

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, December 10, 2008, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

1. APPROVAL OF MINUTES (November 12, 2008)

A motion to approve the minutes of November 12, 2008 as written was made by Member Weatherbee this motion was seconded by Member Blais. Vote was seven in favor and none against the motion to approve the minutes as submitted.

2. NEW BUSINESS

A. Site Plan Review – Penobscot Temperature Controls requests approval for construction of a 2,800 sq. ft. building for service business use located at Nadine's Way, Lot 4 of the Mecaw Road Business Park in a Commercial Service District (Tax Map 10, Lot 49 C) – Public Hearing

Chairman Caliendo opened the public hearing and asked for a representative of the application, then anyone speaking in favor of the application, then opponents, then anyone wishing to make general comments or has questions.

Dana Moody, owner of Penobscot Temperature Controls spoke about his proposal to build a 40' x 70' building. A third would be used as office for staff then rest of the building would be used for storage and garage bays for their vehicles. Lot 4 is served by Bangor Water District, and would have an on-site septic behind the building.

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

Bob Osborne, Town Planner spoke about the proposal stating that this is a Commercial Service District. The proposal is for a 2,800 sq. ft. one story building. The plan also calls for seven parking spaces. The site is serviced by public water but will be served by an on-site waste disposal system. A small corner of Lot 4 is located in Bangor. Mr. Osborne indicated that the plan appears to satisfy the requirements under Article 4.1 Site Plan Review. He indicated that this use will be a very low traffic generator because this type of service business does not attract retail customers and like any contracting business the work is done at the job site for both new and existing buildings.

Exterior lighting was discussed with the applicant.

Member Avery made a motion to approve the site plan with the condition that the lighting

be designed and installed as stated on the site plan and more specifically that a total of five 150 watt lights be placed on the building to illuminate the parking area. This motion was seconded by Member Syversen and the vote was seven in favor and none against.

B. Home Occupation Permit – Jonathan Field requests approval for swimming pool and hot tub sales within an existing portion of their residence located at 480 Western Avenue in a Rural District (Tax Map 8, Lot 32) Public Hearing

Chairman Caliendo opened the Public Hearing. Jonathan Field 480 Western Ave., owner of the business stated they have been in the Bangor area for 3 years and wish to downsize and make it mostly web based business that can be done out of the home. Customers would order supplies on their web site and the product would be delivered to them with one of their trucks. Their larger truck will be kept off-site since one ton vehicles are not permitted with a home based business.

Andrew Colford of 502 Western Avenue spoke in favor of the application stating he is in direct line of sight of the residence and has no problem with it.

Ken Scott 478 Western Avenue spoke in favor of the application.

Ron Turner, 29 Emerson Mill Road, abutter of the proposal, had questions about the noise, hours of operation and traffic.

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

Mr. Osborne spoke about the application. Mr. Osborne stated that the applicant proposes to use a building that currently houses an indoor pool as their showroom. The applicant agrees not to exceed ten vehicles daily.

There would be one other employee other than the applicant's wife and himself. There would be a sign on the mail box and one on the building with the indoor pool. There would be less than 10 trips a day. The hours of operation would be 9 a.m. to 5 p.m. with no Sundays. Would not be creating noise and traffic would be minimal.

Member Weatherbee made a motion to approve the Home Occupation Permit this was seconded by Member Avery. The vote was seven in favor and none against.

C. Discussion Item – New State Shoreland Zoning Rules – Public Information Discussion if What is New and How it Will Change the Current Shoreland Zoning Rules.

Mr. Osborne led a discussion about the new State Shoreland zoning Rules.

3. STAFF REPORT

4. BOARD MEMBERS CONCERNS

5. ADJOURNMENT

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

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN
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MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, November 12, 2008, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

1. APPROVAL OF MINUTES (October 08, 2008)

A motion to approve the minutes of October 8, 2008 as written was made by Member Weatherbee this motion was seconded by Member Llerena. Vote was six in favor and none against the motion to approve the minutes as submitted.

2. OLD BUSINESS

- A. Conditional Use/Site Plan Review – HAMPRA, LLC requests approval for construction of a 14,700 sq. ft. retail pharmacy with a drive-thru window located at 65 Western Avenue in a Business B District (Tax Map 31, Lot 1 & 1A) – Previously continued.**

Chairman Caliendo asked for a motion to remove this item from the table.

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

Jeff Fitzgerald of B L Companies spoke as a representative of the application.

Mr. Fitzgerald stated that the stormwater information requested by the board has been addressed. A pre-application Stormwater Permit meeting with the DEP, for the proposed wet pond has taken place. They proposed interconnection between their proposed parking lot and the parking lot of Edwards Shop and Save. They left a message with Mr. Edwards and are waiting for a reply from him and Hanaford.

Tom Gorrill, with Gorrill Palmer, spoke about the traffic impact study and proposed widening and improvements to Western Avenue. One driveway on the site is proposed and the interconnection (between Edwards Shop n' Save). They do have a MDOT traffic movement permit, with 2 of the conditions: a separate left and right turning lane going out of the site, and separate left turn lane on Western Avenue. Mr. Gorrill addressed the need for those improvements to Western Avenue explaining that this will improve the free flow of traffic as documented in the traffic analysis in direct response to Ms. Marie Leyro's letter (attached).

Mr. Osborne spoke about the proposed application. He stated that the traffic study document is addresses the need for the proposed off-site highway improvements. The building elevation drawings meet the standards of the Business B Districts and it seems to

fit in the area. The drainage questions have been addressed to staff's satisfaction. He recommended that a condition be placed on the conditional use in regard to the sidewalk that is depicted on the Western Avenue Improvement Plan connecting the pharmacy to the sidewalk at the street be added to the site plan with construction details for the handicapped access, and the proposed sign not exceed the dimensional standards of the Business B District.

Member Avery made a motion to approve the conditional use with the conditions that the free standing sign does not exceed the maximum standards for the district, and that the plan shows the sidewalks as depicted on the Western Avenue Improvements Plan and the hours of operation be from 8 a.m. to 9 p.m. This motion was seconded by Member Llerena. This motion was not voted on.

There were discussions with the Board Members and the applicant about the hours of operation.

Member Avery re-stated his motion.

Member Avery made a motion to approve the conditional use under Article 4.2 with the conditions that the free standing sign does not exceed the maximum standards for the district, and that the plan shows the sidewalks as depicted on the Western Avenue Improvements Plan. This motion was seconded by Member Weatherbee. The vote was six in favor and none against the motion.

Member Avery made a motion to approve the site plan under Article 4.1 as submitted Member Weatherbee seconded the motion. The vote was six in favor and none against the motion.

A letter was received from Marie Leyro of 43 Western Avenue with signatures from the neighborhood. (attached). The letter asked questions concerning the proposed traffic improvements and was also signed by a number of the adjoining property owners.

3. STAFF REPORT

Mr. Osborne stated that the comp plan is in its final stages of the draft. It will be sent to all the town staff, then out to the various board committees. The Town of Hampden now has a Tree Board. They have been working on a timber harvesting plan for improvements to Dorothea Dix Park. At some point we will share that document with the planning board for your comments.

4. BOARD MEMBERS CONCERNS

No concerns were stated by the members of the Planning Board.

5. ADJOURNMENT

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

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, October 8, 2008, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

1. APPROVAL OF MINUTES (August 13 & September 10, 2008)

A motion to approve the minutes of August 13 and September 10, 2008 as written was made by Member Llerena this motion was seconded by Member Frazier. Vote was four in favor and none against the motion to approve the minutes as submitted.

2. OLD BUSINESS

- A. Major Subdivision Preliminary and Final Review – S.E. MacMillan Co., Inc. requests to amend the previously approved five-lot, single-family Riverview Subdivision proposing adjustments to the drainage and lot lines to address as-built discrepancies with the previously approved plan. The project is located at 571 Main Road South in a Rural and Resource Protection District (Tax Map 3, Lots 58 to 58-5). Continued.**

This item was moved to the end of the agenda at applicant's request.

Acting Chairman Weatherbee asked for a motion to remove this item from the table.

Member Llerena made a motion to take this item off the table and this motion was seconded by Member Nelson. The vote was four in favor and none against this motion.

Jim Kiser of Kiser and Kiser spoke about the proposal. The lot at the end of the old cul-de-sac has been adjusted the conditions are stated on the recording plan for development of the lot at the end of the new cul-de-sac.

Mr. Osborne stated that staff met with the applicant's agent and discussed the issues they had with the subdivision as constructed. Mr. Kiser's plan now proposes adjustment to the drainage and lot lines, an additional test pit has been added and the soils are suitable, final paving is proposed to complete the street surface and some of the ditch rows will be regarded to correct slopes that exceed the ordinance standard. It should be noted that the plan also calls for a site plan for construction of the riverside lot at the end of the new cul-de-sac. This is provided to make certain that development of that steep slope on the lower side of the road does not cause either a stability or drainage issue. The staff has received a letter from the Hampden Water District indicating that they are satisfied with the water utilities as constructed. Public works is satisfied with the revised plan. Staff recommends approval of the revised plan.

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

3. NEW BUSINESS

A. Conditional Use/Site Plan Review – HAMPRA, LLC requests approval for construction of a 14,700 sq. ft. retail pharmacy with a drive-thru window located at 65 Western Avenue in a Business B District (Tax Map 31, Lot 1 & 1A) – Public Hearing

Acting Chairman Weatherbee opened the public hearing, asking to hear from proponents, then opponents, then anyone with questions or comments.

Eric Labatte, project manager for BL Companies, Meriden Connecticut, spoke for the applicant. Colby Clendenning the co-applicant was present for tonight's meeting as well. Mr. Labatte showed a site plan with the proposed Rite Aid building, parking lot and the drive thru for the pharmacy. He stated that the barn, house and shed on the property would be torn down. Mr. Labatte spoke about the stormwater and the pending stormwater permit needed from DEP. Mr. Labatte stated that the entrance is designed for a 62 foot wheel base truck to get in and out of the site. The lighting and landscaping are shown on the site plan. The architect Scott Blasick will go over that.

Tom Gorrill, with Gorrill Palmer, spoke about the traffic study and proposed widening of Western Avenue. He spoke about the truck getting in and out of the site the drive thru pharmacy. Mr. Gorrill stated that 140 trips at peak hour is what the traffic study showed.

A Traffic movement permit "Draft" from the DOT was received. A short left turn lane into the site and crosswalk, and sidewalks are proposed along with an interconnection that could be made with Edwards Shop n' Save was shown on the site plan.

Scott Blasick architect for this building explained the building's plans and layout.

Bruce Currier, HAMPRA, LLC also spoke about the project.

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

Mr. Osborne spoke about the proposed application. He indicated that the 7.5 acre site was larger than what is required for this development and that there is some potential for additional development on the easterly side of the site. The southerly end of the site is known to be wetlands as indicated on the plan. Thus, the site development avoids any wetland impact by staying to the front of the site. A wet pond is proposed to the rear of the development to accommodate stormwater. Mr. Osborne stated that a MDOT traffic permit is required because the use generates over 100 trips in the peak hour. He indicated that he has just received a draft copy of the traffic permit and we now know what

off-site improvements are required by MDOT. He noted that the board was not provided with copies of two documents that he would consider fundamental to the review of the project: the drainage analysis and the traffic analysis. He indicated that he would recommend that the board go as far as they can but should table the item pending review of those documents.

Member Frazier asked about the interconnection with the supermarket.

Mr. Labatte stated that the possible interconnection is shown on the site plan but they had not approached the supermarket about this proposed connection.

Mr. Labatte also spoke about the proposed lighting stating that six single head lights with cut off shield on them are being proposed.

Bruce Currier stated that the hours of operation would be from 8 a.m. to 9 p.m.

Drainage was discussed with the applicant.

They are looking to break ground around January to March 2009 and opened around August 2009.

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

Marie Leyro of 43 Western Avenue asked to be heard about the proposed Rite Aid. She asked why the need for a Rite Aid store when we have Edwards Shop n. Save.

B. Site Plan Review – Garry Gilpatrick requests approval for construction of a 9,600 sq. ft. funeral home located at 330 Coldbrook Road in an Interchange District (Tax Map 9, Lot 35A) – Public Hearing

This item has been tabled to a later date at the applicant's request.

4. STAFF REPORT

5. BOARD MEMBERS CONCERNS

6. ADJOURNMENT

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

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, September 10, 2008, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

1. APPROVAL OF MINUTES (July 23, 2008)

A motion to approve the minutes of July 23, 2008 as written was made by Member Syversen this motion was seconded by Member Llerena. Vote was seven in favor and none against the motion to approve the minutes as submitted.

2. OLD BUSINESS

- A. Site Plan Review – Vaughn Thibodeau & Sons requests for an amendment of their approved quarry plan to provide external drainage of the pit. The project consists of pumping water from the pit to several stone berm level spreaders and associated storm water buffers located on the north side of the site. The proposed drainage project is considered an accessory use or structure and is not an expansion of the primary use. The project is located at 1 Ammo Park Drive in an Industrial 2 District (Tax Map 10, Lot 61) – Public Hearing *previously tabled.***

Chairman Caliendo opened the public hearing, asking for someone for the applicant to speak and anyone in favor of the application, then opponents, then anyone with general questions or comments.

James Lowery of Sebago Technics, Inc. spoke on behalf of the applicant. Mr. Lowery stated that the proposal is for pumping the water that collects at the bottom of the quarry. The water would be pumped up the side of the pit at approximately 200 gallons for minute for each pump there would be three pumps. The water would be directed to the berm level spreaders than out to the ditch drainage system along side I 95. There would be no net increase in the rate flow from a storm event. MDOT has looked at the rate flows and volume.

Mr. Lowery also stated that the applicant proposes to do stone crushing on site.

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

Mr. Osborne stated that the original approval was approved with the quarry draining internally. The internal drain does not work well. The town consultant engineer has looked at the proposal and is okay with what they are proposing to do. He indicated that the

proposal for external drainage is not an expansion of the primary use and is strictly accessory to the use. He indicated that the drainage proposal was discussed with the Town Attorney.

Mr. Osborne indicated that applicant's narrative discussed stone crushing but indicated that was not advertised as part of this application. He indicated that the zoning district no longer allows mineral extraction and that he would consider stone crushing on site is an expansion of use which would not be permitted. He noted that crushing of stone on site was not permitted with the previously approved site plan. He indicated that it would be better for the board to seek the town attorney's opinion on stone crushing and not tie it to this proposal. He recommended that the board approve the proposal for external drainage only.

David Lakeman owner of Vaughn Thibodeau and Sons stated that the water being pumped out of the pit would be a smaller amount of water distributed over a longer period of time so the water would be at a slower pace than a normal storm event would produce.

It was made clear by the Members of the Board that the DOT must sign off on this project.

Chairman Caliendo clarified that the Board would only consider the external drainage proposal tonight and that applicant could come forward with stone crushing on a new application if they so choose.

Member Syversen made a motion to approve the site plan review with the condition that MDOT is satisfied with the drainage rate and the town received a letter from MDOT in that regard the motion was seconded by Member Weatherbee. The vote was seven in favor and none against this motion.

3. NEW BUSINESS

A. Site Plan Review – Nathan and Gretchen Fennelly requests of a commercial greenhouse located at 296 Main Road South in a Rural District (Tax Map 3, Lot 22) – Public Hearing

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

Oscar Emerson of Down to Earth Professional Land Services spoke for the applicants. He stated that the proposal is for a 30' x 80' greenhouse with a post and beam shop (17,000 sq. ft.) on 7.9 acres, with a 14 lot gravel parking lot. Driveway entrance permit is pending at the DOT.

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

Mr. Osborne stated that this is a modest proposal in a rural district. 2 primary uses, one being the residence and the other the greenhouse with a shop. The proposed driveway is

20 feet wide. Mr. Osborne stated that the sight distances are acceptable. The proposed sign is near the street (Main Road South). He stated that the rules both State and Town for the sign may be different than what is being proposed. The sign may need to be set back more than the 8 feet and the square footage size of the sign are smaller in the rural zone.

The proposed driveway location was discussed. It appears to be about 10 feet from the neighbor's property line. There were some concerns over the possible snow removal being placed on the abutting property, and the driveway being moved 10 feet to the south. After some discussion it was decided that the driveway location should stay as depicted on the site plan.

Member Syversen made a motion to approve the site plan with the condition that the sign meet the local and state codes this motion was seconded by Member Weatherbee. The vote was seven in favor and none against the motion to approve the amendment.

B. Major Subdivision Preliminary and Final Plan Review – S.E. MacMillan Co., Inc. requests to amend the previously approved five-lot, single family Riverview Subdivision proposing adjustments to the drainage and lot lines to address as-built discrepancies with the previously approved plan. The project is located at 571 Main Road South in a Rural District (Tax Map 3, Lot 58 to 58-5). – Public Hearing

Chairman Caliendo opened the public hearing.

Jim Kiser spoke for the applicant. Mr. Kiser stated that the previously approved plan showed the proposed cul-de-sac with a drainage ditch on the side and depressed in the center to collect water. They constructed the cul-de-sac raised in the center so that the water sheet flows off the cul-de-sac and the drainage ditch and associated fill area on the river side was not constructed. Lot 58-A had the frontage adjusted, due to the old cul-de-sac being discontinued. The lot lines changed and a drainage easement is shown on the plan. Lot 3 and 5 were proposed with ditching to be placed on fill area but this area also was not constructed. Instead lots 3 and 5 are proposed for approval as constructed without the ditch and for sheet flow to go across the lots. He noted that during construction and grading of the road some inspections have been done, and others have not. He indicated that the drainage design proposed was more consistent with what the State has been promoting in recent years.

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

Mr. Osborne indicated that there are proposed alterations to the previously approved drainage and construction design and that the town's consultant engineer has been on site, but has not giving a report on their findings yet.

A site visit was suggested.

Grading and easements were discussed.

There are discrepancies with what was approved and what was actually built for the road.

Member Avery asked for an expansion of note # 7.

A test pit needs to be shown on 58A.

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

4. STAFF REPORT

5. BOARD MEMBERS CONCERNS

6. ADJOURNMENT

The Planning Board meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, August 13, 2008, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Chairman David Caliendo and Members: Michael Avery, Andrew Nelson, Peter Frazier, Peter Weatherbee, Tony Llerena, Mort Syversen 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 (June 11, 2008)

A motion to approve the minutes of June 11, 2008 as written was made by Member Weatherbee 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. Major Subdivision, Preliminary Plan – Penobscot Indian Nation requests review of a 24 acre parcel with construction of 80 dwelling units (20 four-unit buildings located on the west side of Mayo Road) on land situated behind 155 through 191 Mayo Road, in a Residential B District (Tax Map 30, Lot 27) – Public Hearing

Chairman Caliendo stated that staff has requested that the Board convene the Comprehensive Plan Committee and asked Mr. Osborne to explain.

Bob Osborne, Town Planner explained that the purpose of the meeting would be to review what the comprehensive plan says concerning development in the Four Mile Square, Mayo Road, multi-family development and traffic management. He indicated that at prior Board meetings both the general public and members of the Board had suggested there were specific text in the Comprehensive Plan concerning these topics but that staff could not substantiate them. He suggested that the comprehensive plan committee could review the plan on those topics and any other that they might choose and report back to the Planning Board. He indicated that the general public was welcome to attend such a meeting.

Chairman Caliendo agreed to the Comprehensive Plan Committee meeting. A special meeting was scheduled for Tuesday August 19th at 6 p.m.

Chairman Caliendo indicated that all interested parties and land abutters will be re-noticed when this item is next scheduled for the Board to hear.

Member Avery is not voting on this item.

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

3. NEW BUSINESS

A. Minor Subdivision Plan – Adam Piccirillo requests review to amend the Fowler Road Estates Subdivision by splitting lot 83F, a 7 acre lot into two house lots. The subdivision is located on the north side of Fowler Road, approximately 1,500 feet from Shaw Hill Road in a Rural District (Tax Map 7, Lot 83F) – Public Hearing

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

Adam Piccirillo spoke about his request to amend the Fowler Road Estates Subdivision. He stated that the 7 acre parcel will be split into two house lots in accordance with the zoning ordinance. This is a split of a lot in a previously approved subdivision.

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 meets the submission requirements including the septic design for the new lot and that staff recommends approval of the amendment to the Fowler Road Estates subdivision.

Member Weatherbee made a motion to approve the amendment to Fowler Road Estates Subdivision, the split of the 7 acre parcel into two 3.5 acre parcels. This motion was seconded by Member Llerena. The vote was eight in favor and none against the motion to approve the amendment.

B. Site Plan Review –KJK Wireless for New Cingular Wireless PCS, LLC requests review of a microcell wireless telecommunications facility. The project consists of 6 ft. tall antennae on the top of the Ballfield Road water tower and a utility hut located at the base of the tower. The project is located at 99 Ballfield Road in a Residential A District (Tax Map 10, Lot 4). – Public Hearing

Chairman Caliendo opened the public hearing.

Robert Gashlin spoke as a representative of KJK Wireless or AT&T Mobility. Mr. Gashlin went over the site plan for the Planning board. Cam Torrey general Manager of the Hampden Water District was in the audience for tonight's meeting. The proposed tower will go on the top of the water tower. Bob Gashlin explained the procedure for installing the six foot antennae on the water tower. There will be a diesel back up generator on site. The antennae and conduit will be painted to match the water tank. The site will have lighting only at the entrance to the proposed utility hut where the generator is housed.

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

Mr. Osborne indicated that the site plan application was for a microcell wireless telecommunications facility which is a defined term in the Zoning Ordinance and is generally exempt from the article that regulates cell towers. He indicated that this is the third such microcell facility that has been proposed for the water tower. This facility is slightly different in that the antennae are on top of the water tower where as the others had been attached to the sides of the tower/tank. He indicated that the plan appears in order and staff recommends approval of the plan.

Member Avery made a motion that the site plan meets the standard (4.1) for approval this motion was seconded by Member Syversen. The vote was eight in favor and none against the motion to approve the site plan.

C. Site Plan Review – Vaughn Thibodeau & Sons requests for an amendment of their approved quarry plan to provide external drainage of the pit. The project consists of pumping water from the pit to several stone berm level spreaders and associated stormwater buffers located on the north side of the site. The proposed drainage project is considered an accessory use or structure and is not an expansion of the primary use. The project is located at 1 Ammo Park Drive in an Industrial 2 District (Tax Map 10, Lot 61). Public Hearing

Chairman Caliendo stated that this item has been postponed at the applicant's request.

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

D. Site Plan/Conditional use – St. Gabriel – St. Matthews Church requests review of a proposed 49 space expansion of their parking lot and a modest relocation of their driveway entrance to match up with the supermarket across the street. The project is located at 70 Western Avenue in a Residential A District (Tax Map 30, Lot 14 & 15, Lot 81).

Chairman Caliendo opened the public hearing.

Shawn Theiss of CES spoke as a representative of the applicant. He stated that this is an expansion of the existing parking lot of 50 additional parking spaces, along with the re-alignment of the current driveway, and added lighting.

Ed Armstrong spoke in favor of the application, stating the need for the expansion of the parking area for safety reasons.

Member Avery recused himself from this item.

David Rush of 4 Constitution Avenue spoke about the expansion, and the need due to safety issues.

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

for staff comments.

Mr. Osborne indicated that the plan appears to meet the requirements for both submission and the standards for approval for both conditional use and site plan. He indicated that staff recommends approval of the application.

Chairman Caliendo called for a motion on the conditional use and then the site plan.

Member Syversen made a motion to approve the conditional use as submitted this was seconded by Member Blais. The vote was seven in favor and none against.

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

E. Subdivision Sketch Plan – Linda Williams requests review of a 36.7 acre lot with 14 two-family buildings (28 dwelling units) and associated road and driveways. The subdivision is located on the south side of Kennebec Road, approximately 2,000 feet east of Monroe Road in a Rural District and Shoreland Area (Tax Map 5, Lot 81).

Chairman Caliendo opened the public hearing.

Jim Kiser of Kiser and Kiser spoke about the application, he stated that Linda Williams is present for tonight's meeting and can answer any questions that the Board may have for her.

Mr. Kiser stated that this plan is similar in nature to the previously submitted plans, but the 5 acre option that they were exploring has run out with no intentions of renewing that option. Mr. Kiser suggested that the Board may want to do a site walk since it has been a year from the last one.

The applicant is proposing condo unit with private road, septic systems and water wells to service the units. Each unit to be three bedrooms, some pump stations will be needed.

Some of the development is in the Shoreland zone.

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

The Board Members had some concerns over the septic design/systems for this development. Board member also indicated that they would prefer to see the development pulled back from the shoreland area wherever feasible.

Date of the site visit is to be determined.

4. STAFF REPORT

A meeting was schedule for August 19 at 6 p.m. for the comp plan committee to meet and review the 2001 edition of the comp plan.

5. BOARD MEMBERS CONCERNS

6. ADJOURNMENT

The Planning Board meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN
JOINT
TOWN COUNCIL CHARTER AND ORDINANCE COMMITTEE/
PLANNING BOARD
MINUTES**

The meeting of the joint Hampden Town Council Charter and Ordinance Committee and Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, July 23, 2008, at the Hampden Municipal Building by Charter and Ordinance Committee Chairman Matt Arnett.

Attendance: Charter and Ordinance Committee members Matt Arnett, Chairman, Shannon Cox and Andre Cushing and Planning Board members David Caliendo, chairman, Tony Llerena, Andrew Nelson, Peter Frazier , Peter Weatherbee, Mort Syversen and associate Member Thomas Blais.

Also in attendance: Town Manager Susan Lessard, Town Planner Robert Osborne, School Officials Peter Bezinis, Norm Prouty, David Grenier, WBRC architect Mike Pullen and Bob Gilberti.

1. NEW BUSINESS

A. Zoning Ordinance Text Amendment – Town of Hampden requests review of an amendment to the Article 3.8 Residential B District to permit building heights of up to 60 feet for institutional buildings with additional setbacks.

On July 23, 2008 the full Hampden Planning Board and Town Council Charter and Ordinance Committee reviewed the subject referred Zoning Ordinance amendment. After discussion the two groups recommended a change that would make institutional buildings over 35 feet in height a conditional use in the Residential B District. This was thought to be consistent with a similar provision in the Industrial Park District. They also recommended that references to public school be deleted from the proposed Special District Regulation that would allow institutional buildings in excess of 35 feet in height.

Planning Board Member Tony Llerena made a motion that the Planning Board make a recommendation of “ought to pass” for the amendment as revised. Mort Syversen seconded the motion. Based on those changes the full Planning Board voted unanimously to recommend “ought to pass” for the proposed zoning text amendment.

Committee Member Andre Cushing made a motion that the Charter and Ordinance Committee make a recommendation of “ought to pass” for the amendment as revised. Member Shannon Cox seconded the motion. Based on those changes the Charter and Ordinance Committee voted unanimously to recommend “ought to pass” for the proposed zoning text amendment.

The draft amendment establishes a maximum height limit for institutional buildings in the Residential B district of 60 feet. It follows the precedent established in the Interchange District for the buildings with heights in excess of 35 feet by placing additional setback requirements on front, side and rear yard setback areas. Thus, at the minimum setback line the building can be 35 feet tall, and for each foot taller the building is proposed it must be set back one additional foot.

2. ADJOURNMENT

The meeting adjourned at 7:40 p.m.

Respectfully Submitted,

Matt Arnett, Chairman

David Caliendo, Chairman

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, June 11, 2008, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Chairman David Caliendo and Members: Michael Avery, Andrew Nelson, Peter Frazier, Peter Weatherbee 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 (May 14, 2008)

A motion to approve the minutes of May 14, 2008 as written was made by Member Weatherbee 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/Conditional Use – Jeremy Williams requests review of a Customary Rural Business Use (wood shop) in an existing 2000 sq. ft. building located at 1334 Carmel road North in a Rural District (Tax Map 4, Lot 16-D). – Public Hearing

Chairman Caliendo opened the public hearing, stating the proponents, then opponents, then anyone with general questions or comments should come up to the podium and state their name for the record.

Jeremy Williams spoke about his proposed project to do woodworking to manufacture kit plane parts at 1334 Carmel Road North address. He showed a power point presentation showing the four basic designs that he proposes to manufacture. The shipping create will be 13 feet long and about 12 – 14 inches deep. Shipping would be once a week. The equipment will be basic tables and jigs for cutting out the patterns. He is proposing three employees. Hours of operation will be Monday to Friday from eight to five.

Valeria Webster of 1325 Carmel Road North spoke in favor of the application.

Jeff Russell of 16 Sunset Ave, one of the principles in Mr. Williams operation also spoke in favor of the application.

Public hearing was closed by Chairman Caliendo.

Bob Osborne the town planner spoke about the rural customary business. The owner and operator of the business must live on site and Mr. Williams does live at 1325 Carmel Road North. It is located on a state road, has ample parking. Staff would recommend approval of the site plan and conditional use.

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

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

B. Site Plan/Conditional Use – Lynn Hughes requests review of timber harvesting activities in a Resource Protection District (shoreland zone) located at 81 Papermill Road (Tax Map 9, Lot 16-61) – Public Hearing

Thomas Nelson, Vice President of Prentiss and Carlisle, Bangor Operations spoke in favor of the application. Mr. Nelson stated that Jon Scott a forester with Prentiss and Carlisle is working with the landowner on the management plan. He stated that there will be no large openings in the tree canopy, but just light thinning of trees, and improving the wood stand. They would be using the existing driveway with a side road to land the trees are in. Prentiss and Carlisle are professional foresters and follow all the State, DEP and local guideline and rules.

Public hearing was closed.

Mr. Osborne stated that this is a minor timber harvest in the shoreland and resource protection area. He indicated that the application appears complete and that staff recommends approval of the site plan/conditional use application.

Mr. Nelson stated that the area would be flagged both the shoreland and resource protection.

Hours of operation would be from about 6 a.m. to 4:30 p.m. with minimal equipment use possible. It will be about a four week operation and will be during dry conditions or frozen conditions.

It was suggested by the Board that the Code Enforcement Officer take a look at the site after the trees have been marked.

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

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.

4. STAFF REPORT

A meeting was schedule for June 25th at 6 p.m. – ordinance committee meeting for a recent zoning text amendment referred to the Board by the Town Council. Please send out reminder notices.

5. BOARD MEMBERS CONCERNS

6. ADJOURNMENT

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

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, May 14, 2008, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

1. APPROVAL OF MINUTES (April 16, 2008)

A motion to approve the minutes of April 16, 2008 as written was made by Member Syversen this motion was seconded by Member Avery. Vote was seven in favor and none against the motion to approve the minutes as submitted.

2. OLD BUSINESS

A. Major Subdivision, Preliminary Plan – Penobscot Indian Nation requests review of a 24 acre parcel with 80 dwelling units (20 four-unit buildings located on the west side of Mayo Road) on land situated behind 155 through 191 Mayo Road) in a Residential B District Tax Map 30, Lot 27). – Public Hearing Continued from prior meeting.

Chairman Caliendo opened the public hearing, stating that proponents, then opponents, then anyone with general questions or comments should come up to the podium and state their name for the record. Michael Avery (planning board member) recused himself from this item.

Noel Musson PE, with CES spoke as a representative for the applicants. He stated that they are looking for approval of a waiver for the width of the right-of-way. The town standards stated that the width be 66 feet wide, the lot in question has 65.19 feet of frontage at Mayo Road and widens out to the required 66 feet about 100 feet back. Without a waiver of this standard, they are not sure if they could proceed. The Tribe tried to purchase the needed footage but were not able to do so.

Chief Kirk Frances, Penobscots Tribal Chief, spoke in favor of this project. He indicated that they had contacted both of the adjoining landowners seeking to acquire the land necessary for the right-of-way but were not successful in doing so.

Everett Poll of 199 Mayo Road spoke against the project. He stated several concerns, the road frontage requirement, the safety issues that adding this many units would create, sidewalks, and public utilities and further development of Mayo Road. Mr. Poll also had questions over the boundary survey, whether a new one had been done.

Robert Grindrod of 110 Town Farm Road, stated that he is employed with Montreal, Maine & Atlantic Railway out of Hermon, and MM&A had not been notified to his knowledge

about this proposal. Coincidentally he was notified as his residence is close by. He indicated that the railroad is cautious about residential developments is close proximity to their tracks such as this development proposal.

Bob Osborne read a letter into the record submitted by the Drake family, they are in opposition the project. (letter attached) Their concerns centered on traffic safety.

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

Town Planner Bob Osborne apologized for the unsuccessful notification of Montreal, Maine & Atlantic Railways, the proper information will be added to our list for future notices.

Mr. Osborne pointed out several areas that should be discussed: the boundary survey, the vehicle access, the right of way width needing a waiver, and the travel way. He indicated that Mr. Avery could clarify what steps were taken to determine if the Plisga and Day survey is adequate and current. He indicated that the request for a waiver under Article 600 is not precedent setting as the Board has previously granted waivers concerning the construction of streets. The difference here is that the waiver is for land area rather than variation from a geometric design. The total land area lacking in the right-of-way is less than one foot in width, and all necessary improvement easily fit in the 65 remaining feet as supported by the exhibits provided by applicant. Staff recommends the waiver. The test of the waiver is that the Board's granting of a waiver of the regulation does not have the effect of nullifying the purpose of the subdivision regulation or other regulations which it clearly does not. The test of the waiver is not about exhausting all possible alternatives to the waiver.

Member Syversen asked about the neighbors being contacted about purchasing some 8 inches needed for the road right of way.

Chief Frances had contacted the abutting neighbors with written certificated, registered letters, and then followed up with a phone call.

Mr. Ed Gray of 191 Mayo Road stated he had not been approached on purchasing any land from him, but he is at the smaller road frontage site, as a land abutter, (where the sewer access is proposed) not the proposed site for the road right-of-way.

Tim Love adviser to Chief of Council stated the steps they had taken to contact the land abutters. The two land abutters were contacted. Letters were sent and follow up phone calls were made. He personally spoke to both abutters and in both cases their request to purchase the necessary land area was not successful.

Mike Avery Land surveyor with CES stated that he had acquired a copy of the survey by Plisga, and Day, located all the monuments, and sees no reason to question the survey.

Noel Musen requested that the waiver be granted in order to revise the plan and move forward with the project.

Member Weatherbee made a motion to grant the waiver for the road width right-of-way this was seconded by Member Nelson. The vote was 5 in favor and one against the motion. Member Weatherbee, Member Llerena, Member Syversen, Member Nelson, and Chairman Caliendo voted in favor, Member Frazier voted against granting the waiver.

The Board discussed the plan in general terms and some concerns were raised concerning the scale of the proposal and the traffic issues that were associated with such a large development in this location. Questions were raised about the Comprehensive Plan and what it indicates concerning development on Mayo Road.

Mr. Musen asked what size development would be acceptable for this location.

Chairman Caliendo continued the item to a future meeting.

3. NEW BUSINESS

A. Site Plan Revision – Vaughn Thibodeau and Sons requests of the previously approved plan for a quarry to revise the drainage design in order that the quarry drain externally. The site is located at 1 Ammo Park in an Industrial 2 District (Map 10, Lot 61). Public Hearing

At the request of the applicant, this item was tabled to a future planning board meeting.

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

4. STAFF REPORT

Stream clean up is this Saturday May 17th.

5. BOARD MEMBERS CONCERNS

6. ADJOURNMENT

The Planning Board meeting adjourned at 8:15.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, April 16, 2008, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Chairman David Caliendo and Members: Michael Avery, Tony Llerena, Andrew Nelson, Peter Frazier, Mort Syversen 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 (March 12, 2008)

A motion to approve the minutes of March 12, 2008 as written was made by Member Syversen this motion was seconded by Member Avery. Vote was seven in favor and none against the motion to approve the minutes as submitted.

2. NEW BUSINESS

A. Major Subdivision, Final Plan Site Plan Review – Jeffrey J & Travis Fearon requests review of Areys Corner Subdivision, a 9.1 acre, two-lot, 12 dwelling unit, cluster subdivision by construction of five two family dwellings and a two-lot division to divide the existing two-family residence from the new development located at 166 Kennebec Road in a Residential B District Tax Map 39, Lot 23). – Public Hearing

Chairman Caliendo opened the public hearing, stating the proponents, then opponents, then anyone with general questions or comments should come up to the podium and state their name for the record.

Jim Kiser of Kiser and Kiser spoke as a representative of the applicant. Ed Russell attorney for the Fearon's is also present for tonight's meeting, also present is Jeff Fearon.

Mr. Kiser stated that this project had two conditions of preliminary approval in October 2007, one being the pump station, and the landscaping buffer, along with a meeting of the land abutters and neighbors.

The Town Council has accepted the pump station and condo documents.

A letter was provided by the town's attorney, Tom Russell. The MDOT entrance permit has been issued. There are 11 units proposed. The existing house will be converted back to a single family dwelling.

Mr. Kiser stated that they did meet with the land abutters and neighbors.

David Waltz of 28 Mayo Road spoke in opposition. He stated that the water will be draining directly onto his property. The proposed ditch will be releasing the water and the water flow will be coming across his property. He also asked what they were doing about the snow and snow plowing.

Amy Bennoch of Kennebec Road stated that she is in opposition to the project as well. She asked

about the cedar hedge that had been proposed. She runs a day care and was told at the meeting with the applicant that a hedge buffer would be planted that is not on the submitted plans.

Debbie Sleight of 160 Kennebec Road spoke in opposition to the project. She stated that the visual barrier that is proposed of six, 6-foot white pines is not sufficient. Who is going to maintain these trees, when are they going to be planted. She feels that 10 homes put in the field next to their back yard is too dense a development for that area.

Tim Woodcock attorney with Eaton & Peabody, representing Mr. & Mrs. Sleight stated the conditions under which the preliminary plan was approved. The good faith effort made by the applicant in working with the neighbors does not seem adequate. It was Mr. Kiser that stated he did not think they needed another meeting with the neighbors. What about the number of trees being planted and the size of these trees?

Public Hearing was closed.

Chairman Caliendo asked to hear from the Town Planner.

Mr. Osborne stated that the existing dwelling will be a single family dwelling making a total of 11 units. The buffering, water and drainage was discussed.

The sewer pump station will be privately owned and maintained, and must have annual inspections. Tom Russell, the town's attorney, was satisfied with the documentation on this project. There will be no expansion unless approved by the planning board and the town council.

Mr. Kiser addressed some of the questions that have come up. Mr. Kiser stated that a traffic permit of the site was done. The site distances was okayed by MDOT.

Mr. Osborne read into the record two letters from neighbors that supported the project. (attached) Mr. Osborne stated that staff would recommend approval with conditions. (town attorney's recommendations)

Jim Kiser addressed the drainage questions that were posed. He stated that the pre and post run off are within the guideline used by the town. Mr. Kiser explained to the board the plantings of the white pines proposed on the site plan. He also addressed the development density.

The minutes of the September 2007 minutes were reviewed.

Member Avery made a motion that the site plan meets with the requirements, this was seconded by Member Syversen. The vote was seven in favor and none against the motion.

Member Avery made a motion that the final subdivision plan with conditions (the 4 points in Tom Russell's letter) Member Nelson seconded this motion. The vote was seven in favor and none against the motion to approve the final plan subdivision.

- B. Zoning Ordinance Text Amendment – Town of Hampden request to amend 5.3.1.8 regarding the Building Permits section of the Ordinance to clarify at what stage of completion of subdivision construction the Code Enforcement Officer may issue a building permit and to amend 5.3.1.9 to clarify that no building permit may be issued until either a subsurface wastewater disposal permit or a sewer hook-on permit has been secured by the applicant – Referral to Ordinance Committee.**

Chairman Caliendo asked to hear from the Town Planner.

Bob Osborne stated that this is a house keeping item. The Ordinance Committee met on this item.

Andre Cushing 372 Western Ave. had some concerns over the language and the proposal. Mr. Cushing went on to state the requirements and the difficulties as a developer this change would cause.

The item was tabled and sent back to committee for another look.

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

3. STAFF REPORT

Mr. Osborne stated that Linda Williams will be back with their proposal on the Kennebec Road. The Members suggested setting up another site visit since so much time as passed since they last seen this proposal.

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, March 12, 2008, at the Hampden Municipal Building by Chairman David Caliendo.

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

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

1. APPROVAL OF MINUTES (January 16, 2008)

A motion to approve the minutes of January 16, 2008 as written was made by Member Syversen this motion was seconded by Member Weatherbee. Vote was six in favor and none against the motion to approve the minutes as submitted. (It was noted that no February, 2008 meeting was held and hence no minutes for that month).

2. NEW BUSINESS

A. Major Subdivision, Preliminary Plan- Penobscot Indian Nation requests review of a 24 acre parcel with 80 dwelling units (20 four-unit buildings) located on the west side of Mayo Road (on land situated behind 155 through 191 Mayo Road) in a Residential B District Tax Map 30, Lot 27). – Public Hearing

Chairman Caliendo opened the public hearing, stating the proponents, then opponents, then anyone with general questions or comments should come up to the podium and state their name for the record.

Member Avery recused himself from this item; his is working on the project as the surveyor with CES.

Noel Musson, Planner at CES representing Penobscot Indian Nation spoke about the project. He stated that this is 80 dwelling units, (20 buildings with 4 units in each building). The project will be on town water and sewer, with over head power and utility lines. The major road will be a town road with private roads off the town road. The sewer will need a pump station. Mr. Musson stated that a waiver from the town is requested due to the width of the street right of way. The Town requirement is 66 feet and a portion on the proposed right of way is 65 feet plus a few inches wide. The storm water was discussed along with the traffic study. He indicated that the full storm water design has not yet been done but he indicated that they proposed to provide an enclosed storm drainage system within the proposed street. He indicated that they have provided a traffic study that indicates the proposed project will not place an undue burden on the street system. Mr. Musson distributed some revised plans to the Board reflecting some of the suggested changes they had discussed with Town Staff and the Water District.

Everett Poll of 199 Mayo Road spoke about his concerns on the project. He had questions on the pumping station. He asked if the availability of gravity flow was fully explored. He raised concerns over the safety issues on the Mayo Road. He noted that it

is not a safe environment for pedestrians.

Noel Musson discussed the access road sight distances. Mr. Musson also stated that buying the additional access width needed from a land abutter was not feasible.

Mark Russell 163 Mayo Road spoke about not promoting this kind of development on Mayo Road due to the safety issues.

Chairman Caliendo closed the public hearing.

Town Planner, Bob Osborne spoke about the project. Mr. Osborne stated that this development is a subdivision by dwelling unit. Applicant proposes to construct a total of 80 dwelling units in the form of 20 four-plex buildings on public water and sewer. An important part of the proposal is a new town street for a length of about 900 feet (and private driveways would connect to the proposed cul-de-sac). The proposed street requires a waiver for the width of the proposed right-of-way because it is approximately 65 feet and 66 feet is required by subdivision ordinance. Mr. Osborne indicated that the traffic study indicated the intersection of Western Avenue and Mayo Road is negatively impacted by the development and will reduce the intersection from Level of Service (LOS) "C" to LOS "D". He encouraged the applicant to consider improvements that would address that situation as well as some widening of Mayo Road at the proposed entrance to the development. He indicated that currently no drainage analysis has been completed for the application and that the Board would likely table the item after some discussion and guidance to the applicant. He noted that without the waiver for the street width the application would not be feasible so he suggested that the Board consider the request for the waiver. He indicated that staff supports the waiver request for less than one foot of right of way width.

Member Syversen stated his concerns for new plans being handed out the night of the meeting.

The traffic was discussed further with Mr. Musson.

Chairman Caliendo stated that the traffic situation on Mayo Road would only worsen with the addition of 80 apartment units.

The Board discussed the waiver request.

Member Weatherbee made a motion to grant the waiver for the footage needed for the road right of way. This was seconded by Member Nelson.

Member Syversen expressed concern that the Board had not established a protocol to determine how large of a waiver is acceptable, if a one-foot waiver is ok what about a two-foot or ten-foot waiver? He asked if the land abutters were present tonight to address the potential availability of this land area.

John Story of 145 Mayo Road, a land abutter spoke about the site entrance that

abuts his property. He also stated that no one has approached him on buying any of his property.

Mr. Musson again stated that they had explored all options on obtaining the required footage needed for the width of the road access right of way.

Member Weatherbee withdrew his motion, Member Weatherbee requested that applicant pursue acquisition of the subject land area for the right of way. Member Nelson withdrew his second.

Chairman Caliendo stated that they would table this item to the next regular meeting with the public hearing being re-opened at that time. Perhaps the right-of-way issue could be resolved

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

B. Zoning Ordinance Text Amendment – Town of Hampden request to amend 5.3.1.8 regarding the Building Permits section of the Ordinance to clarify at what stage of completion of subdivision construction the Code Enforcement Officer may issue a building permit and to amend 5.3.1.9 to clarify that no building permit may be issued until either a subsurface wastewater disposal permit or a sewer hook-on permit has been secured by the applicant – Referral to Ordinance Committee.

Chairman Caliendo asked to hear from the Town Planner.

Town Planner, Bob Osborne stated that this item should be referred to the Ordinance Committee. A date of March 25th at 6 p.m. was scheduled for the Ordinance Committee to review this item. Mr. Osborne stated that he will invite the Town Council to attend the committee meeting as well.

3. STAFF REPORT

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, January 16, 2008, at the Hampden Municipal Building by Chairman David Caliendo.

Attendance: Planning Board Chairman David Caliendo and Members: Michael Avery, Peter Weatherbee, 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. ELECTION OF OFFICERS

Peter Weatherbee nominated Member Mike Avery for secretary; this was seconded by Member Llerena. Vote was six in favor and none against this nomination. Member Avery accepted the position of secretary.

Member Avery nominated Chairman Dave Caliendo for another term as chairman this was seconded by Member Weatherbee. The vote was six in favor and none against the nomination for Chairman Caliendo to serve another term as Chairman of the Planning Board. Chairman Caliendo accepted the nomination.

2. APPROVAL OF MINUTES (December 12, 2007)

A motion to approve the minutes of December 12, 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.

3. NEW BUSINESS

A. Major Subdivision, Final Plan – Lane Construction requests review of the Dance Hall Subdivision a 14.3 acre, 15 lot, single-family 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

Chairman Caliendo stated that the rules for the public hearing would be: first proponents then opponents and finally anyone with questions or general comments wishing to speak. Chairman Caliendo opened the public hearing.

Jim Wilson, PE of Woodard and Curran spoke as the representative of the applicant, Lane Construction. This is a 15 lot subdivision, the council has accepted the open space, and the deed is ready for the road. The wooded buffer was discussed, it's is described in the covenants. The storm water and drain was discussed, and the waiver for post development.

Mr. Osborne suggested that the Planning Board first act on the waivers requested by the applicant. He noted that the drainage analysis had a modest increase in post development runoff during certain storm events. He indicated that the plan was consistent with Chapter 500 and recommended that the Board grant the waiver to Article 531.

Member Weatherbee made a motion to grant the requested waiver and Member Llerena seconded

the motion. The Board voted unanimously in favor of the motion.

Mr. Osborne spoke about the final plan application. He stated that the soils are good and the adjustments to the road and open space deeds have been made that were suggested by the Town Attorney and the town's engineer. Mr. Osborne recommended that the wooded buffer, consistent with the approved preliminary plan, should be depicted on the final plat plan, and he would recommend approval with the condition that the plan show the wooded buffer and the covenants governing the cutting regulations within the buffer and with the waiver stated on the plan.

Member Avery made a motion to approve the final subdivision plan with the condition that the wooded buffer and the subject covenant text be indicated on the plan and that the waivers be indicated on the plan. This motion was seconded by Member Nelson. The vote was six in favor and none against the motion.

B. Site Plan approval – Dead River Company request to Add two 30,000 gallon liquid propane tanks to the rear of the existing storage tank area located at 293 Western Avenue in a Commercial Service District – Public Hearing

Chairman Caliendo stated that the same rules apply as before, first proponents, then opponents, then anyone with general questions and comments.

Edward McKenna, General Manager of the Dead River facility at 293 Western Avenue spoke as a representative of Dead River Company. Mr. McKenna stated that the additional storage was needed due to the rising demand for propane. The location is ideal because of the ready access to the railroad siding for railcars by which the propane is received. Applicant proposes to add an additional (2) two 30,000 gallon tanks.

No one wished to make further comments, and the Chairman closed the public hearing.

Mr. Osborne made a recommendation to approve the application. He indicated that the use is permitted in the district.

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

C. Conditional Use/Site Plan approval – Town of Hampden requests for an expansion of the Lakeview Cemetery located at 828 Western Avenue in a Rural District (tax map 1 Lot 17-A). The proposed expansion utilizes the 4.5 acre existing mowed area west of the existing cemetery property and will create approximately 2,500 grave sites and 0.75 miles of associated gravel driveway. Public Hearing

Chairman Caliendo opened the public hearing.

Chip Swan the Public Works Director for the Town of Hampden spoke in favor of the application. Mr. Swan stated the approximately 150 lots are left in June of 2007, and today there are about 75 lots left. This is for approximately 2,500 more sites. The snowmobile trail will be re-located, and work would start in May and be completed in June 2008.

Public hearing was closed.

Mr. Osborne stated that a 9 foot wide gravel driveway is proposed. The layout of the proposed cemetery is very similar to that of the existing cemetery. The use is a conditional use in the Rural

District. The rear of the parcel is in a Resource Protection District as noted on the plans, and there will be no disruption of that area. The entrance permit from DOT has been issued for the new proposed driveway access to Western Avenue. Staff would recommend approval of both the Conditional Use and the Site Plan. He noted that the use is of very low impact and that it really does not raise any substantial issues for the Conditional Use review.

Member Avery made a motion that condition use meets the standards for approval. This motion was seconded by Member Weatherbee. The vote was six in favor and none against the motion.

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

D. Subdivision Ordinance Text Amendment – Town of Hampden requests to amend the definition of subdivision to be consistent with the state definition by deleting the current definition and citing the statutory definition by reference. – Public Hearing

Chairman Caliendo opened the public hearing.

Mr. Osborne spoke as a representative of the Town for the subdivision ordinance text amendment. He indicated that this is sort of a housekeeping amendment intended to conform the subdivision ordinance definition of “subdivision” to the state statute definition of “subdivision”. He indicated that he had discussed this item with Member Avery (Chair of the Ordinance Committee) and he had agreed that the Board consider amending our definition but did not recommend that the item go to committee. Mr. Osborne recommended that the Board send this item to the Town Council with an “ought to pass” recommendation.

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

Member Avery made a motion to send the amendment to Town Council with an “ought to pass” recommendation. This was seconded by Member Llerena. The vote was six in favor and none against the motion.

3. STAFF REPORT

4. BOARD MEMBERS CONCERNS

5. ADJOURNMENT

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

Respectfully Submitted,

Michael Avery, Secretary