet Hughes, of Hughes Brothers spoke, a copy of her comments are also enclosed. Chip Laite of Sargent spoke and a copy of his comments are attached as well.

Chairman Caliendo closed the public hearing and asked for staff comment.

Bob Osborne suggested that considering the amount of new materials provided by attendees in written form tonight it would make sense to table the item and review the amendment at a committee level and to have the committee report back to the Board. He indicated that the Council Charter and Ordinance Committee members should be invited to attend as well.

Member Syversen made a motion to table this item. This motion was seconded by Member Weatherbee. The vote was six in favor and none against the motion to table this item.

## **2. ELECTION of COMMITTEE CHAIRMEN**

Nomination for Ordinance Committee Chairman was held, Member Avery was nominated. Member Avery accepted the Chair for the Ordinance Committee. Member Nelson, Member Weatherbee, and Member Frazier are all part of the Ordinance Committee.

Nomination for Comprehensive Plan Committee Chairman was held, Member Syversen was nominated. Member Syversen accepted the Chair for Comprehensive Plan Committee. Member Llerena will also serve on this committee.

All Members are encouraged to attend both meetings if possible.

An Ordinance committee meeting will be held Tuesday July 10<sup>th</sup> at 6 p.m. to take up the Zoning Ordinance amendment considered tonite.

## **3. STAFF REPORT**

Mr. Osborne indicated that there had been a Minor site plan revision approved for the proposed truck repair facility on the Coldbrook Road, due to a change in the utility plan, they are moving the sewer to serve the lot owned by Hughes Brother.

Mr. Osborne indicated that there had been a Minor Site Plan revision approved for the Business Park lot #3, Haverlock, Estey and Curran to move the entire proposed site development farther from the right of way. He indicated that the Board would soon see a proposed amendment to the Business Park subdivision to make that Right-of Way a Town

street.

**4. BOARD MEMBERS CONCERNS**

**5. ADJORNMENT**

The Planning Board meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Michael Avery, Secretary

Attachments

**TOWN OF HAMPDEN  
PLANNING BOARD  
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:05 p.m. on Wednesday, June 13, 2007, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

**1. APPROVAL OF MINUTES (May 9, 2007)**

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

Chairman Caliendo reminded the audience that tonight's meeting is being broadcast live for cable TV, and to please speak into the microphone, starting with your name and address.

**2. NEW BUSINESS**

**A. Major Subdivision Final Plan Review/Site Plan Review – Morgan Enterprises (Erlene Morgan) – Request final subdivision plan approval and site plan approval of a 3.86 acre with 19 dwelling units (two townhouse buildings with 8 dwelling units and one townhouse building with 3 dwelling units) located on the south side of Old County Road in a Residential B District (across the street from 208 Old County Road (Tax Map 19, Lot 28). Public Hearing**

Chairman Caliendo stated that this would be a public hearing and that the board will hear from proponents, then opponents and finally those with general questions and comments.

Chairman Caliendo opened the public hearing and asked for a representative of the applicant to give the board an overview of what is being proposed.

Mike Millet, of Millet Associates, PE representing the applicant spoke in favor of the application. Mr. Millet stated that this is a Residential B District with 19 two-bedroom townhouse units proposed. It will be serviced by public water and sewer. He indicated that the application for final subdivision plan as well as the site plan application are complete and meet the standards for approval.

John Hickson, 13 Hamel Avenue, opposed the proposal and stated that the width of Old County Road is inadequate and that with the added traffic that this development would create will be a big problem for the residences of Old County Road. Mr. Hickson stated that he believes that this is too much development for that area.

Ken Preble, 18 Hamel Avenue, stated he did not receive a notice. He asked if you need a permit to dig a hole because they have started the work on this proposal. He also asked if the Board Members listen to the people's comments.

Betsy Vickery, 216 Old County Road, asked about the location of the proposed driveway entrance, and the traffic flow. This was pointed out to her by Mike Millet on the plan that was displayed. Ms. Vickery also stated her concern over safety on the road due to the increase of traffic and the general speed that the vehicles currently travel on the Old County Road. She also asked about what would happen to their property value, would that be affected by the proposed development.

Merle Perkins, 212 Old County Road, stated his concerns over the proposed development.

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

Mr. Osborne, the town planner stated that the multi-family use is a group development based on three buildings on a single lot (two 8-unit buildings and one 3-unit building). He indicated that the proposed 40 parking space are adequate for the 19 dwelling units. He noted that it will be serviced with public water and sewer and that the invert elevation of the sewer was a consideration in where the buildings must be placed in order to gravity drain to the sanitary sewer in Old County Road. The proposed setbacks meet the ordinance. (Setbacks are increased both by the group development regulations and the special district regulations). Buffering and parking requirements being proposed met the minimum requirements.

Screening was discussed with the applicant. It was determined that cedar trees would be planted.

Site distances are adequate at the proposed location of the driveway. Mr. Osborne indicated that although the use would generate additional traffic, perhaps 190 trips per day in total, it did not present a level of traffic that would require off-site improvements.

The fee in lieu of open space is \$3,800.00 has been received by the town.

Member Avery noted that a "name of subdivision" needs to be noted in the title block of the subdivision plan.

Member Avery made a motion to approve the application with the conditions that the signature block and title block with subdivision name be added along with the zoning.

This motion was seconded by Member Llerena. The vote to approve was six in favor and none against the motion to approve.

Member Avery made a motion to approve the Site Plan as it meets the standards contained in Article 4.1. The motion was seconded by member Llerena. The vote to approve was six in favor and none against.

**B. Conditional Use/Site Plan Review – Joan Palmer - Request site plan review of boarding of animals (dogs) located at her residence at 538 Main Road South in a Rural District (Tax Map 3, Lots 57)**

Chairman Caliendo stated that this would be a public hearing and that the board will hear from proponents, then opponents and finally those with general questions and comments.

Chairman Caliendo opened the public hearing.

Lynne Palmer, daughter of Joan Palmer spoke about the proposed boarding of the maximum of three dogs. The kennel is downstairs from Mrs. Palmer residence; she has three dogs of her own. These dogs are from customers that used the kennel on the Back Winterport Road that was closed at the beginning of this year. No sign or employees are proposed. Hours of operation are from 7 a.m. to 5 p.m.

Three letters of recommendation were read into the record by Bob Osborne.

Ruth Vaughan of Winterport spoke in favor of the application. Stated that she has used Mrs. Palmer to look after her dog, and found her very helpful and caring in tending to her pets.

Mr. Frank Giles of 526 Main Road South spoke against the application, stating the noise of the dogs barking and the sight of the dogs going to the bathroom is ruining his quality of life.

Mrs. Giles of 526 Main Road South spoke against the application stating that she was scared of the big dogs.

Chairman Caliendo closed the public hearing and asked for staff comments.

Mr. Osborne indicated that the Board should evaluate if a kennel is simply the sleeping area for a boarded animal or if it is the full fenced area. The Board indicated that it would be considered the full fenced area. It was noted that some of the fenced area was less than 50 feet from the Giles property line. The Board discussed with Lynn Palmer if a six foot stockade fence could be established along this area to visually separate the outdoor activities of the dogs from the neighboring property. The fence must be 50 ft. from the property line. Ms. Palmer indicated that they would be willing to establish such a fence. Pending the change to the plan the board tabled the item.

This item was not voted on.

**C. Site Plan Review – Jesse and Lori Tomkins – Requests site plan review of salon and day care uses (both service business uses) as a reuse of a single-family residence located at 686 Main Road North in a Business District (Tax Map 20, Lot 35) –Public Hearing.**

Chairman Caliendo stated that this would be a public hearing and that the board will hear

from proponents, then opponents and finally those with general questions and comments.

Chairman Caliendo opened the public hearing.

Jesse Tomkins stated that this would be a salon on one side and a day care on the other side there will be one employee, hours would be from 6 a.m. to 6 p.m. He indicated that he believed that the plan meets the standards for approval.

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

Mr. Osborne indicated that there are two primary uses proposed for the subject property: a service business hairdresser and a service business daycare. The existing building is currently a residence and it is located in a Business District. The subject parcel is neighbored to both sides and the rear by residential uses. As such its parking lot is required to be screened. Originally it was thought that the existing northerly driveway could be utilized but it was determined that the Tomkins have no deeded right-of-way across this driveway and they determined that they would instead plan to close off that access. The proposed use appears to have adequate proposed parking and the proposed bufferyard is also adequate. He recommended approval of the site plan.

The board discussed the plan and it was noted that there was no setback dimension on the plan for the proposed fenced play area.

Member Syversen made a motion to approve the site plan with the conditions that they meet the 25 foot setback, that the sign meets the sign ordinance for this district and that there is one outside employee. This motion was seconded by Member Llerena. The vote was six in favor and none against the motion to approve with conditions.

**D. Conditional Use/Site Plan Review – Stephanie White – Requests site plan review of a home day care facility located at 427 Kennebec Road in a Rural District (Tax Map 5, Lot 77) – Public Hearing.**

Chairman Caliendo stated that this would be a public hearing and that the board will hear from proponents, then opponents and finally those with general questions and comments.

Chairman Caliendo opened the public hearing.

Stephanie White stated that this is an application for a home day care she has State licensing for six children, and is proposing a sign and one employee.

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

Mr. Osborne indicated that this site is located on the south side of Kennebec Road out near the railroad track. He indicated that the site has adequate room to park and that a fenced play area is proposed which is the sole external change proposed. He recommended approval of the proposed daycare facility.

Member Syversen made a motion to approve the site plan and conditional use with the conditions that the fenced in area be setback 25 foot from the property line that the sign is a two foot square sign and that there be one outside employee. This motion was seconded by Member Nelson. The vote was six in favor and none against the motion to approve with conditions.

**E. Conditional Use/Site Plan Review – Amy Bennoch – Requests site plan review of a home day care facility located at 176 Kennebec Road in a Residential B District (Tax Map 39, Lot 9) – Public Hearing.**

Chairman Caliendo stated that this would be a public hearing and that the board will hear from proponents, then opponents and finally those with general questions and comments.

Chairman Caliendo opened the public hearing.

Amy Bennoch stated that this application is for a home day care stating she would be looking after children from the age of six weeks to school age. The fenced in area is over 25 feet from the property line, there is ample parking, hours would be from 7 a.m. to 5:30 p.m. with a sign and one outside employee.

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

Mr. Osborne indicated that the site is located on the corner of Kennebec and Mayo Roads. He indicated that he had visited the site and there is adequate room for parking and that the fenced in play area exists and it is an ideal setting for a daycare center. He indicated that the application is complete and recommended approval.

Member Syversen made a motion to approve the site plan and conditional use with the conditions that there be one employee and signage to meet the district sign ordinance, and the hours of operation be noted as specified from 7 a.m. to 5:30 p.m. Member Avery seconded this motion. The vote was six in favor and none against the motion to approve with conditions.

**F. Site Plan Review – Haverlock, Estey and Curran – Requests site plan review of construction of a 8,400 sq. ft. office building located at Lot 3 Business Park Carey Circle in a Industrial Park District (Tax Map 10B, Lot 3) – Public Hearing.**

Chairman Caliendo stated that this would be a public hearing and that the board will hear from proponents, then opponents and finally those with general questions and comments.

Chairman Caliendo opened the public hearing.

Todd Hardy from Hardy Associates spoke in favor of the applicant. Mr. Hardy stated that this will be an office building for an accounting firm. The building would be wood frame construction on lot 3 in the Hampden Business Park.

Bion Foster, Economic Director for the Town of Hampden spoke in favor of the application. Mr. Foster stated the building design meets the approval of the Economic Development Committee.

Lighting was discussed.

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

Mr. Osborne indicated that the item appeared to be a complete application and that the site plan appears to meet the standards governing site plan approval.

Member Weatherbee asked to be recuse from this item because his firm represents the applicant. The board did not object and Member Weatherbee was recuse.

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

Some discussion on the road access was mentioned to the applicant.

**G. Subdivision Ordinance Text Amendment – Town of Hampden – Request amendment of Article 565 to delete the prohibition on pump stations. – Public Hearing.**

Chairman Caliendo stated that this would be a public hearing and that the board will hear from proponents, then opponents and finally those with general questions and comments.

Chairman Caliendo opened the public hearing.

Jim Kiser of Kiser and Kiser spoke in favor of the proposal to permit private pumping stations. He indicated that this change would allow utilization of a number of parcels of land that are near the sewer but are simply below the grade of the sewer.

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

Mr. Osborne indicated that this item is a proposal of the Town Council Charter and Ordinance Committee that has made its way to the Planning Board. There is a significant text change proposed to the Sewer Ordinance that would allow private sewer pump stations under certain conditions and only as approved by the Town Council. However the amendment before the Planning Board here simply eliminates the express prohibition on pumpstations found in the Subdivision Ordinance and instead indicates that they must be compliant with the sewer ordinance. He recommended that the board return the item to the Town Council with an "Ought-to Pass" recommendation.

Member Syversen made a motion to send it back to Council with a recommendation of

Ought to pass, this was seconded by Member Avery. The vote was six in favor and none against the motion to send it back to Council with an Ought to pass recommendation.

**H. Subdivision Sketch Plan Review – Penobscot Nation – Request (pre-application) subdivision sketch plan review of a 30 acre with 80 dwelling units (20 apartment buildings with 4 dwelling units each) located on the west side of Mayo Road neat the intersection of Western Avenue a Residential B District (land situated behind 155 through 191 Mayo Road) Tax Map 6, Lot 37)**

Chairman Caliendo indicated that although this was not a public hearing that the Board hoped to have a good discussion with the pre-applicant and the neighbors.

Member Avery asked to recuse himself from this item due to his employer being the company hired as the engineers for the project.

Noel Musen of CES, spoke for the applicants. Mr. Musen stated that this is a 24-acre lot with 80 proposed units. There would be storage facilities and garages proposed. The right of way proposed is 66 ft., open space being proposed. Public water and sewer are also being proposed.

The possibility of a pump station for the sewer was discussed.

Traffic issues were discussed with the applicant.

Donna Hewie, 188 Mayo Road spoke in opposition. She had concerns about the school system with the potential increase with this proposal. She also had comments on the increase in traffic on the Mayo road with is already bad.

John Story, 145 Mayo Road, had concerns over the traffic and the speed of the traffic on the Mayo Road. He also asked about the sewer capacity for the large project.

Member Syversen made a motion to class this project as a major subdivision, Member Weatherbee seconded the motion. The vote was five in favor and none against.

Mr. Osborne indicated that he had concerns that there are known issues with Mayo Road and that those included a narrow traveled way and no paved shoulder. As such he indicated that he felt that any proposal to utilize Mayo Road should include a proposal to improve the intersection of Mayo and Western Avenue as well as add a center turn lane at the proposed new street for the subject development. He indicated that the subdivision was clearly a major subdivision and the proposed streets were a collector and a minor.

The Board voted to classify the subdivision as a major subdivision and the streets were classified as collector for the longer street and a minor for the short street.

**3. STAFF REPORT**

**4. BOARD MEMBERS CONCERNS**

**5. ADJORNMENT**

The Planning Board meeting adjourned at 11:00 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 7:05 p.m. on Wednesday, May 9, 2007, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

**1. APPROVAL OF MINUTES (April 11, 2007)**

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

Chairman Caliendo reminded the audience that tonight's meeting is being broadcast live for cable TV, and to please speak into the microphone, starting with your name and address.

**2. NEW BUSINESS**

**A. Major Subdivision Final Plan Review – Silver Leaf Development (Ronald Bailey) – Request Final subdivision plan review of Stone Creek a 14 lot 41.7 acre single family subdivision with public improvements including a 2,300 ft. street located behind the Whispering Pines Subdivision on the north side of the Meadow Road in a Rural District (Tax Map 4, Lot 22A). Public Hearing**

Chairman Caliendo stated that this would be a public hearing and that the board will hear from proponents, then opponents and finally those with general questions and comments. Chairman Caliendo opened the public hearing and asked for a representative of the applicant to give the board an overview of what is being proposed.

Chairman Caliendo opened the public hearing.

Jim Kiser of Kiser and Kiser spoke as a representative of the applicant (Ron and Ryan Bailey). This a 14-lot subdivision with a few minor changes from the preliminary plan that the Board had previously approved. Those changes are the road length, open space and a land swap between lots 1 & 2 on this project and lots 2 and 4 of Whispering Pines Subdivision (the 8-lot Gourley subdivision of the Meadow Road frontage approved in June, 2000). Mr. Kiser noted that with the moving of lot lines an additional test pit for lot 1 was overlooked on the materials that the Board had in their packet although it was indicated on the recording plan. He handed out copies to the planning board. Mr. Kiser indicated that the Baileys were also in attendance.

No one spoke in opposition to the plan.

Chairman Caliendo asked for anyone with general questions or comments.

Jeremy Williams, 1334 Carmel Road North had a question about where the proposal is located in relation to his existing private airfield. It was determined that his airfield is located to the north of the subject property and is approximately 1,000 feet from the closest house lot in the proposed Bailey subdivision.

Mr. Kiser pointed out to Mr. Williams and the Planning Board where the project is located, in relation to the airstrip.

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

Bob Osborne, Town Planner indicated that the final plan was generally complete and that the Town Attorney had reviewed the plat and the deeds for the road and open space and found them acceptable. Mr. Osborne stated that the Town Council had agreed to accept the open space at their May 7, 2007 meeting. He indicated that the Town Manager had provided a letter indicating that the Town is in possession of the required improvement guarantee and that it was acceptable (an irrevocable letter of credit for \$317,680 for 42 months). Mr. Osborne also noted the added test pit for lot 1. He indicated that the town had not yet received the final plan fee of \$31,768.00. He indicated that upon receipt of that fee final subdivision the project will be all set from a staff level.

Member Syversen asked about the cul-de-sac if it was compliant with the town design regulation. Mr. Osborne indicated that it is.

Member Avery stated that a pin was missing on lot 14. (All corners of lots must be monumented). Hearing no further discussion Chairman Caliendo called for a motion.

Member Avery made a motion that the application meets the regulations for Final Subdivision Plan approval under Article 332, with the exception of the town receiving the final subdivision fee and adding a pin on lot 14. This motion was seconded by Member Nelson. The vote was six in favor and none against the motion to approve the subdivision application.

**B. Sketch Plan Review – M & D Real Estate – Request pre-application subdivision sketch plan review of a 14-lot, 42 acre single family residential subdivision with public improvements including a street located on the northeast corner of Shaw Hill Road and Miller Road in a Rural District (Tax Map 7, Lots 68 and 71)**

Darrell Ginn Land Survey representing M & D Real Estate stated that this is a 14-lot subdivision on 42 acres with significant waterfront frontage on Hammond Pond. The remaining land will be for future development. There is ledge on lot 13 and some on lot 14. There are existing buildings on lot 7.

Mr. Osborne the town planner stated that this property has significant water frontage on Hammond Pond, which will provide a nice vista for some of the lots. He stated his caution over the soils in the area indicating that much of the soils on this site are indicated in the SCS document as unsuitable for septic design. Mr. Osborne stated that perhaps a cluster development may be a better choice. There is a lot of natural resource on this parcel, a large deer wintering yard, wetlands, as well as resource protection area around the Pond.

The existing snowmobile trail was discussed. A site visit was discussed. The Planning Board Members stated that a site visit before the next meeting is agreeable. (No date or time was specified)

Member Avery made a motion to classify the subdivision as a major subdivision. This was seconded by Member Syversen. The vote was six in favor and none against the motion.

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

Mr. Ginn was cautioned about a possible extension of the subdivision and future roads may be collector road, so the minor road may need to meet collector road standards.

No one asked to speak in regard to this sketch plan.

### **3. STAFF REPORT**

Mr. Osborne stated that the Town Council Public Services Committee is taking a more active role in the review of subdivision open space. They will review open spaces and report to the full Town Council. What he proposed is that the council be invited to site visits and then be provided preliminary subdivision plans so that the open space questions are answered well in advance of final plan review.

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

Member Avery asked about the seeming bias against creation of private roads in Hampden, is that approach justified given the future costs to the Town and successful examples of private roads operated by associations in other parts of the state of Maine.

### **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 7:05 p.m. on Wednesday, April 11, 2007, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Chairman David Caliendo and Members: Peter Weatherbee, Michael Avery and Andrew Nelson.

Also in attendance: Town Planner Robert Osborne and Applicants for tonight's hearings.

**1. APPROVAL OF MINUTES (March 14, 2007)**

Member Nelson made a motion to approve the minutes of both meetings as written. This motion was seconded by Member Avery. The vote was four in favor and none against the motion to approve the minutes as written.

Chairman Caliendo reminded the audience that tonight's meeting is being broadcast live for cable TV, and to please speak into the microphone, starting with your name and address.

**2. NEW BUSINESS**

**A. Major Subdivision Preliminary Plan Review – Morgan Enterprises (Erlene Morgan) – Request preliminary plan approval of a 3.86 acre with 19 dwelling units (two townhouse buildings with 8 dwelling units each and one townhouse building with 3 dwelling units) located on the south side of Old County Road in a Residential B District (across the street from 208 Old County Road (Tax Map 19, Lot 22A). Public Hearing**

Chairman Caliendo stated that this would be a public hearing and that the board will hear from proponents, then opponents and finally those with general questions and comments. Chairman Caliendo opened the public hearing and asked for a representative of the applicant to give the board a view of what is being proposed.

Mike Millet, PE of Millet Associates spoke for the applicant. Mr. Millet stated that the same numbers of units (19) are being proposed. They have made changes to the driveway, landscaping and buffer. The drainage analysis has been done. Mr. Millet showed some drawings of what the proposal would look like from both plan view and oblique elevation computer renderings. He indicated that they had made every attempt to address the issues raised at sketch plan and that they felt that much had been accomplished. He noted the plan now has dispersed the parking area by the introduction of the large center island in the parking lot and that the movement of the proposed buildings allowed for a vista through the site development. He also noted the changes to the proposed 8-unit buildings that has the effect of reducing the visual bulk of the gable ends of those buildings with a one-story element. He indicated that he believed that the application meets the requirements for preliminary plan approval and requested that the Board approve their plan.

Tanya Allen, 401 Old County Road, spoke as a neighbor of the proposal and a realtor with ERA stated housing units is in much demand.

Joshua Scoggins, a tenant in Ms. Morgan's complex at 398 Old County Road, wrote in support of the project. (Mr. Osborne read a letter into the record)

John Farren, 128 Old County Road, spoke in favor of the project.

Opponents of the application were heard.

Penelope Olsen, 233 Old County Road, indicated that parking lot is much improved. She asked about the buffering and open space requirement? What about the snow removal area to storage the snow in the parking lot? She asked about the layout and design of the buildings.

Merle Perkins, 212 Old County Road, he stated the location of driveway entrance, which is directly across from his house causing the headlights at night to shine into his windows and removal of trees not acceptable to him.

Barbara Swett, 203 Old County Road, she stated too many units for the land area involved.

General Comments of the application spoke next.

Mike Millett stated that the buffer side and rear is adequate already.

Merle Perkins 212 Old County Road, asked what about the front buffer yard and could the driveway be moved to the right. He expressed concern that the headlights of standing vehicles would shine into his residence.

Public Hearing has closed by Chairman Caliendo.

Staff comments from the town planner Bob Osborne stated that there are a number of significant changes.

Mr. Osborne indicated that the proposed parking lot is changed in response to comments arising from the sketch plan review. The parking lot is designed around a large landscaped center island and the vehicle parking is spread out in front of the dwelling units. This is a significant change from the monolithic conventional parking lot previously proposed. The third building is pulled off to the north side, leaving an open vista from Old County Road.

Mr. Osborne indicated that the buildings were changed in response to comments arising from sketch plan. A one-story element is designed for the end of the two eight-unit buildings that are nearest Old County Road. This was done to help reduce the visual bulk of the gable ends of the eight-unit buildings and to create a visual scale of building more

like that of the neighboring properties.

Mr. Osborne noted that the drainage design has been changed. The plan now calls for the site development to drain from the ridgeline of the three proposed buildings to the center of the parking lot center island. (The prior scheme utilized catch basins in the parking lot that would not tend to settle or filter the stormwater). The intent of the revised design is to create a mechanism that will allow stormwater to settle out suspended particulates prior to leaving the site development. The remainder of the site development would drain by sheet flow off of the back of the roofs and lawns. This design will require that the Planning Board grant a waiver because it's post development rate of runoff is a modest one cfm higher than the predevelopment rate during a certain storm event.

Mr. Osborne indicated that although the plan does appear to meet setback requirements of the zoning ordinance the setback lines on the plan appear to be mis-labeled. The required front yard setback is 41 feet and is mis-labeled on the plan at 40 feet. The required side yard setback line is 35 feet and that is also mis-labeled. Cam Torrey of the Water District is here tonight, if there are any issues. Staff would recommend preliminary approval.

Mr Osborne noted that the plan does not designate any area as open space and that it was his understanding that the proposal is to pay fee-in-lieu of open space. He noted that the plan was proposed on a land area that is about 1.3 acres smaller than the total land area proposed at sketch plan.

Member Avery asked about the open space.

Erlene Morgan asked she would be more than happy to pay the \$3800.00 fee in lieu. The buildings and parking lot take up less than an acre, so there is almost three acres of open space that her tenants would have access to.

Member Avery asked about the name of the subdivision/development.

Erlene Morgan stated that it is Old County Estates II.

Member Avery stated monuments or pins must be set on all corners of the property, for final plan approval.

Peter Weatherbee had some questions on land quality, and useable land space.

Erlene Morgan indicated that rear of site is usable but tenants do not seem to use yards much.

Chairman Caliendo asked if the 1.34 acre was originally included. What is the intent to withhold this parcel.

Ms. Morgan stated that the costs of the project have gone up, and land is valuable, selling this parcel will help offset cost. (Ms. Morgan stated that the 1.34 acre parcel is currently under contract). A single-family dwelling is proposed for this parcel.

Chairman Caliendo asked where a dwelling could be build. Cutting this amount out of the available space is a concern, it not good planning or layout.

Mike Millet asked if the 1.34 acre lot needs to be numbered lot.

Chairman Caliendo asked Mr. Osborne to get Tom Russell the town's attorney opinion on this issue.

The Board discussed the request for waiver of subdivision standards related to post-development flow. It was noted that this is in an area of town regulated by certain DEP regulations that specifically regulate the water quality of post-development runoff. The DEP is looking for a cleaner run off.

Cam Torrey, General Manager of the Hampden Water District spoke about this project. He stated early on there were some issues that now have been resolved. He would need to see the final plan but for now he is all set.

Member Avery has a question of breaking off a lot, being included in this subdivision.

Mr. Osborne stated he would need to get the Town Attorney's opinion on this lot issue: Does it need to be a numbered lot in the subdivision?

Chairman Caliendo asked if Mr. Millet would investigate moving the driveway to the right as was requested or suggested by Mr. Perkins. He indicated that he would determine exactly where Mr. Perkins' driveway is and consider it in their final design.

Member Weatherbee made a motion to approve with the noted discussion items; this was seconded by Member Avery. The vote was four in favor and none against this application.

Chairman Caliendo called a two-minute recess.

Mr. Osborne stated that a copy of Maine Subdivision Statute is included in your packet and he asked them to please add it to their subdivision ordinances.

Chairman Caliendo called the meeting back to order.

**B. Discussion Item – Mineral Extraction Pits and Quarries and Filling and Grading for Development Activities – Potential Zoning Text Amendments.**

Mr. Osborne discussed the item with the Board. He indicated that a draft of potential amendments is in your packet because the Town Council's Charter and Ordinance Committee has been reviewing this topic for some time and have found it to be a very detail oriented, and Chairman Arnett felt that the Board might appreciate a heads up. This item will come to the Board at a later date for an official recommendation to the Council but this is simply to help the Board to become familiar with what is being proposed and create a dialogue with the Town Planner if there are changes that you would recommend at this

point.

Mr. Osborne indicated that new regulations for both earthmoving and mineral extraction would be incorporated into the existing zoning ordinance. What is proposed is revisions to Article 4.9 to consider only earth moving related to development, and creation of a new Article 4.23 that would consider excavations, pits and quarries (moving that type of activities out of Article 4.9).

The Board questioned exactly what the Council hoped to get from the Planning Board? Mr. Osborne indicated that what they wanted is to facilitate both the Council's current work with insights that only planners can provide as well as to help the Board get up to speed on where the Counsel is headed with the two prong approach to the ordinance.

Mr. Osborne explained to the Board that the Council generally wanted the zoning districts to reflect what was previously considered the status quo that mineral extraction was only contemplated in rural district and not in commercial, industrial or residential districts of the town. (This status quo was altered when Mr. Russell determined (during the Thibideau application) that the Industrial 2 District permitted use language was so broad that it would not exclude extraction activities).

Mr. Osborne asked the board to consider any changes that they would like to see made to the ordinance and to make him aware of those. He noted that the board is welcome to attend the Charter and Ordinance Committee meetings as well. Chairman Caliendo indicated that he thought he would attend a meeting of the committee to discuss the item further with the council committee.

### **3. STAFF REPORT**

Mr. Osborne noted that the Comprehensive Plan committee was progressing and suggested that the meetings are open and that the materials are available for review.

### **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 7:05 p.m. on Wednesday, March 14, 2007, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

**1. APPROVAL OF MINUTES (January 10, 2007, February's meeting was cancelled due to weather)**

Member Syversen made a motion to approve the minutes of both meetings as written. This motion was seconded by Member Llerena. The vote was six in favor and none against the motion to approve the minutes as written.

Chairman Caliendo reminded the audience that tonight's meeting is being broadcast live for cable TV, and to please speak into the microphone, starting with your name and address.

**2. NEW BUSINESS**

**A. Site Plan Review – Linda Hughes Averill – Request site plan approval to reuse an existing building as a hair stylist and tanning day spa, a service business use, located at 12 Old Coldbrook Road in an Interchange District (Tax Map 14, Lot 5). Public Hearing**

Chairman Caliendo stated that this would be a public hearing and that the board will hear from proponents, then opponents and finally those with general questions and comments. Chairman Caliendo opened the public hearing and asked for a representative of the applicant to give the board a view of what is being proposed.

Jeanna Detour of Carpenter Associates spoke as a representative of the applicant. Ms. Detour stated that this would be a full service day spa. With 3725 square foot of space and 15 proposed parking spaces. The floor plans have been submitted to the State Fire Marshal's office for review and approval.

There were no other comments or questions on this application.  
Public hearing was closed

Mr. Osborne, the town planner stated that there are two levels to this facility as well as an upper level parking area and a lower level parking area. The uses would be segregated with the beauty shop on the upper level and the spa on the lower level. It has two front yards, being on the corner of Coldbrook Road and Old Coldbrook Road. This would be a

re-use of an existing building. It is on private well and septic. He noted that the adequacy of the existing septic system would be determined as part of the building permit process by the plumbing inspector, as a staff level decision, as it is based (in part) on the number of chairs in the beauty shop. He indicated that issuance of a certificate of compliance would be contingent on adequate on-site waste water disposal. He indicated that the application is complete and meets the standards governing site plan approval. Staff would recommend approval.

Member Avery made a motion that the site plan meets approval under article 4.1 and parking requirements under article 4.7 of the zoning ordinance. This motion was seconded by Member Llerena. The vote was six in favor and none against the motion to approve the site plan as submitted.

**B. Site Plan Review – New England Waste Services of Maine, Inc. – Applicant requests revision of the previously approved plan to move the gas to energy building west (away from Old Coldbrook Road) and to delete the previously proposed maintenance building located at 358 Emerson Mill Road in a Industrial District (Tax Map 9, Lot 46). Public Hearing**

Chairman Caliendo stated the same rules apply as stated at the beginning of the meeting, proponents, then opponents, then anyone with general questions or comments, and he opened the public hearing.

Peter Dalfonso of Sevee & Maher Engineers stated that this application is an amendment to a previously approved site plan in March, 2005. The maintenance building has been eliminated and the gas to energy building will be constructed on the site of the proposed maintenance building and the building itself will be smaller in size, going from 7,000 square foot to 5,000 sq ft, enclosing 3 generators not 4 as previously proposed and approved. The gas flare will be closer to the gas the energy building as well.

Mr. Osborne, the town planner stated that in March of 2005 there was approval for three buildings, the office building was constructed, but the maintenance building and generation building have not been built. The maintenance building has been eliminated and the generator building has been moved farther from the Old Coldbrook Road with no access proposed from the Old Coldbrook Road. This is primarily a revision from the previously approved plan and staff would recommend approval of this revision as it meets the standards governing site plan approval.

This plan has been review by the Town's engineers and found to be satisfactory.

The Board asked what the amount of noise that would be generated from this site was asked. Mr. Dalfonso indicated that the noise level would be approximately 50 Db, barely audible outside the building.

The Board inquired as to the hours of operation and staffing hours. Dan Boutin indicated that the gas to energy system would operate continuously 24/7, 365 days a year. He also indicated that there would be someone monitoring the system during the 8-hour day

operation, during the off-duty hours, the system would be monitored by a web-based system with alarms and back up.

Member Syversen made a motion that the site plan revision meets approval as submitted. This motion was seconded by Member Llerena. The vote was six in favor and none against the motion to approve the site plan revision.

**C. Site Plan Review – Holden, LLC – Request site plan approval to reuse an existing 6,300 sq. ft. building as a 2,200 sq. ft. retail store and the remainder as self storage and office use located at 281 Western Avenue in a Business District (Tax Map 29, Lot 13) – Public Hearing**

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

Jim Kiser of Kiser and Kiser spoke for the applicant. Mr. Kiser stated that this is a change in use from a self-storage facility to retail with small office, coupled with some storage. The proposed parking spaces are 11 with a second phase of the parking lot being paved after it settles.

No one in the audience had comments or questions.

Public hearing was closed and Chairman Caliendo asked for staff comments.

Mr. Osborne, the town planner stated that this application is the old train station building next to the railroad tracks on Western Avenue. Over the years it has had various uses. This is a mixture of uses retail and storage and a small office space. Based on the 2,200 sq. ft. of retail space the office space cannot exceed 250 sq. ft. without provision of additional parking spaces. Staff would recommend approval of this site plan with 2,200 sq. ft. of retail space with the condition that the office space does not exceed 250 sq. ft. without coming back to the Planning Board with a revised site plan with more parking spaces.

This is not in an official historic district, and not is the building an official historic landmark. There was a bit of discussion that the building has been altered somewhat over the years with vinyl siding and that the total amount of changes are not known.

Member Avery made a motion to approve the site plan under Article 4.1 as submitted with the condition that the office space does not exceed 250 square feet. This motion was seconded by Member Llerena. The vote was six in favor and none against the motion to approve with the mentioned condition.

**D. Major Subdivision Preliminary Plan Review – Silver Leaf Development Corp. (Ronald Bailey) – Request preliminary subdivision plan review of Autumn Ridge Estates a 14-lot, 41.7 acre single family subdivision with public improvements including a 2,300 ft. street located behind the Whispering Pines Subdivision on the north side of Meadow Road in a Rural District (Tax Map 4, Lot 22-A) – 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 for the applicant. Mr. Kiser stated that this is a 14-lot subdivision with a proposed road. Forty plus acres would be developed out of the 85 acre parcel with six acres dedicated to open space. There would be an amendment to lot 3 of Whispering Pines subdivision, retaining a 66 foot right-of-way to the undeveloped remaining land.

Dave Pelletier of 545 Meadow Road had general concerns about the added traffic on the Meadow Road. He stated that the shoulder of Meadow Road is very narrow and with increased traffic that the subdivision would generate, walking on Meadow Road would not be safe. Mr. Pelletier stated that the condition of Meadow Road as deteriorated over the 24 years that he has lived there. He inquired about the site distances from the proposed entrance to this subdivision and if they were adequate. Mr. Pelletier also inquired to the possible blasting that might take place while the road and new home are under construction, what protection he would have for his well water, foundation and his home from the blasting. He also asked about the hours of operation that the construction be limited to daylight hours only.

Public hearing was closed and Chairman Caliendo asked for staff comments.

Mr. Osborne, the town planner stated that this is a 14-lot 40-acre conventional Rural District subdivision. He noted that this subdivision was classed as a major subdivision with a minor road at the sketch plan. According to Jeff Allen, the town's consultant engineer, the general drainage design concept of the subdivision was found to be acceptable, but the drainage and storm water design should be more detailed and finalized. He noted that this subdivision proposes that a few of the lots have less than 2 acres of upland. He indicated that the lots to be buildable standards contemplate less than two acres of upland in conventional Rural District subdivisions as long as other standards are satisfied. He indicated that the Board had not previously utilized this rule amendment and encouraged the board to determine how it wishes to implement the rule, that is, as a waiver, a note on the plan, or some other means. Mr. Osborne asked about the proposed covenants deed restrictions on the proposed subdivision and Mr. Kiser indicated that those had been provided in the final submission packets. Mr. Osborne indicated that the preliminary subdivision plan application was complete and that it appears to meet the standards for preliminary plan approval.

Mr. Osborne also stated that the board should vote on the completeness of the application

for major subdivision as a separate action prior to voting on approval of the plan.

Mr. Kiser indicated that there are a total of three lots with less the 2 acres of upland, those lots are lot 5, 11, and 13. He also noted that the proposed width of the pavement is 24 feet despite the classification as a minor street in order to provide pedestrian space along the street.

Mr. Osborne discussed the concerns raised by Mr. Pellitier. He indicated that the Board has somewhat limited authority to address the full range of issues that were raised. The Board could consider the traffic impacts of the proposed subdivision, including site distances and traffic generation but could not require that this developer address the overall conditions of Meadow Road such as traffic speed, shoulder conditions, etc. He also noted that there are general rules associated with blasting promulgated by the State but no criteria for blasting is found in the subdivision ordinance. He agreed that there is always some cause for concern when blasting is proposed but that the Planning Board is not equipped to oversee blasting. Finally he indicated that, although sympathetic, the Board does not have the authority to regulate what hours of the day or night contractors construct streets or houses.

The Board discussed with Mr. Kiser what Department of Environmental Protection permitting was required. Mr. Kiser indicated that a stormwater permit is required.

Mr. Osborne asked Mr. Kiser if he could provide site distances as a subsequent submission (to make certain that they were reasonable and documented), and he also asked if he would provide trip generation numbers for the proposed development. Mr. Kiser indicated that he would be happy to do so.

The Board discussed blasting regulations noting that the contractors and blasters have specific protocols that they must abide by and if followed should be adequate to avoid any off-site damage from blasting.

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

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

**E. Sketch Plan Review – Lead Mountain Properties (Renee O’ Donald) – Requests pre-application subdivision sketch plan review of a four-unit residential building on a 0.8 acre parcel located (near 16) Main Road South in a Residential B District (Tax Map 41, Lot 1-A)**

Renee O’Donald of Lead Mountain Properties stated that their plans are for a four-unit apartment unit. This would be a minor subdivision. Public utilities were discussed. Public water would have to be accessed by boring under US Route 1-A, the water is on the opposite side of the street from this parcel. A site visit was schedule for 6 p.m. April 11<sup>th</sup>,

2007.

Member Llerena made a motion to classify the subdivision as a minor subdivision. This was seconded by Member Syversen. The vote was six in favor and none against the motion.

**F. Sketch Plan Review – D.W. Jordan and Sons, Inc. – Request pre-application subdivision sketch plan review of two four-unit residential buildings on a 1.5 acre parcel located at 206 Western Avenue in a Residential B District (Tax Map 30, Lot 32)**

Jim Kiser of Kiser and Kiser spoke as a representative of the applicant. Mr. Kiser stated that they are proposing to construct 2, four-unit buildings (total of 8 units) on a 1.5 acre parcel. The existing house on the site would be a rental unit as well. This would be an un-lotted Residential B District cluster subdivision and governed by Planned Group Development standards because of the two buildings and would be defined as a major subdivision.

Mr. Osborne, town planner stated there are no public improvements with this proposal. The fire lane turn-around between the two buildings is being proposed. Fire hydrant limit is typically 500 feet and the nearest building and this proposal appears to be 800 feet. This is clearly a major subdivision as it exceeds four lots. There are some unresolved issues with the sketch plan. Town Attorney, Tom Russell has been asked to comment if Residential B Cluster standards can be applied to an un-lotted subdivision but we do not yet have that answer. Typically a group development would be limited to 5 dwelling units per acre. Under the cluster standards that can be increased to 8 dwelling units per acre. The question is can that increased standard apply if this is not a lotted cluster subdivision? Mr. Osborne also indicated that as proposed the application would require about 1.6 acres and 1.5 is provided. Thus it appears that the lot is inadequate in size for the number of dwelling units this proposal shows, and requirement for open space which must be provided on-site.

Mr. Kiser acknowledged the issues that Mr. Osborne had identified and indicated that they would be addressed. He also requested that the Board schedule a site visit. A site visit was scheduled April 4<sup>th</sup>, 6 p.m.

Member Syversen made a motion to classify the subdivision as a major subdivision. This was seconded by Member Llerena. The vote was six in favor and none against the motion.

### **3. STAFF REPORT**

Mr. Osborne stated that the comprehensive plan meetings are underway, and would suggest that some of the board members attend these meetings if possible. Mr. Caliendo and Mr. Avery indicated that they were willing to attend those meetings.

**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, January 10, 2007, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Chairman David Caliendo and Members: Tony Llerena, Peter Frazier, 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. ELECTION OF OFFICERS**

Member Syversen made a nomination for Planning Board Chairman naming Member Caliendo, this nomination was seconded by Member Avery. The vote was five in favor of Chairman Caliendo chairing the Planning Board for another year.

Member Weatherbee made a nomination for Planning Board Secretary naming Member Michael Avery, this nomination was seconded by Member Llerena. The vote was five in favor and none against Member Avery being Secretary of the Planning Board for another year.

**2. APPROVAL OF MINUTES (October 11, 2006 and December 13, 2006)**

Member Syversen made a motion to approve the minutes of both meetings as written. This motion was seconded by Member Llerena. The vote was six in favor and none against the motion to approve the minutes as written.

Chairman Caliendo reminded the audience that tonight's meeting is being broadcast live for cable TV, and to please speak into the microphone, starting with your name and address.

**3. NEW BUSINESS**

- A. Site Plan Review – Bangor Cellular Telephone (US Cellular) – Request 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). Public Hearing**

Chairman Caliendo stated that this would be a public hearing and that the board will hear from proponents, then opponents and finally those with general questions and comments. Chairman Caliendo opened the public hearing and asked for a representative of the application to give the board a view of what is being proposed.

Bob Gashlin of Bangor Cellular (US Cellular) spoke briefly about the proposed project. Mr. Gashlin stated that he has appeared in front of the board on several occasions with regard to this project. This new application moves the cell tower site into the trees on the easterly side of the Ammo Park making for a better buffer of the 145 foot cell tower site, and still minimizing the impact on the wetlands.

Mr. Gashlin stated that the lease foot print is 100' x 100' with a right of way access of 800 linear feet. They propose to plant two lines of white pine trees to add to the buffering of the site.

No one spoke in opposition to the proposal.

Robert Laffey of 9 Sophie Lane asked how many towers are located in Hampden.

Mr. Gashlin indicated that there are a total of two free standing towers, and cell carriers on the water tower on the Ballfield Road.

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

Mr. Robert Osborne, the town planner stated that the application appears to satisfy the site plan standards in Article 4.1. and Article 4.22, the telecommunications tower standards. The proposed site is well screened from view with native trees, and the applicant proposed to do some plantings of white pine trees in one area where the existing tree growth does not quite extend 100 feet from the tower area. It was also discussed that a bond must be provided to the Town in the event removal of the tower is required either upon its demise or its discontinued use. Staff would recommend approval with the condition that the town receive a bond for the tower and equipment removal in an amount sufficient to accomplish their removal.

Member Llerena made a motion to approve the site plan with the condition that the Town receives the necessary bond for removal of the tower if necessary. This motion was seconded by Member Syversen. The vote was six in favor and none against the motion to approve.

**B. Sketch Plan Review – Morgan Enterprises (Erlene Morgan) request pre application review of a proposal to construct three townhouse Apartment buildings (two, 8-unit buildings and one, 3-unit building) for a total of 19 dwelling units on a 5.1 acre lot located (on the south side of) 213 Old County Road in a Residential B District (Tax Map 19, Lot 28).**

Chairman Caliendo stated that this is not a public hearing, but the board would hear from anyone wishing to speak, or having general questions and comments after the board hears from the applicant.

Mike Millet, of Millet Associates spoke for the applicant, Morgan Enterprises. Mr. Millet stated that this is a proposed 19-unit townhouse development. He indicated that 38

parking spaces are proposed. The three buildings would be 2-story buildings. These units would be two bedrooms, each unit being approximately 18' x 30' in size.

Mr. Osborne indicated that the board could go ahead and make its determination as to major or minor subdivision. He noted that as more than four dwelling units are proposed this is clearly a major subdivision, with no public improvements.

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

Mr. Osborne stated this development would need site plan approval as well as subdivision approval. This is in a Residential B district, which contemplates multi-family buildings up to 10 units per building and up to 5 units per acre. The proposed location of the buildings on the front half of the lot is dictated by the invert elevation of the sewer in the street. The rear half of the lot would be too low to obtain gravity sewer flow into the sewer in Old County Road.

Mr. Osborne noted that there is a standard in Zoning Ordinance, Article 4.1.7.2 (Standards Governing Site Plan Review) which states:

“The proposed buildings, design, and layout shall, consistent with generally acceptable engineering and architectural design practices, be properly integrated with the terrain and the existing buildings in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location, and height of the buildings and such natural features as soil type, slope and drainage ways”.

He noted that the it would be important for the developer to closely follow this standard and to utilize a design that would tend to minimize the considerable difference in building size and bulk of their proposed buildings and parking lot as they relate to those which are present in the surrounding neighborhood.

The proposed buildings are large and long and the proposed 38 car parking lot is across the street from four front yards of single family dwellings and would not be sympathetic to those yards and residences as currently proposed.

Mr. Osborne read into the record a letter from John and Betty Hickson (letter attached).

The impact of a 19 unit multi-family dwelling was noted. A site visit was set for Saturday morning January 13, 2007 at 9:30 a.m.

Penelope Olson of 233 Old County Road spoke about the safety concerns she has, the impact on the community and the traffic these proposed units would generate. Mrs. Olson also asked about a fire lane and emergency vehicle access to the site. She asked about buffering and the density of this proposal.

Erlene Morgan 398 Old County Old stated that she could have up to 8 dwelling units per

acre on her five acres and she is only asking for a total of 19 units.

Terry Bean of 387 Old County Road stated he lives by Old County Estate, which is Ms. Morgan's other apartment complex, and there are major problems there with snow removal and rain run off and safety issues with children. Adding more apartments in this area will add more problems.

Ernest Boynton of 2 Hamel Ave, on the corner of Old County Road and Hamel Avenue stated that these proposed buildings looks like military barracks, he also wanted to know how this would affect this property value.

Barbara Swett of 203 Old County Road spoke about the density of this proposal. She stated her concerns over the number of vehicle and traffic added to Old County Road. She suggested having only one building with fewer apartments.

Merle Perkins, of 212 Old County Road spoke about the "age of development", the children in the proposed development and safety of the area with increased traffic. Dr. Perkins stated he has lived on Old County Road for 52 years and was unsure what had been buried under ground at the proposed development site.

Robert Laffey, of 9 Sophie Lane spoke, stating his daughter lives on Old County Road. During the day you see mothers walking with small children along Old County Road. He stated his concerns over the increase traffic and the speed of the vehicles on Old County road and what added traffic this proposal would generate.

Mr. Osborne stated that this proposal would have preliminary plan then final plan and site plan approval before it could be started. The driveway access and fire lane would have to meet the standards in both site plan approval and subdivision approval before being approved by the Planning Board.

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

**Staff had nothing to report this month to the board.**

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

**No board members raised any concerns.**

#### **6. ADJORNMENT**

The Planning Board meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Michael Avery, Secretary