

**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 16, 2009, at the Hampden Municipal Building by Acting Chairman Michael Avery.

Attendance: Planning Board Acting Chairman Michael Avery, Members Eugene Weldon, Mort Syversen, Thomas Blais, Andrew Nelson and Associate Member Melinda Merrill Maguire.

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

1. APPROVAL OF MINUTES (November 18, 2009)

Member Syversen made a motion to approve the minutes of November 18, 2009, seconded by Member Blais. The vote was unanimous.

2. NEW BUSINESS

A. Site Plan Review – Rawcliffe's, Inc. proposes revision of their previously approved plan to construct 2,400 sq. ft. four-bay, self-wash style carwash located at 337 Main Road North in a Commercial Service District and Resource Protection District (Tax Map 28, Lot 16-B) - Public Hearing

Acting Chairman Avery asked to hear from proponents then opponents, then anyone wishing to make comments or have general questions. Acting Chairman opened the public hearing.

Jim Kiser, PE, of Kiser and Kiser representing the applicant tonight spoke about the revision to the application. He indicated that Jeff Rawcliffe was also in attendance. Mr. Kiser stated that the previous application was approved in April, with an auto wash bay. Now there will be four self serve wash bays, with no auto wash bay. He indicated that the application satisfies the requirements for site plan approval.

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

Mr. Osborne the town planner spoke about the application. The existing site contains two buildings consisting of a house and a freestanding garage that has an apartment above and a large paved area, which are three separate parcels. Drainage design meets the requirements of site plan, the parking space requirements are met. There is adequate sewer and water to serve the project. The applicant has received a MDOT entrance permit. Staff would recommend approval of the site plan.

Mr. Osborne indicated that the file included a letter from Mr. Kemper indicating that the location of the eagle nest would not pose an issue for construction of this project. Mr. Kiser added that the eagle nesting area is okay, as of the first of the year the restrictions would no longer be imposed.

Member Syversen made a motion that site plan meet the requirements, this motion was

seconded by Member Weldon. The vote was six in favor and none against.

Acting Chairman Avery noted that Associate Member Merrill-Maguire will be voting on all of tonight's agenda items.

B. Site Plan Review – Esther Deschene requests review under planned group development standards for two single-family residences on a single parcel under certain conditions located at 261 Canaan Road in a Rural District. (Tax Map 5, Lot 30) – Public Hearing

Acting Chairman Avery asked to hear from proponents then opponents then anyone with general questions or comments. Public hearing is open.

Darrell Ginn Land surveyor and representative for the applicant spoke about the proposal. Mr. Ginn stated that this is a planned group development involving family members. There is a soil design for the proposed parcel, there are no wetlands. There is a deeded right of way to the parcel.

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

Bob Osborne stated that this is a request for a planned group development which would permit the establishment of two single family residences on a single parcel and would allow the Board to permit a redistribution of required yard space as well as authorize any method of ownership that still satisfies the standards contained in the article. Mrs. Deschene owns a 19 acre parcel and wishes to give two acres to her great grandson to build a house. The parcel will be accessed across a neighboring parcel of land owned by the great grandson's mother, Mrs. King via easement and right of way. He indicated that this would require that the board review and approve this item under the planned group development standards contained in Article 4. 17 as well as those of site plan review contained in Article 4.1. He indicated that the plan provided by applicant appears to satisfy all relevant regulations. Staff would recommend approval

Acting Chairman Avery asked that the staff memorandum become a part of the public record. He also asked that a letter of conveyance for the right of way to be part of the record and recorded at the registry of deeds.

Member Weldon made a motion to approve the planned group development this was seconded by Member Merrill-Maguire. The vote was six in favor and none against.

C. Zoning Ordinance Text Amendment – Town of Hampden requests Article 5.3.1 Building Permits criteria be revised under which a building permit can be issued for houses in new subdivisions and to revise the criteria under which a building permit can be issued following issuance of a sewer hook-on permit or a subsurface wastewater disposal permit – Public Hearing

Acting Chairman Avery asked to hear from proponents then opponents then anyone with general questions or comments. Public hearing is open.

Bob Osborne, Town Planner spoke in favor of the proposed amendment. He indicated that the Board would recall that this item had been before them previously but it was then determined that some of the issues needed to be dealt with in the Town Ways Ordinance with regard the Town Council's acceptance of local streets. He indicated that he is in favor of the amendment and recommended its passage but understood that the Board may wish to review the item in committee prior to making a recommendation to the Town Council.

After some brief discussion Acting Chairman Avery tabled the item and sent it to the Ordinance Committee.

D. Zoning Ordinance Text Amendment – Town of Hampden requests Article 3.3 Commercial Service District be revised to add a new conditional use of functionally water-dependent uses along the Penobscot River, Article 3.3.5 Special District Regulations be revised to allow buildings in excess of 35 feet under certain criteria and an exemption be added for functionally water-dependent uses along the Penobscot River from the district building height criteria- Public Hearing

Acting Chairman Avery asked to hear from proponents then opponents then anyone with general questions or comments. Public hearing is open.

Bob Osborne, Town Planner spoke in favor of the proposed amendment. He indicated that the Board would recall that this concept been before them previously in order to find a way to allow boat building in the Commercial Services District. He indicated that he is in favor of the amendment.

After some brief discussion Acting Chairman Avery tabled the item and sent it to the Ordinance Committee.

E. Zoning Ordinance Text Amendment – Town of Hampden requests Article 7.2 Definitions be revised to add a definition of institutional building – Public Hearing

Acting Chairman Avery asked to hear from proponents then opponents then anyone with general questions or comments. Public hearing is open.

Bob Osborne, Town Planner spoke in favor of the proposed amendment. He indicated that the Board would recall that this item stemmed from the amendment to the Residential B District that added institutional buildings in excess of 35 feet in height. It was noted at that time that there is no definition for "institutional building". He indicated that he is in favor of the amendment.

After some brief discussion Acting Chairman Avery tabled the item and sent it to the Ordinance Committee.

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
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, November 18, 2009, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Avery, Eugene Weldon, Mort Syversen and Associate Member Melinda Merrill Maguire.

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

1. APPROVAL OF MINUTES (September 9, 2009, September 23, 2009)

Member Syversen made a motion to approve the minutes of September 9, 2009, and September 23, 2009 this motion was seconded by Member Weldon. The vote was unanimous.

2. OLD BUSINESS

A. Draft Shoreland Zoning Ordinance and Map – Town of Hampden requests consideration of adoption as required under 38 M.R.S.A. sections 435-449 and based on DEP rules Chapter 1000. This draft contains certain language suggested by the Planning Board Ordinance Committee - Public Hearing

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

Robert Osborne the Town Planner spoke about the proposed changes to the shoreland zoning ordinance. He described the process that the draft ordinance has taken since it was referred by the Town Council in July, 2009. He described the process by which affected land owners were notified prior to setting a date for the public hearing in August. Subsequently Staff sent written notice to all land owners in a shoreland area to notify them that the Board's public hearing September 23, 2009 at which public comment was gathered. The Planning Board Ordinance Committee held three meetings in October to review the ordinance and the public record and make recommendations to the Planning Board that the ordinance and map as amended be sent back to the Town Council with an "ought-to-pass" recommendation. He stated that as recommended by the committee they sent a copy of the amended draft map to Stephanie MacLagan of the DEP for comment. The map now has been adjusted to accommodate Ms. MacLagan's recommendations. The amended draft ordinance was also reviewed by Town Attorney Tom Russell who indicated that he has no issues with what staff and the committee have recommended. Mr. Osborne asked to hear from Ben Johnson the Code Enforcement Officer.

Ben Johnson the Code Enforcement Officer addressed the changes to the Shoreland Zoning Ordinance, stating that they have been working with Stephanie MacLagan at the DEP, Shoreland Zoning Unit Division of Land Resource Regulation Bureau of Land & Water Quality.

Mr. Osborne asked to hear from the Chairman of the Ordinance Committee, Michael

Avery.

Member Avery gave an overview of the proposed ordinance and the changes that were recommended. They had three meetings October 7th, 14th, 28th, on the proposed Shoreland Zoning Ordinance and feel that it is ready to sent back to the Town Council.

Chairman Weatherbee indicated that the staff memorandum and the list of changes Mr. Osborne compiled is part of the public record.

Member Avery made a motion to send the draft shoreland zoning ordinance and map back to Council with an "ought to Pass" along with the memo from Mr. Osborne dated November 18, 2009, and the list of changes that have been made to the shoreland zoning ordinance. This was seconded by Member Syversen. The vote was five in favor and none against.

All the materials to become part of the record.

Associate Member Merrill-Maguire will be voting on tonight's agenda items.

3. NEW BUSINESS

A. Site Plan and Conditional Use – Wiseman Spaulding Design, Inc. requests construction of a barn style building approximately 36 ft. by 96 ft. for the purpose of warehousing of business related supplies and materials (Customary Rural Business) as well as modestly relocate the driveway for the Thomas Penneman Stetson Historic Landmark located at 12 Shaw Hill Road in a Rural District. (Tax Map 7, Lot 58) – Public Hearing

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

Timothy Woodcock of Eaton Peabody, presenting Brad Wiseman, stated that a warehouse will be built on site. The structure will be historic in appearance, barn styled building. The Historic Preservation Commission has approved this application.

Raymond Bolduc of WBRC spoke as the engineer presenting this application. Mr. Bolduc stated that the application is both a conditional use and site plan. Mr. Bolduc displayed a plan that showed the developed area, the traffic report for Shaw Hill Road. He stated that some brush along side of Shaw Hill Road and Route 9 will be removed to improve sight distances. The barn is to be 36 x 96, with the width the same as the house. The entrance drive will be the same as the driveway for the home with turn around provided. The propone tanks will be relocated, and a fence will be added for additional screening. Grading and fill with erosion controls is proposed, including silt fence while under construction. The septic system has been replaced within the last 6 months, and the site is serviced by a well (water). Mr. Bolduc displayed a landscaping plan showing the loading area, day lilies will be planted by the parking area. There are maple trees proposed along the property lines.

Marie Sprague of 53 Shaw Hill Road had some questions about the historic house, flood lights, truck traffic and noise and tree cutting which were answered by Mr. Wiseman.

Brad Wiseman of 12 Shaw Hill Road stated that the woods, and tree line along the road will not change. There are no flood lights proposed, and there will be no more traffic than what is already going in and out of location. He stated that the site will be safer as far as the sight distances are concerned. The hours of operation are 8 to 5 with one night shift that operates the kiln over night. So there are no changes there.

Marie Sprague, 53 Shaw Hill Road, stated that she had all her concerns answered, and is all for it.

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 historical landmark since 2002. Because of the rich history of this site the Commission and Town Council were delighted when the Wisemans came forward originally to seek landmark designation. The Wisemans have now obtained an amendment to the landmark to add this barn-like building and some additional land area. This allows the planning board to consider utilization of the entire new building for the customary rural business use. The Hampden Historic Preservation Commission approved the building, and recommended to the Council the amended landmark to include the proposed structure. The HHPC has given the certificate of appropriateness.

Mr. Osborne indicated that staff has reviewed the site plan and have found it to be a complete submission and it appears to satisfy the requirements of Article 4.1. Staff also indicated that the submission appears to satisfy to requirements of Article 4.2 Conditional Uses. The conditional use is already there and no overt changes to that are proposed, in fact it will be a better way to produce and store their product. Staff recommended approval of the application.

Member Avery asked about the property lines. He noted that on the plan it states approximate distances, he would like to see an additional note to the plan referring to the boundary survey that was done.

Member Avery stated he would like to see a note on the site plan referencing the boundary survey.

Member Weldon made a motion that the application meets conditional use standards of Article 4.2 this motion was seconded by Member Avery. The vote was five in favor and none against.

Member Avery made a motion that the application meets the requirements for site plan under article 4.1 with the condition that a note be added to the site plan that includes the boundary survey. This motion was seconded by Member Weldon. The vote was five in favor and none against.

Chairman Weatherbee stated that the Town Planner's notes are to be made part of the record.

4. STAFF REPORT

Mr. Osborne stated that the shoreland zoning will go to the town council. The Main Road North car wash is in the works with 4 self washing bays. A revision to the Rite Aid plan may be in the works, the foundation was installed a foot higher than the plan.

5. BOARD MEMBERS CONCERNS

Board Members had no concerns

6. ADJOURNMENT

The Planning Board meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN
PLANNING BOARD – SPECIAL MEETING
MINUTES**

The SPECIAL meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, September 23, 2009, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Mike Avery, Thomas Blais, Andrew Nelson, Gene Weldon, Peter Frazier and Associate Member Melinda Merrill Maguire.

Also in attendance: Town Planner Robert Osborne, CEO Ben Johnson, GIS/IT Gretchen Heldmann, Rosemary Bezanson recording secretary.

1. NEW BUSINESS

A. Draft Shoreland Zoning Ordinance and Map – Town of Hampden requests the Planning Board conduct a Public Hearing to Consider Adoption of a New Shoreland Zoning Ordinance and Map in Accordance with the Mandatory Shoreland Zoning Act, 38 M.R.S.A Sections 435-449 and MDEP Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances – Public Hearing

Chairman Weatherbee spoke about the procedure for tonight's special meeting, asking anyone wanting to speak come to the podium state their name and address for the record, and sign the sheet at the podium with their name and address as well. He indicated that the procedure would not be subject to the order of proponents, opponents and questions and comments but rather it would be to hear from everyone that wishes to speak and he would allow staff to answer questions.

Chairman Weatherbee opened the public hearing.

Chairman Weatherbee asked to hear from Bob Osborne the town planner who explained this new ordinance and some of the criteria involved. Mr. Osborne stated that the Planning Board understands that landowners do not like to hear that their land is being regulated. We find ourselves in this position because of both the statute (38 M.R.S.A. Sections 435-449) and the rule (MDEP Chapter 1000) and the Town takes the matter seriously. Chapter 1000 was approved by the DEP and MBEP in May, 2006 for adoption by towns by July 1, 2008. Subsequently DEP discovered issues with the data the towns needed depicting waterfowl habitat. They subsequently pushed the date for adoption back one year and in January of this year they sent out a revised waterfowl map that would be the basis for the zoning of wetland areas.

Mr. Osborne stated for most of those in attendance that: if you are in a shoreland zone for the proposed shoreland zoning ordinance you are already in a shoreland zone under the current shoreland zoning. He noted the text of the existing shoreland zoning regulates great ponds, rivers, streams and freshwater wetlands in excess of ten acres as does the draft ordinance text. He explained that a jurisdictional stream is the area below the confluence of two USGS mapped streams and that a local stream can include brooks and streams of local interest that are not otherwise jurisdictional. He cited Reeds Brook of an example of a local stream that has been protected with shoreland zoning for many years

(although not a “jurisdictional stream”) that was deemed by the comprehensive plan committee and the conservation commission to be included as a shoreland area. More streams of local interest now proposed for shoreland protection including Baker Brook and two unnamed tributaries, Cold Brook, Shaw Brook, Sucker Brook and Webber Brook. The two streams that are jurisdictional and zoned Stream Protection are Brown Brook and Burnt Swamp Stream. There are three waterbodies that are deemed to be rivers under the ordinance including the Penobscot River, Souadabscook Stream and West Branch Souadabscook Stream. By definition a river has 25 square miles of watershed drainage area. Wetlands under regulation in the draft ordinance are fresh water wetlands in excess of ten acres. Hampden has 11 of those and several more in association with great ponds or rivers. For those of you familiar with the Town’s old zoning maps you will be aware that not all of those wetlands were mapped. Still the text of the shoreland zoning ordinance does regulate all wetlands in excess of ten acres.

He noted that many of those in attendance had come in to see staff in the weeks leading up to this meeting and he appreciated that they had taken the time to discuss their questions with staff. He also complemented the efforts of Gretchen Heldmann, GIS professional who created the maps and Ben Johnson, CEO who will directly deal with all applications that come to the Town. He thanked them for their efforts in preparation of the maps and the ordinance and thanked them for their attendance at the meeting. He also noted that the Town Council had determined that everyone in a shoreland area should be notified by mail and that staff had done so.

Mr. Osborne stated those notices, sent to everyone in a shoreland area, mention the proposed shoreland zoning district for their property and it also mention that there is a new requirement that buildings be set back from the top of unstable and highly unstable bluffs along the Penobscot River rather than the standard water setback.

Mr. Osborne suggested that this hearing is well equipped to handle general questions about the map and ordinance but not questions about specific parcel information and urged landowners to direct those questions to his office rather than the Planning Board.

Mr. Osborne noted that state mandated shoreland zoning has been part of Hampden’s regulations since the 1980’s. Those state regulations have been amended a number of times over the years and now the state has a process in place to make certain that the newest rule is adopted by municipalities. He indicated that the basis on the mapping for the existing shoreland zoning was of lower accuracy (than what is now available) and as such a number of wetlands regulated by the text of the existing ordinance were not in fact depicted on the shoreland mapping that was produced at that time.

Mr. Osborne discussed factors that distinguish the draft ordinance from the existing one: There are additional proposed shoreland zoning district designations including Resource Protection District, Stream Protection District, Local Stream Protection District, General Development District and Limited Residential District. There are requirements that buildings be set back from the top of unstable and highly unstable bluffs along the Penobscot River. There are requirements that those ten-acre freshwater wetlands that have been deemed by Inland Fisheries and Wildlife to be waterfowl habitat must be

surrounded with Resource Protection District zoning. He noted that those waterfowl habitats had been under review by the state and had led to a postponement of the regulation for a year.

Chairman Weatherbee indicated that resident Gene Putnam's letter will be added to the record. He added Tom Russell the town's attorney letter to the public record as well..

Daniel Buchanan letter was read into the record by Mr. Osborne the town planner.

John Stanley of Readfield Maine indicated he had been in to discuss his land with staff and the stream information was helpful. He also asked where the process would go from the meeting tonight? Has there been any discussion about assessment adjustments?

Mr. Osborne stated that the Planning Board would make recommendations to the Town Council who would ultimately determine the outcome of the Shoreland Zoning Ordinance. The Council has sent this ordinance to Planning Board to hold a public hearing and get comment and to some extent to suggest how that comment can be incorporated into the draft ordinance. He noted that the direct contact with landowners has helped to inform the process and to correct errors and omissions. Errors and omissions can be addressed in this process. He stated the Planning Board was not able to address questions related to assessment review and that those questions were best asked to the Town Assessor.

Celinda Boudreau 51 Fowlers Landing Road asked what is going on with Fowlers Landing and would they still go to the CEO for permits?

Mr. Osborne indicated what is proposed for Fowlers Landing is a Limited Residential District which extends 250 feet from Hermon Pond. This shoreland district recognizes that many residences and accessory buildings are in shoreland areas and this district allows them as a permitted use. This is preferable to placing residences in a protection district where they are a non-conforming use. He indicated that on Fowlers Landing the Limited Residential District change would have little effect on existing residences because most of these lots are 50 feet in width and 100 feet deep and residences are almost entirely within the water setback area for (both the existing Seasonal District as well as) the proposed Limited Residential District. In such case there is a mechanism in the draft ordinance for a one-time, thirty percent expansion that you may be familiar with. The Code Enforcement Officer would be able to issue permits as is now the case.

Jim Kiser 15 Constitution Avenue spoke about the mandates pushed onto the Town from the state indicating that he is not impacted at his residence but will be as a citizen and as a professional engineer. He identified both the Shoreland Zoning regulation and the Natural Resources Protection Act as being mandated upon the Town. It could hurt the town and the landowners economically. Legal actions taken by landowners would be against the town not against the State.

Mr. Kiser indicated that the 250 ft. Resource Protection District surrounding fresh water wetlands is also a no-touch water fowl habitat under the NRPA (which is worse than lakes and streams). He stated that this is a significant amount of land area being "gobbled up"

under this requirement from those landowners. Harvesting and cutting regulations in the draft ordinance regulations are a much larger burden for the Town to oversee. He requested that the Planning Board take their time and look at this proposed ordinance, and send an "ought not to pass" to Council.

John Frawley 493 Main Road North. He said he built his residence in 1982 and had a 200 foot water setback at that time. The Resource Protection District line seems to vary in width at that time without reference to topography. He agrees with Mr. Kiser's comments and is concerned about more rules from DEP. It is good that this area is called Limited Residential, but some of those other sensitive areas should be further reviewed.

D'Arcey Main-Boyington 303 Shaw Hill Road. Ms. Boyington stated that she came in the office weeks ago and found the information staff provided very helpful. She spoke with the Town of Holden who recently completed their shoreland zoning update. She spoke with Holden's Code Enforcement Officer who indicated that the Town met with the DEP and had asked for pages of changes to their draft ordinance, Holden subsequently hired a consultant and worked with DEP and came out with much of what they asked for. They were able to keep all of the developed properties out of it (protection district). She agreed that the town needs to proceed slowly. Hampden's Planning Board should check other places to see where we can push back the zoning.

Alex King 807 Kennebec Road. He stated that he has land on Ichabod Lane that is affected by this ordinance. He stated that the DEP told him he would not need a permit to cut trees, however this ordinance indicates he would need a permit. He suggested that if the state does not require a DEP permit (under NRPA) that shoreland zoning should not require a permit every time he wants to cut a few trees. What would the fees be? He also agrees with Mr. Kiser. His property is outside of wading pool area according to DEP mapping employee's GPS point.

Mr. Osborne stated that fees are regulated in the Town of Hampden by the Fees Ordinance. At this time the Council has not discussed fees for the Shoreland Zoning Ordinance but he anticipates that fees would be nominal for most activities but would need to recover costs of advertising for those items requiring a public hearing.

Mr. Osborne went on to explain the Natural Resources Protection Act governs wetlands and their alteration, stream alteration, waterfowl and vernal pools. None of those are directly regulated by the Town rather directly permitted through the DEP. Shoreland zoning has some overlap with NRPA, protection of the same waterbodies, but shoreland zoning governs the upland areas surrounding the waterbodies rather than the water itself. Inland fisheries and Wildlife has determined some wetlands to be waterfowl habitats and this governs what shoreland zoning district surround those wetlands, that is, resource protection district.

Roger Frey 1073 Kennebec Road. He owns a small lot off the Bog Road on the Souadabscook Stream that has been in the family for 100 years and does not meet current requirements for being on the river. He wanted to know how the Souadabscook Stream become a river? Can the town argue the definition of a river?

Mr. Osborne read the definition of river from the draft ordinance: River means a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five square miles to its mouth. The line defining the limits of the subject term is defined by the term shoreline. He added that shoreline is an all inclusive term that means: the normal high-water line, or upland edge of a wetland whichever is greater. This is the state's definition for a river. Mr. Osborne indicated that because the term is clearly defined that making such an argument to the state would not have much effect.

Jack Rawcliffe 94 Main Road South. He indicated that he owns property at 594 Main Road South on the Penobscot River and according to the notification letter has unstable or highly unstable bluffs and the setback is to be measured from the top of the bluff. He is opposed to measuring from the top of bluff. Can you build within the 250 ft?

Mr. Osborne clarified that along most of the Penobscot River the proposed district is 250 feet of Limited Residential District. The minimum building setback in that district is 75 feet unless there is an unstable or highly unstable bluff as identified on a Maine Geologic Map. In those cases the setback is measured from the top of the bluff.

Mr. Osborne explained that the top of the bluff would be perhaps an equal horizontal distance back from the water's edge as it was in vertical elevation above the river. He suggested that it is not likely that the resulting building setback would exceed 250 feet from the river. More likely it would be 175 to 200 feet from the river and in some cases considerably less building setback than that.

Mr. Osborne added that the ordinance allows a qualified professional to identify the location of the unstable and highly unstable bluff and the top of the bluff. This language was added because it would allow that information to be ground verified with great accuracy.

Mr. Rawcliffe questioned what good it does, this bank has been eroding for hundreds of years and hasn't been cut for at least 100 years. The river is going to erode and this ordinance won't prevent that. He also agrees with Mr. Kiser and Ms. Boyington.

John Yazbek 40 Carver Road. He has a Penobscot River view with a 100 foot vertical drop. Would the Town be resist placing a walk down to the river from logs so that he could access the river and get down there?

Ben Johnson, Code Enforcement Officer told him to come into the office to discuss a specific proposal and you may also have some involvement with DEP directly within 75 feet of the water.

Anne Powelson 47 Kincaid Road concurs with Mr. Rawcliffe about measuring from the bluff top.

Chairman Weatherbee asked why the state has the regulation on setback from the top of the bluff.

Mr. Osborne stated that many may recall the (1996) photos in the newspaper from Rockland where the houses had fallen down in to the bay area due to the landslide. Bluff erosion can be a real problem in areas. Remember the state is making this rule to regulate all tidal areas. The tidal action on the Penobscot River is no match for an open ocean bay. He also noted that the local current river setback is 125 feet from the shoreline whereas the draft shoreland zoning ordinance calls for at least a 75 foot setback from the shoreline. For those of you around unstable bluffs your setback will exceed the 125 feet but should not exceed 250 feet.

Maghan Boos 667 Main Road North has 85 feet along Sucker Brook in the proposed General Development District area, her lot (with existing residence) is a very small 0.13 acre and probably cannot do anything with her property. She requested that the Board take the time to consider the effects of the ordinance on individual property owners and proceed carefully.

John Bidwell 268 Meadow Road. He stated their property borders Brown Brook. Along the brook there is a significant invasive species problem. What would the ordinance allow you to do to control purple loosestrife?

Ben Johnson indicated that the ordinance does talk about vegetation under three feet and not being able to clear that. We do not know how the DEP is dealing with invasive species (in shoreland areas) and we will look into that and talk to you about it.

Greg Choquette 119 Main Road North. He has 460 feet of frontage on the Souadabscook "River". He indicated that ordinances are of interest to him because he lives in the Upper Corner Historic District and when replacing windows they had to be replaced with windows that are the same as those being taken out. The good news was that the local historic commission established these rules for the betterment of the Town. He would hope that what is proposed is user friendly and take into consideration what we are as the Town of Hampden and not what the state thinks about everything.

Jay Neil 60 Canoe Club Road. He lives at the old Canoe Club at the confluence of the Souadabscook Stream and the Penobscot River. The letter indicates that my property has unstable bluffs. Will river front owners be required to repair erosion damage? Is there some leeway for pre-existing structures within the setback. Can they maintain their properties?

Mr. Osborne stated that there is nothing within the draft that would require property owners to discontinue ongoing uses in the shoreland area. For example: an active farm in the Resource Protection area can continue to do that. If you have a residence that is in the water setback of one of the shoreland districts no one is suggesting that it be removed or discontinued to satisfy the purpose of this ordinance. The intent of the ordinance is not to create remedial action to prevent established uses and established structures.

Mr. Osborne stated that the erosion control activity that was mentioned on the former Melody property is a cautionary example that if erosion is created through actions of a land owner or exacerbated by a landowner. It required tons of materials and great expense to remediate that erosion. Erosion issues can start fairly innocently with a staircase to the water which subsequently turns into a gully and at that point will require a big fix to stop and correct it.

Ben Johnson stated that this ordinance will not require you to fix existing erosion issues on the banks of the river. He said he is unaware of any state regulation that would require a fix. He suggested that these activities are usually associated with an endangered structure that is in jeopardy.

Ronald Bailey 555 Meadow Road stated that the rules as they exist may need to be tweaked to be made more effective. But by re-writing all of the regulations and making them so stringent it involves more cost to deal with all of the issues at hand. Our biggest issue is new regulations make land that we would acquire less desirable by cutting off views and opportunities to make the land beautiful but still maintain it in an integrity that won't degrade the property. Developable lands acreage is reduced by this law and become less desirable which will degrade the tax base and put more burden on the residents of the town.

Mr. Bailey recommended that the Board postpone this at this time and not go forward. Rather this topic should go back to the legislature and see them do more research on it.

It was suggested that a show of hand from the audience of people in favor of this proposed ordinance change. There was no show of hands.

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

Chairman Weatherbee stated that he urged those with specific questions to contact Town staff to get those questions answered.

Chairman Weatherbee indicated that the Town Council had referred this item to the Planning Board for the purpose of holding the public hearing and making a recommendation. He asked Mr. Osborne for the staff recommendation on this item.

Mr. Osborne indicated that the Board should send this item to Ordinance Committee including all of the public record created tonight and then at the subsequent regularly scheduled meeting you would have both the public record and the recommendation of your committee. Mr. Russell has recommended a few amendments that you have seen in his letter and you could look at how staff has incorporated those into the ordinance draft. Your recommendation could also contain amendments.

Chairman Weatherbee asked for a motion from the Board.

Member Avery made a motion to send the ordinance to the Ordinance Committee (October 6, 2009) before the next meeting in October (14, 2009), and table this item until

the next Planning Board meeting. This was seconded by Member Blais. The vote was seven in favor and none against.

2. ADJORNMENT

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

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, August 12, 2009, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Michael Avery, Peter Frazier, Thomas Blais, Andrew Nelson, Mort Syversen, Eugene Weldon.

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

1. APPROVAL OF MINUTES (June 10, 2009)

Minutes did not get in the packets and were not available for this meeting. They will be looked after at the next regular meeting of the Planning Board.

2. NEW BUSINESS

A. Request of Hampden Water District to the Planning Board to waive Site Plan Review for construction of a Water Pump Station located at 816 Main Road North.

Chairman Weatherbee asked to hear from the Water District.

Mr. Cameron Torrey, General Manager of the Hampden Water District stated that the additional treatment of water for lead and copper that is required by the Clean Water Act will not fit in the existing building. A bigger building is needed. 816 Main Road North is the last lot in Hampden before the Bangor City line. He requested that the Board waive the site plan review as allowed for by ordinance.

There is an existing driveway that will be used to access the site. Hampden Water District hopes to have the project completed by January 1st, 2010. Land abutters had been notified there was no one in or called with questions about the project.

Mr. Torrey stated that there is no government money available for the project it is being funded by a bond.

Mr. Osborne stated that the waiver of site plan review for essential services is allowed and provided for in the ordinance. He stated that there is precedent for this. The Route 202 water pump station site plan review was waived by planning board a number of years ago. He noted that the Board of Appeals has granted yard variances for the setback requirements of the building. He noted that the plan was designed by Woodard and Curran to proper engineering standards.

Chairman Weatherbee asked that Mr. Osborne's memo become part of the record.

Member Syversen made a motion to grant the waiver of site plan review. This motion was seconded by Member Blais. The vote was seven in favor and none against.

B. Draft Shoreland Zoning Ordinance and Map – Planning Board to set date for Public Hearing (Likely September 9, 2009 will be the date for that Public Hearing).

Mr. Osborne stated the purpose of this item is to set a date for public hearing of the draft shoreland zoning ordinance and map. This item has been referred to the board by the Council for public hearing. He noted that there are some seven hundred and seventy parcels/landowners that are being noticed for this re-zoning and for this reason the town will utilize the community room which will hold over 100 people. There has been lots of interest.

At the Council meeting on August 3rd, Alex King asked for the meeting to be put off for sometime, until he can have his parcel mapped for the wetlands.

Chairman Weatherbee asked that Mr. Osborne's memo become part of the record.

The date for this meeting has been schedule for September 23rd in the Community Room at Public Safety. The September 9th regular meeting will also be held.

It was suggested that the shoreland zoning go thru the ordinance committee process. Mr. Osborne noted that It has already been reviewed by the committees.

It was suggested that someone from Prentiss and Carile and the town's GIS department be in attendance for this meeting to help answer questions.

Member Syversen made a motion to set the special public hearing for the shoreland zoning on September 23rd in the community room at Public Safety. This motion was seconded by Member Weldon. The vote was seven in favor and none against.

3. STAFF REPORT

Staff had no comments and nothing to report.

4. BOARD MEMBERS CONCERNS

Board Members had no concerns

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, June 10, 2009, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee, Members Michael Avery, Peter Frazier, Thomas Blais, Andrew Nelson, Mort Syversen, Eugene Weldon, and Associate Member Melinda Merrill Maguire.

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

1. APPROVAL OF MINUTES (May 13, 2009)

Member Avery made a motion to approve the minutes of May 13, 2009 as written; this was seconded by Member Syversen. The vote was unanimous to approve the minutes as written.

2. OLD BUSINESS

A. Conditional Use/Site Plan – MSAD #22 requests review to construct a 180,000 sq. ft. building and associated parking and athletic fields for use as a Public High School (Hampden Academy) located at 24 Main Road North in a residential B District (Tax Map 6, Lot 45, 45A, 43A and Map 31, lot 2) – Public Hearing

Chairman Weatherbee asked for a motion from the Board to take this item off the table.

Member Avery made a motion to remove this item from the table; this motion was seconded by Member Nelson. The vote was unanimous.

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

Ray Bolduc, PE at WBRC presented the site plan speaking about the items the Planning Board wanted to see addressed on the site plan from last month's meeting: the School sign, the right of way, the lighting, landscaping, and parking, along with the new Hampden Bronco sculpture site and off-site improvements, as well as access into the site.

Mike Pullen, Architect at WBRC discussed the historic aspects of the old academy building noting that its tower and arch over the front door are incorporated into the design of the new academy building. He discussed the overall exterior treatment of the proposed building and how choices were made as to the materials and design of various elements of its exterior design.

Mr. Osborne made comments to this project. He also spoke on the right of way to the school site. He asked Mr. Bolduc to explain: The natural features of the site that are being altered; The loading space near the cafeteria; The proposed fencing surrounding the school; The proposed Bufferyards; The proposed sign for the school; The pump station

and how that process was proceeding.

Mr. Osborne noted that a number of right-of-ways and easements are depicted on sheet CS102. It is understood that as part of this approval that the Town, the Water District and Edwards Supermarket shall receive ground-truthed easements for those utilities and right-of-way for the road areas. Mr. Bolduc agreed that they would pass on those documents after the site is constructed.

After some discussion Member Avery made a motion the conditional use meets the standards in Article 4.2, and this motion was seconded by Member Weldon. Member Syversen did not vote on this item, Association Member Merrill–Maguire voted on this item. The vote was seven in favor and none against.

Member Avery made a motion that the site plan meet the standards under Article 4.1, Member Blais seconded this motion. The vote was seven in favor and none against.

B. Zoning Ordinance Text Amendment – Town of Hampden requests review of proposed amendments to the Shoreland Zoning standards of the ordinance. The town intends to delete the current Shoreland Regulations, Article 4.14 contained in the zoning ordinance and adopt a freestanding shoreland zoning ordinance which will contain those regulations – Public Hearing

Chairman Weatherbee asked to hear from the Ordinance Committee’s Chairman on the zoning text amendment. Member Avery is the chairman for that committee and spoke about the meeting briefly. He noted that this amendment would delete the current shoreland regulations from the zoning ordinance as part of the planned adoption of a freestanding shoreland zoning ordinance. Member Avery stated that sending it back to Council with an “ought to pass” recommendation with written comments was proposed.

Chairman Weatherbee asked for a motion.

Member Avery made a motion to send the amendment back to the Town Council with an “ought to pass” recommendation. This motion was seconded by Member Nelson. The voted was unanimous.

3. NEW BUSINESS

A. Conditional Use/Site Plan review- Hampden Water District requests review to construct a 2,000 sq. ft. building for use as an essential services (water utility) maintenance garage located at 140 Main Road North in a Residential A District. (Tax Map 33, Lot 2) – Public Hearing

Chairman Weatherbee opened the public hearing, there was no one wishing to speak in opposition to the proposal, and Chairman Weatherbee closed the public hearing.

Cam Torrey General Manager of the Hampden Water District was present for any

questions from members of the Planning Board.

Mr. Osborne spoke about the application. He indicated that the peer engineering review was favorable to the recommended analysis by the design engineer. Staff would recommend approval of the application.

Chairman Weatherbee asked that Mr. Osborne's memo become part of the record.

Member Blais made a motion to approve the Conditional Use under Article 4.2, this motion was seconded by member Syversen. The vote was unanimous.

Member Syversen made a motion that the site plan meets the standards under Article 4.1, this motion was seconded by Member Nelson. The vote was unanimous.

4. STAFF REPORT

Mr. Osborne reported the shoreland zoning ordinance is coming along nicely.

The rain gardens are being completed at the town office next week.

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, May 13, 2009, at the Hampden Municipal Building by Acting Chairman Michael Avery.

Attendance: Planning Board Acting Chairman Michael Avery, Members Peter Frazier, Thomas Blais, Andrew Nelson, and Eugene Weldon.

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

1. APPROVAL OF MINUTES (April 08, 2009)

Member Nelson made a motion to approve the minutes of April 08, 2009 as written, this was seconded by Member Frazier. The vote was unanimous to approve the minutes as written.

2. NEW BUSINESS

A. Conditional Use/Site Plan – MSAD #22 requests review to construct a 180,000 sq. ft. building and associated parking and athletic fields for use as a Public High School (Hampden Academy) located at 24 Main Road North in a residential B District (Tax Map 6, Lot 45, 45A, 43A and Map 31, lot 2) – Public Hearing

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

Emil Genest, MSAD 22 (*Assistant Superintendent of schools for SAD 22*) had a presentation (power point) on the history and the future of Hampden Academy. Mr. Genest introduced the team members, Martha Harris building committee chair from Winterport, Kathy Walker and Norman Prouty from Hampden. Also present are members from WBRC team, and Gorrill Palmer.

Mr. Genest stated that this project has been on-going for some time.

Martha Harris (Chairperson of the building committee -School Board Representative from Winterport) spoke on the funding for the new Academy. Ms. Harris also spoke on the 75 community members and MSAD 22 Board Members that participated in the selection of the proposed site and the building design. Ms. Harris's presentation was also supported by a power point slide presentation.

Mr. Genest stated that there would be a performing arts center with seating for 900, a wellness center (gym and exercise equipment), science labs/classrooms with national standards. He discussed the heating and cooling system which will be a geo-thermal system utilizing 160 water wells.

Mike Pullen, Architect at WBRC discussed the historic aspects of the old academy and noted that its tower and arch over the front door is incorporated into the design of the new

academy. He discussed the overall exterior treatment of the proposed building and how choices were made as to the materials and design of various elements of its exterior design.

Ray Bolduc, PE at WBRC presented the site plan discussing many elements of the extensive set of plans for the board members to view.

Mr. Bolduc indicated the school plan requires various state approvals including: Site Location of Development Act, Natural Resources Protection Act and Traffic Movement Permit. He noted that the sewer pump station has received approval from the Town Council, also the off-site improvements. Due to the total wetland alteration proposed on the site, they are proposing an off site mitigation parcel and they are looking at a town owned parcel for that. State electrical permit and fire marshal permit, as well as building permits are required.

Mr. Bolduc indicated that the new school building will be built on the location of the existing track and that track area will be re-located west. Parking spaces for a total 772 were discussed as the total for the entire campus (elementary, middle and high school). This number was said to be in excess of that required for two major events being held simultaneously. He discussed where buffer yards are required, generally along the perimeter of the parcel where it adjoins a residential zone or use. Site lighting and landscaping was discussed. There will be a 12" water line and fire hydrants on site, and the building will be a sprinkled building. The Geo-thermal system was pointed out on the site plan, along with the 160 wells associated with the geo-thermal system and piping into the building for heating and cooling.

Access into the site was discussed as well as signage for the school.

The widening of Western Avenue was discussed along with the Rite Aid proposed site, and Hampden Academy. Jeremiah Barlett, PE of Palmer Gorrill stated they are working with MDOT on this and getting the necessary permits. Comments should be coming back by mid June on these permits.

Acting Chairman Avery kept the public hearing open.

Mr. Osborne made comments to this project. He also spoke on the right of way to the school site. He asked Mr. Bolduc to explain: The natural features of the site that are being altered; The loading space near the cafeteria; The proposed fencing surrounding the school; The proposed Bufferyards; The proposed sign for the school; The pump station and how that process was proceeding.

Mr. Bolduc discussed those items Mr. Osborne asked about. There is a small stream running north to south that must be somewhat altered and he showed its location to the board. He showed the location of the loading space. He discussed the fencing and the fact that the Department of Education was requiring it. He proposed that the bufferyard requirements could be met with a combination of existing plants, new plantings and fencing. He noted that the Town Council had recently approved the private pump station

under conditions contained in the Sewer Ordinance.

Mr. Bolduc reviewed with the Board the items that they indicated they would like to see additional information on. They were: the proposed free-standing sign proposed along Western Avenue; the right-of-way adjustments made to Western Avenue to contain the pedestrian crossing, the right-of-way delineation along the length of the access drive from Western Avenue to the town property, the additional parking spaces at Reeds Brook near the trail there; additional details concerning lighting and parking areas and finally additional landscaping street trees along the access driveway.

Acting Chairman Avery asked for a motion to table this item with the public hearing still open. Member Weldon made the motion and Member Blais seconded the motion which passed unanimously.

B. Zoning Ordinance Text Amendment – Town of Hampden requests review of proposed amendments to the Shoreland Zoning standards of the ordinance. The town intends to delete the current Shoreland Regulations, Article 4.14 contained in the zoning ordinance and adopt a freestanding shoreland zoning ordinance which will contain those regulations – Public Hearing

Mr. Osborne gave a brief description of what the amendment is. He indicated that the purpose of the amendment was to delete the provisions of shoreland zoning because the Town is preparing to deal with those state mandated standards in a new freestanding ordinance. He recommended that the Board send this item to its Ordinance Committee for review.

Public hearing was closed.

Acting Chairman Avery sent the zoning ordinance text amendment to the ordinance committee, he asked about available dates? The date will be determined later.

4. STAFF REPORT

5. BOARD MEMBERS CONCERNS

6. ADJOURNMENT

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

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, April 8, 2009, at the Hampden Municipal Building by Chairman Peter Weatherbee.

Attendance: Planning Board Chairman Peter Weatherbee and Members: Michael Avery, Peter Frazier, Thomas Blais, Mort Syversen, and the Planning Board's newest Member Eugene Weldon.

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

1. APPROVAL OF MINUTES (March 11, 2009)

A motion to approve the minutes of March 11, 2009 as written was unanimous.

2. OLD BUSINESS

A. Site Plan Review – Rawcliffe's Inc. requests approval to construct a 4,080 sq. ft. building for a car wash, an automobile service use, located at 637 Main Road North in a Commercial Service District (Tax Map 28, Lot 16-B) – Continued from previous meeting.

Chairman Weatherbee stated that the meeting is televised and people wishing to speak at tonight's meeting to please come up to the podium, state your name and address for the record. Chairman Weatherbee asked for proponents, then opponents, then anyone which general questions or comments.

Member Avery made a motion to remove this item from previously meeting of being tabled, this was seconded by Member Blais.

Jim Kiser, PE of Kiser and Kiser spoke as a representative of the applicant. He stated that the items that the planning board had issues with at April's meeting have now been addressed. Minor changes have been made to the site plan. Setbacks from the streets and structures has been changed, a letter has been issued by the owner stating the second access will be kept open at all times. Parking spaces will be eight spaces not seven as previously shown, the removal of vehicle storage note on plan has been made. On site directional signage has been addressed.

Mr. Osborne stated that there are three primary use structures so this application is for a group development. The notation on the plan previously indicating vehicle storage area has been changed to "existing gravel area". A letter has been received by the owners stating the second entrance on the north property line will be kept opened, this access is for emergency vehicles. The DOT has issued an entrance permit. Increases in the setbacks required for group development have been made. A stockade fence is proposed by the vacuum cleaner area to buffer it from the adjoining apartment. Mr. Osborne noted for the record that the site plan incorrectly states the minimum required setback from Marina Road but it does not affect any proposed improvements for this plan and no revised plan would be needed for that detail. Staff would recommend approval under article 4.1 as

it meets the standards governing site plan review.

Member Avery made a motion to approve the site plan under article 4.1.7. This motion was seconded by Member Nelson. The vote was four in favor and none against the motion to approve the site plan with the stated conditions. (Only those who were at the March public hearing voted on this item).

Chairman Weatherbee requested the Mr. Osborne's staff memorandum be made part of the record.

3. NEW BUSINESS

A. Site Plan Review – Vaughn Thibodeau & Sons requests for an amendment of their approved quarry plan to provide external drainage of the pit. Located at 1 Ammo Park Drive in an Industrial 2 District (Tax Map 10, Lot 61) Public Hearing

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

James Lowery, PE at Sebago Technics spoke representing the applicant. Mr. Lowery stated the board previously approved a revision with external drainage pumped to three stone berm level spreaders and a wooded buffer. Mr. Lowrey indicated that the new plan revision which reflects suggestions from the DEP proposes pumping the water from the pit to a wet pond. This would allow for additional settling of particulate matter and improved quality of water. The new pond would be accessed with a driveway that extends to the pond. The drainage would then be sent north overland to the Interstate 95 drainage ditch. Applicant proposes to enter into a drainage agreement with DOT. Mr. Lowery indicated that Terry Hannon, MDOT has offered language for the agreement and indicated that the document is to be recorded after it is signed. Mr. Lowrey indicated that a deed restriction placed on the wooded buffer that parallels the proposed access driveway. Mr. Lowrey indicated that they have a draft MDEP permit in hand. They have received the final documents from MDOT/DEP.

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

Mr. Osborne spoke. He stated that this is not an expansion of the quarry, rather it is accessory to create the pond area to help drain the pit. He indicated that the plan meets the standards for site plan review. Staff would recommend approval.

Chairman Weatherbee requested the Mr. Osborne's staff memorandum be made part of the record.

Mr. Lowrey answered a question about water testing indicating that Thibodeau is not required to do testing of this water in the wet pond. Berm and discharge was discussed. Industrial discharge needs a spill prevention plan. House keeping plan. A multi-sector permit stormwater application is required in order to proceed.

Member Avery made a motion to approve the amended site plan with conditions this motion was seconded by Member Syversen. The three conditions are: DEP variance; MDOT drainage agreement and Multi-sector stormwater permit,. Member Welden abstained from voting on this item. The vote was five in favor and none against the motion.

B. Site Plan Review – Mac’s Convenience Stores, LLC (dba Circle K) requests an amendment of their approval to change the exterior colors and signage 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 Weatherbee opened the public hearing.

Rick Self for Self Signs Pittsburgh, PA representing Circle K stated that Circle K is now operating at all Irving Oil’s in New England will be operating the convenience stores only. The colors are Red/White/Blue. They would like to change the building color to taupe from yellow. Color pictures were passed around. New color renderings were submitted. The sign located on the front of the building would have a 2’ x 2’ “K” with red stripping.

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

Mr. Osborne stated that this application is a color change and signage change only. The sign locations and size remain as before and the only change is to add the Circle-K content. He indicated that this color is taupe and is completely compatible with the Village Commercial District regulations regarding appropriate colors. He indicated that the signage standard is also appropriate. Staff would recommend approval.

Chairman Weatherbee requested the Mr. Osborne’s staff memorandum be made part of the record.

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

4. STAFF REPORT

5. BOARD MEMBERS CONCERNS

6. ADJOURNMENT

The Planning Board meeting adjourned at 8:20 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 11, 2009, at the Hampden Municipal Building by Chairman Peter Weatherbee.

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

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

1. APPROVAL OF MINUTES (February 11, 2009)

A motion to approve the minutes of February 11, 2009 as written was made by Member Nelson, this motion was seconded by Member Blais. The vote was unanimous.

2. NEW BUSINESS

A. Site Plan Review – Anglers Inc., requests approval to construct a 765 sq. ft. addition to an existing 2,558 sq. ft. building for use as a sit-down restaurant located at 91 Coldbrook Road in a Commercial Service District (Tax Map 22, Lot 4) – Public Hearing

Chairman Weatherbee opened the public hearing, asking for a representative of the applicant, then anyone wishing to speak in favor of the application to come to the podium, stating their name for the record, then anyone wishing to speak against the application, then anyone with general questions or comments.

The Public Hearing is open.

Bud Hall, owner of Angler's Inc., spoke about the application. He stated that they had been looking at this property for some time and has some history to the Town of Hampden. Mr. Hall stated that there will be a small addition to the building. Kenneth Hall, son of Bud Hall, will be running the Hampden location. Mr. Hall stated that they would have a liquor license, so they could serve liquor with meals, but no bar or dance floor is proposed.

Dewey Martin of Meadow Road spoke in favor of the application. He indicated that the Halls run a great restaurant and that it would be an asset to the community.

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

Bob Osborne, the Town Planner spoke about the application. Mr. Osborne indicated that this is a reuse of an existing residence with two modest additions to the building totaling 765 sq. ft. One addition is on the west side of the building to create a new customer entrance and waiting area. The second addition is on the east side of the building and will be used as kitchen area. The largest alteration of the site is the proposed expansions to parking and loading areas. Applicant proposes to leave the existing driveway in place and add a second driveway on the westerly end of the Coldbrook Road frontage. The westerly

entrance would be for customer parking and the easterly entrance would be for employee parking and loading area. Applicant proposes a total of 47 parking spaces which is more than adequate for the use. Applicant also proposes to create buffer yards that are suitable to screen the parking from the street. There is a cross connection between the two parking areas. Mr. Osborne spoke about the screening, lighting and a liquor license that the applicant requires. Mr. Osborne indicated that staff recommends site plan approval and indicated that it meets the standards contained in Article 4.1.

Chairman Weatherbee gave the Board an opportunity to ask some questions of Mr. Hall:

Hours of operation will be 11 a.m. to 8 p.m. seven days a week.

Exterior lighting was discussed. The sewer easement from Hughes Brothers is in the works. Landscaping and signage was also discussed with the applicant.

Projected opening date is May 11th.

Member Avery made a motion to approve the site plan under article 4.1, with the condition that the town receives the documentation on the sewer and drainage easements. This motion was seconded by Member Nelson. The vote was five in favor and none against the motion to approve the site plan with the stated conditions.

B. Site Plan Review – Rawcliffe’s Inc. requests approval to construct a 4,080 sq. ft. building for a car wash, an automobile service use, located at 637 Main Road North in a Commercial Service District (Tax Map 28, Lot 16-B)

Chairman Weatherbee opened the public hearing.

Jim Kiser, PE of Kiser and Kiser spoke as a representative of the applicant. Mr. Kiser stated that 637 Main Road North was the former site of Bickford Auto Body. The proposal is for a four (4) bay car wash, one automatic, drive-thru, and three (3) self serve. This would be a Group Development; there is a garage with an apartment over the garage on the site.

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

Mr. Osborne, the Town Planner stated that this property is in 3 parcels covering two zoning districts (Commercial Service District and Resource Protection District). The parcel extends from the intersection of Main Road North and Marina Road to Sucker Brook as the rear boundary to the Rawcliffe’s facilities to the north. There are multiple uses on the property. There is a single family residence and a garage with apartment over the garage. This fact of the apartment over the garage just recently came to light and appears to make the site development require review under group development. Some outstanding questions include the notation on the plan of a vehicle storage in the Resource Protection District. An entrance permit from MDOT is pending but no traffic movement permit is required from MDOT. The water district has issued a letter stating

that due to the uncertainty of specific flow rates required for the car wash the water district may require a larger diameter service line.

The Planning Board had an extended discussion about the application and some of its elements:

The Board asked Mr. Osborne to explain what must be considered under the group development standards. He read the relevant portion of the ordinance to the Board.

Group development standards and interior lot lines were discussed with the Mr. Kiser.

A foundation drain is proposed to tie into the catch basin near the street but actually located on Rawcliffe's, Inc. property and as such Mr. Kiser explained will not require a drainage easement from MDOT.

The Resource Protection area and the note on the plan indicating a vehicle storage area was discussed. Mr. Osborne indicated that this area is not grandfathered because according to Attorney Russell the related primary use has been discontinued. Mr. Kiser made an argument in favor of keeping the note on the plan.

Mr. Kiser discussed the eagle nesting area. The site plan construction area in question is near the outer extent of the 500 foot circle drawn around these mapped nesting areas as determined by IF&W. As such IF&W has some authority to waive the requirement that construction only occur during certain months of the year.

Mr. Kiser discussed the 4" sewer line indicating that it can handle the water disposal as proposed.

The Board discussed what issues appear to be outstanding:

The buffer yard screening was mentioned, along with the lighting and the seven (7) proposed parking spaces, not eight (8) parking spaces that is required by the ordinance.

Issues for the applicant to address are:

Garage with overhead apartment

On site signage

Removal of existing vehicle storage note

Water/sewer – (upgraded submit new plans)

Setbacks from structure and street

Site plan approved under group development standards

Member Avery stated he has concerns over all the changes that are to be made to the site plan that they have before them tonight.

Member Avery made a motion to table to application to a later date to be set (for a special meeting if needed) this motion was seconded by Member Frazier. The vote was five in favor of tabling the application and none against.

4. STAFF REPORT

Mr. Osborne stated that the comprehensive plan committee is nearing the end of the draft period and that it would soon be passed around for review. Mr. Osborne stated that the Town Council recently established Friends of Dorothea Dix Park and approved the charter. That charter indicates that one member would be a Planning Board Member.

5. BOARD MEMBERS CONCERNS

Chairman Weatherbee commented on the site plan applications coming to the Planning Board they are well presented and very helpful, and thanked Mr. Osborne for his efforts.

6. ADJOURNMENT

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

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, February 11, 2009, at the Hampden Municipal Building by Chairman Peter Weatherbee.

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

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

1. APPROVAL OF MINUTES (January 14, 2009)

A motion to approve the minutes of January 14, 2009 as written was made by Member Avery this motion was seconded by Member Nelson. The vote was unanimous.

2. NEW BUSINESS

A. Conditional Use/Site Plan Review – Vaughn Thibodeau and Sons requests an time extension to the previously approved quarry excavation located at 1 Ammo Park in an Industrial 2 District (Tax Map 10, Lot 61) – Public Hearing

Chairman Weatherbee opened the public hearing, asking for a representative of the applicant, then anyone wishing to speak in favor of the application to come to the podium, stating their name for the record, then anyone wishing to speak against the application, then anyone with general questions or comments.

Chairman Weatherbee opened the Public Hearing.

James Lowry of Sebago Technics spoke as a representative of the applicant. Mr. Lowry stated that this is a time extension only, and the applicant is requesting a 5 year extension of this project. (The project had previously been approved by the Planning Board for a period of three years). Mr. Lowrey provided the Board with a plan that indicated that the extent of the existing excavation area is within the previously plan's footprint.

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

Robert Osborne, the town planner stated that the Board can extend this application five years if it so chooses. Mr. Osborne also stated that applicant has experienced drainage issues which caused some delay in the removal of materials from the excavation. (Applicant had previously sought approval from the Board for an external drainage plan which must be subsequently approved by the Maine Department of Environmental Protection). Mr. Osborne stated that conditional use is not necessary due to the nature of the application.

Member Avery made a motion that the application meets site plan approval under Article 4.1, for the five year extension of the project. This motion was seconded by Member

Syversen. The vote was six in favor and none against the motion.

B. Subdivision Sketch Plan (revision) – Linda Williams requests sketch plan review of a 36.7 acre parcel to be subdivided by seven four-plex townhouse condominium buildings (28 dwelling units) located at Kennebec Road in a Rural District (Tax Map 5, Lot 81)

Chairman Weatherbee stated that this is a sketch plan, there is no public hearing required at sketch, but if anyone wishes to speak on this sketch plan, other than the representative, they may do so after the applicant give a brief presentation.

Linda Williams spoke about the proposal. Mrs. Williams stated that they have been working with the town for 3 years on this proposal. The project is for seven buildings with four townhouse units in each building. Each building will be served with wells, and septic systems. There is a private road proposed. They will be needing permits from the DEP, for the wetlands alternations. The purchase of the land adjacent to the parcel is no longer an option.

Steve Lane from the Cove Brook water shed Council spoke about the proposal. He has reviewed the newest plan with the 250 foot wetland buffer in association with a wetland of special significance and waterfowl habitat. He asked about the septic requirements and the road that appears to be in the 250 ft. buffer area.

Mr. Osborne showed a larger annotated copy of the sketch plan to the Board in order to address some of the questions that were being raised. He indicated that there is an open water wetland that is the protected resource and then a 250 foot buffer area that surrounds that wetland which with the wetland is regarded as the waterfowl habitat. A small area of the proposed road is within the 250 foot bufferyard area and impacts fingers of the forested wetland. The wetland under discussion is regarded as the headwaters of Baker Brook which feeds into Cove Brook which is a salmon habitat. Mr. Osborne indicated that Jim Kiser had penciled in the septic field areas proposed for the project and that and several of the septic are in the 250 foot buffer to the wetlands.

The proposal will need an NRPA permit for the impact on this bufferyard as well as a wetland alternation permit from the DEP.

The Board stated that the NRPA permit has to be approved before the Board can move ahead.

There are 4 dwelling units per building with 3 bedroom proposal for each unit.

The Board would like to see all of the development out of the wetland area and buffer zone. There is a total of 14 acres of wetland.

Mrs. Williams stated that Jim Kiser is the engineer working on the project, but was not available for tonight's meeting. She is attempting to answer some of the board's questions and concerns.

Mr. Osborne indicated that there were several issues that the Board must consider. Under the Rural Cluster Subdivision standards there is provision in Zoning Ordinance, Article 4.6 that allows the Board to approve four-family dwellings as long as the overall units-per-acre density is not exceeded. He indicated that Article 4.6.3 provides guidance for how the density is to be calculated. What applicant has done is to count only the upland portions of the parcel toward the gross acreage less the road area. Staff finds that Mr. Kiser's calculations meet the standard and that the proposed number of dwelling units (28). Mr. Osborne indicated that if the Board disagrees with either the utilization of four-family dwellings or the calculation of the gross acreage they should provide some guidance to the applicant at this sketch plan phase.

There appeared to be a consensus that the Board was willing to allow the four-family dwellings and the gross acreage calculations as proposed.

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

4. STAFF REPORT

Mr. Osborne noted that the Board should clarify which Board members were to serve on each of the two standing subcommittees of the Planning Board and that this is within the authority of the Chairman to assign.

The committee assignments for Ordinance Committee are Mike Avery as Chair, Peter Weatherbee, Peter Frazier, and Andrew Nelson.

The committee assignments for Comprehensive Plan committee are Mort Syversen as Chair, Tom Blais, and Peter Weatherbee.

5. BOARD MEMBERS CONCERNS

6. ADJOURNMENT

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

Respectfully Submitted,

Michael Avery, Secretary

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:10 p.m. on Wednesday, January 14, 2009, at the Hampden Municipal Building by Acting Chairman Peter Weatherbee.

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

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

1. ELECTION OF OFFICERS

Michael Avery stated that he would be willing to be secretary for the Planning Board for another year. The Planning Board Members voted unanimously to accept Member Avery as the secretary of the Planning Board. A Nomination for Peter Weatherbee as Chairman of the Planning was made, Member Weatherbee accepted this nomination. The Planning Board voted unanimously to accept Member Weatherbee as Chairman of the Planning Board.

2. APPROVAL OF MINUTES (December 10, 2008)

A motion to approve the minutes of December 10, 2008 as written was made by Member Nelson this motion was seconded by Member Llerena. The vote was unanimous.

3. NEW BUSINESS

A. Conditional Use/Site Plan Review - Amy Murphy requests approval for establishing a Day Care Facility in her residence located at 73 Papermill Road in a Rural District (Tax Map 16, Lot 12) – Public Hearing

Adam Robins. PLS from Plisga and Day spoke as a representative. The Day Care facility is proposing a maximum of eleven children, on a one-acre lot. There are no additions proposed to the house but a fenced play area is proposed. There are three parking spaces with additional parking if needed. The proposed fenced in outdoor play area is 60 feet from nearest lot line. There is a 2 ft. sq. sign also proposed.

Amy Murphy stated that the hours of operation would be from 6:00 am to 5:30 p.m. Emergency provisions for neighbors to serve as staff have been made in the rare case of an emergency.

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

Mr. Osborne spoke about the proposed Day Care facility. He indicated that the plan meets the submittal standards and that the application is complete. He noted that at this location on Papermill Road it is in a good location because the site distances are at least 500 feet. He noted that there are two separate driveways but that they do not cross connect. There is parking available at each driveway. He indicated that staff would recommend both the conditional use and site plan be approved. There is very little outside change proposed

and the play area is well separated from the neighboring properties.

A motion was made by Member Avery to approve the conditional use under article 4.2, this motion was seconded by Member Llerena. The vote was six in favor and none against the motion to approve the conditional use.

A motion was made by Member Avery to approve the site plan under article 4.1, this motion was seconded by Member Nelson. The vote was six in favor and none against the motion to approve the site plan.

4. STAFF REPORT

5. BOARD MEMBERS CONCERNS

6. ADJOURNMENT

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

Respectfully Submitted,

Michael Avery, Secretary