

**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 14, 2005, at the Hampden Municipal Building by Acting Chairman David Caliendo.

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

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

1. APPROVAL OF MINUTES (November 9, 2005)

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

2. OLD BUSINESS

A. Site Plan Revision – New England Waste Services of Maine – Application for revision to gas-to-energy plan to add scrubber/chimney equipment – Located at the Pine Tree Landfill, off Old Coldbrook Road in an Interchange District and Rural District (Tax Map 9, Lot 45). – Public Hearing

Acting Chairman Caliendo stated that this application was tabled at the prior meeting. He called for a motion to remove the item from the table.

Member Avery made a motion to remove this application from the table and it was seconded by Member Syversen. The vote was unanimous to remove the application from the table.

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

As no one wished to speak on this item acting Chairman Caliendo closed the public hearing.

Bob Osborne, Town Planner indicated that this item is a very minor change from the previously approved plan for the gas generation facility that was previously approved at this location. He noted that the plan now includes the scrubber unit that is on a pad outside the proposed building. He indicated that staff is satisfied that it meets the standards governing site plan approval and recommended that the Board approve the application for site plan revision.

The Board discussed the chemical used in scrubbing and the anticipated noise from the

scrubber. Mr. Drew indicated that the scrubber is carbon based and absorbs sulfur and other impurities in the landfill gas prior to entering the generation facility. The scrubber units extend the life of the engines and reduce the amount of impurities that come out the exhaust pipe. He passed around a photo of an existing facility that utilizes an identical scrubber unit. He also stated that the noise outside the building would be very minimal.

The buffer yard was discussed, and the possibility of extending the buffer of white pine trees on the southwest side.

Member Avery made a motion to approve the application with the addition of the extended buffer to the length of the scrubber pad, with the six foot tall white pine trees, this motion was seconded by Member Syversen, and the vote on this motion was seven in favor and none against the motion.

3. NEW BUSINESS

A. Site Plan Review _ Stanley Smith – Application to add a third apartment unit to the premises located at 209 Western Avenue in a Residential B District (Tax Map 30, Lot 6-B). The proposed apartment is to be contained in the area of the building that is currently garage and was previously approved for a home occupation. – Public Hearing

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

There was no one wishing to speak in regard to this application.

Acting Chairman Caliendo closed the public hearing, and asked Mr. Osborne for staff comments.

Mr. Osborne stated that this application requests a third apartment unit within the confines of the existing foot print of the building. There are adequate parking spaces provided. There was a previously approved site plan for this location for a home occupation. The third unit does not constitute subdivision as it is outside the five-year time frame. Staff would recommend approval of this application.

Member Meo made a motion to approve the application as submitted; this motion was seconded by Member Syversen. The voted was seven in favor and none against the motion to approve the application.

B. Conditional Use/Site Plan Review – Noreen Kent – Application for review of a timber harvesting plan in the Resource Protection/Shore land District – The site is located adjacent to the Penobscot River at 337 Main Road South in a Resource Protection District (Map 47, Lot 8) – Public Hearing

Robert Frank Jr., retired licensed forester (# 83), spoke for the applicant, Mrs. Kent. He stated that some of the trees are 40 to 80 plus years old. Some of the trees are dead and others dying, the removal of these dead and dying trees are now a safety issue and well as a forest management plan. The property lines have been surveyed; the property lines as well as the Resource Protection District have been clearly marked. Mr. Frank stated they plan to get started cutting as soon as possible. The winter time is best for tree harvest in this area. He indicated that he would personally mark all trees to be cut.

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

Member Meo made a motion to approved site plan review as submitted, Member Avery seconded this motion. Mr. Osborne requested that the Board consider adding a condition to the motion that the applicant provides a copy of the boundary survey to the Town. The motion was amended to add the condition. The Board voted seven in favor and none against the motion to approve site plan review with a condition that applicant provide a copy of the boundary survey.

B. Zoning Ordinance Text Amendment – Town of Hampden – Referral from Town Council to make recommendation on a proposed amendment of Article 3.6 Interchange District to increase the maximum building height from 35 feet to 50 feet – Public Hearing

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

As there were no public comments Acting Chairman Caliendo closed the Public hearing and asked for staff comments.

Mr. Osborne indicated that the Board was considering both the referral item from the Town Council and an alternative draft from the Planning Board Ordinance Committee. He indicated that the staff supported the alternative draft amendment. The reason that this alternative was recommended was because the Town of Hampden has both the International Building Code and Life Safety Code that lay out very specific standards for construction technology, occupancies, and building heights and floor areas. They are very specific with regard to egress, place of refuge, fire suppression and other factors and the codes are universally accepted as providing safe buildings. It would be inappropriate to second guess these codes with zoning ordinance regulations for heights of window openings or floor elevations. He suggested that Mr. Caliendo may wish to offer a committee report at this time to discuss their action on this item.

Mr. Caliendo indicated that the Ordinance Committee had a productive discussion about the alternative height amendments. The Committee voted unanimously to recommend the alternative draft with an “ought to pass” and to recommend the original draft with an

“ought not to pass” recommendation.

Member Avery made a motion to send the original draft back to Council with a “ought not to pass” recommendation. Member Avery furthered his motion to include the revised draft from the ordinance committee recommendation to send to Council with an “ought to pass” recommendation. This motion was seconded by Member Nelson, and the vote was seven in favor and none against this motion.

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

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

Darrell Ginn, Land Surveyor spoke in favor of the application. He stated that this is a 6-lot subdivision on the south side of Shaw Hill Road, with no public improvements.

Dale McGarrigle of Shaw Hill Road had some questions on the wet area, and storm water, also drilled water wells on the uphill side of Shaw Hill Road, and how they may be affected by storm water, and septic systems.

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

Mr. Osborne, the Town Planner stated that the application for Preliminary Plan is complete. However there seems to be a storm water issue. He indicated that a drainage easement would be needed on the land to the south of the proposed subdivision because additional storm water is being diverted to that location out of Shaw Hill Road. Also Mr. Osborne read the letter from the Public Works Director, Greg Nash. Mr. Nash had several issues with drainage, culverts and storm water.

Mr. Ginn indicated that the applicant wished to provide cash in lieu of open space for this subdivision. There is a 30 foot right of way to Hartford lot note 6 not 7 on plat plan.

Member Syversen made a motion to approve preliminary plan as submitted as it met the standards for preliminary subdivision plan. Member Avery seconded this motion. The vote was seven in favor and none against the motion to approve the preliminary subdivision plan.

E. Major Subdivision, Preliminary Plan – M&D Real Estate, LLC – Application for Audrey’s Estates Subdivision, a 14-lot, 54.82 acre subdivision with no public improvements located on the northeast intersection of Shaw Hill Road and Miller Road in a Rural District (Map 7, Lot 69) – Public Hearing

Acting Chairman Caliendo opened the public hearing, asking for proponents then

opponents then anyone with general questions or comments.

Darrell Ginn, Land Surveyor spoke in favor of the application. Mr. Ginn stated that this is a 14 lot subdivision with no public improvements. The proposed site is Shaw Hill and Miller Road. The wetlands and storm water was discussed. He noted that the farm house on the street corner would constitute one of the proposed lots.

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

Mr. Osborne stated that applicant proposes that 2.7 acres of land for open space be dedicated on the interior of the proposed subdivision. This land is partially wooded, and some of the land is clear. Soils are good in the proposed subdivision.

Mr. Osborne discussed the letter Greg Nash, the public works director, submitted for the record.

Miller Road was discussed because it is currently a three rod road and there is a public interest in augmenting the width of the street to a four rod road. It was noted that on the subject side of Miller Road that the plan indicates power poles that are along the street alignment but are not within the right-of-way. What is proposed is to dedicate ½ rod on this side of Miller Road and when the other side is developed another ½ rod would be dedicated on that side as well.

Janet Van Brooks of Miller Road asked if making Miller Road into a four rod road would be only in the area where the subdivision is located.

The Board Members stated that making Miller road into a four rod road would be in the area of the proposed subdivision only.

Acting Chairman asked for a motion on the Preliminary Plan.

Member Syversen made a motion to approve the Preliminary Plan for Audrey's Estates with the changes noted in the discussion as it meets the standards for preliminary plan. Member Avery seconded the motion. The Board voted unanimously in favor of the motion.

4. STAFF REPORT

Mr. Osborne welcomed the three new planning board members Thomas Cavanaugh, Peter Frazier as full members and Tony Llerena an associate member.

5. BOARD MEMBERS CONCERS

Mr. Osborne stated that the first meeting of the year, in January, the Planning Board bylaws require election of officers. This would include the chairman and secretary. The chairman would subsequently appoint Planning Board members to serve on either the Ordinance or Comprehensive Plan committees.

6. ADJORNMENT

The Planning Board meeting adjourned at 9:05 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 9, 2005, at the Hampden Municipal Building by Acting Chairman David Caliendo.

Attendance: Planning Board Members: Member Acting Chairman David Caliendo, Carrie Meo, Andrew Nelson, Michael Avery, and Mort Syversen.

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

1. APPROVAL OF MINUTES (October 12, 2005)

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

2. NEW BUSINESS

A. Site Plan Revision – New England Waste Services of Maine – Application for revision to gas-to-energy plan to add scrubber/chimney equipment – Located at the Pine Tree Landfill, off Old Cold brook Road in an Interchange District and Rural District (Tax Map 9, Lot 45). – Public Hearing

Acting Chairman Caliendo stated that the applicant has made a request in writing (a letter from Don Meagher) to have the item tabled to the December 2005 regularly scheduled planning board meeting.

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

B. Major Subdivision, Final Plan Revision – Webber Brook, LLC – Application for amendment of a drainage easement and topographic map for the 14-Lot, 172 Acre Residential Subdivision with Public Improvements located off Western Avenue (Dunton Circle) in Rural District (Map 8, Lots 20A & 21) – Public Hearing

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

Mr. Steven Ribble, PE with Ames Corporation spoke in favor of the application. Mr. Ribble stated they propose a modification to delete the drainage easement between lots 6 and 7 because no substantial amount of stormwater can be directed to this area and the existing topography makes the previously proposed easement both infeasible and unnecessary. Mr. Ribble showed the planning board members the old Mylar overlaid with the new proposed changes.

Mr. Ribble also stated that the lot line between lots four and five has been changed. The space between the two lots has been eliminated, making the two lots (four and five) abutting lots.

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

Mr. Osborne stated that staff received a letter from Jeff Allen, PE at Sewall Company stating the revised stormwater management plan was acceptable.

Member Syversen made a motion to approve the amendments as submitted under Articles 332 and 500 of the subdivision ordinance. This motion was seconded by Member Meo. The vote was five in favor and none against the motion to approve the amendments as submitted.

C. Zoning Text Amendment – Town of Hampden – Application for amendment of Zoning Ordinance, Article 3.8, Residential B District to allow multi-family dwellings in instances where public water is available but public sewer is not. – Public Hearing

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

No one came forward with questions or comments, and Acting Chairman Caliendo closed the public hearing and asked for staff comments.

Mr. Osborne indicated that the item had been reviewed by the Planning Board Ordinance Committee at a 6:00 pm meeting and that they had voted to recommend the item to the Board for a favorable recommendation to the Town Council. He noted that this amendment is applicable to a limited area of town, most notably about the southerly half of Mayo Road. He also noted that provision is made in the ordinance amendment for replacement systems.

Member Syverson questioned the numbering of the proposed amendment and suggested that the better approach would be to void section 3.8.2 and otherwise leave the numbering in place so that references elsewhere in the ordinance are not rendered useless.

Member Avery made a motion to send the amendment back to Council with ought to pass recommendation, with the revision to keep the numbering as originally numbered within the text. This motion was seconded by Member Syversen. The vote was five in favor and none against the motion to approve the text amendment.

3. STAFF REPORT

Mr. Osborne reported that three applications for New Planning Board Members are now with the appointments committee. Mr. Osborne is hopeful that the new members will be onboard in January 2006.

4. BOARD MEMBERS CONCERS

5. ADJORNMENT

The Planning Board meeting adjourned at 7:50 p.m.

Respectfully Submitted,

David Caliendo, 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 12, 2005, at the Hampden Municipal Building by Acting Chairman Michael Avery.

Attendance: Planning Board Members: Member Acting Chairman Mike Avery, Carrie Meo, Andrew Nelson, Dawn Thomas, and Mort Syversen.

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

1. APPROVAL OF MINUTES (September 14, 2005)

Member Meo made a motion to approve the minutes as written, Member Nelson seconded this, and the vote was five in favor and none against. The vote on the minutes was unanimous.

2. NEW BUSINESS

A. Major Subdivision, Final Plan Revision – Sunset Developers, Inc. – Application for revision/correction of the proposed road elevation to correct an error in the vertical datum of the Sunset Ridge Subdivision – a 14-lot, 45.54 acre conventional subdivision with public improvements- Located on the south side of Western Avenue 0.6 miles west of Emerson Mill Road in a Rural District (Tax Map 8, Lot 23A). - Public Hearing

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

Randy Bragg of Carpenter Associates spoke in favor of the application. He explained that there was an error in elevation on the road and corrective changes were necessary. One resulting change was moving the road entrance twelve feet to the left, making a better entrance to the subdivision.

Chairman Avery closed the public hearing and asked for staff comments. Bob Osborne, Town Planner indicated that the item required planning board approval because there is no other mechanism to make field changes and because the datum underlying the first approval proved to be flawed. The drainage analysis was essentially unchanged and Jeff Allen, PE, James Sewall has indicated that the plan is now ready for approval as it meets the standards of the subdivision ordinance.

Member Syversen made a motion to approve the amended subdivision elevation with the condition that the recorded plat plan showing the revision date and what was revised. This motion was seconded by Member Thomas, the vote was five in favor and none against the motion.

B. Minor Subdivision, Final Plan Revision – Dennis J. Wagner – Application for adjustment of an interior lot line of the existing Lila Leonard Subdivision – Located on the east side of Canaan Road 0.6 miles south of Western Avenue in a Rural District (Tax Map 8, Lot 7I & 7J). – Public Hearing

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

Dennis Wagner stated the he is purchasing 5 acres from his neighbor, Ronald and Debbie Wentworth. He would like this acreage added to his lot. This requires changing the common lot line between the two lots in the recorded subdivision. Mr. Wagner stated that the added acreage would be used for recreation.

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

Mr. Osborne indicated that this item was ready for approval and meets the standards for Minor Subdivision Plan approval.

Member Meo made a motion that the application meets minor subdivision final plan revision approval. This motion was seconded by Member Thomas, the vote was five in favor and none against this motion.

C. Major Subdivision, Final Plan Revision – Stan MacMillan Company, Inc. – Application for extension of the completion date for Final Plan Approval of a 5-lot, 17.8 acre Residential Subdivision with Public Improvements located at Main Road South and Perkins Drive in Rural and Resource Protection Districts (Map 3, Lots 58B, 60A & 62A) – Public Hearing

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

Steve MacMillan was present tonight representing the applicant. He stated that due to the eagle nesting area that is in the development area, they were unable to complete the subdivision by the completion date of August 2005. They are requesting an extension of that date.

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

Mr. Osborne indicated that that due to the eagle nesting area being in this development, it would make sense to extend the completion date to November 30, 2006.

Member Syversen made a motion to extend the completion date of the

subdivision to November 30, 2006. This motion was seconded by Member Thomas, the vote was five in favor and none against the motion.

D. Minor Subdivision Plan – Cynthia Philbrick – Applicant requests approval for a four-lot, 53.08 acre Rural Cluster residential subdivision with no public improvements located at 1220 Western Avenue in a Rural District (Tax Map 7, Lot 20-A, 20-A1, and 20-A2) – Public Hearing

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

Ed Bearor acting as a representative for the applicant spoke about this application. Mr. Bearor requested a waiver for the time line between sketch and final subdivision approval be granted due to the length of time it has taken the wetland's mapping and plat plans to be submitted. Mr. Bearor stated to the Board that this subdivision was created for the Philbrick's children to each build on a parcel of land, and the property would remain in the family. Deed right-of-ways would be included in each property's deed.

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

Mr. Osborne indicated that this item meets the standards for a rural cluster subdivision under zoning ordinance article 4.6. He also indicated that it meets the standards under minor subdivision plan.

Member Thomas made a motion to extend the time line between sketch plan and final subdivision approval. This motion was seconded by Member Syversen, the vote was five in favor and none against.

Member Syversen made a motion to approval final subdivision application as submitted, this motion was seconded by Member Thomas. The vote was five in favor and none against this motion to approve the final subdivision plan.

E. Site Plan Review – Lafayette Hotels, Inc. – Construction of a 13,600 sq. ft., three-story addition to the White House Inn located at Littlefield Avenue for use as ten additional guest rooms and spa, exercise area and breakfast area in an Interchange District (Tax Map 9, Lot 49 & 49A) – Public Hearing

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

Jim Kiser of Kiser and Kiser spoke for the applicant. Mr. Kiser stated that with him tonight is Peggy Brown of the Whitehouse Inn (Best Western). Mr. Kiser stated that they are proposing to add 10 room and two additional stories to the Best Western. They would be keeping the building under the 35 foot limited of the town's zoning ordinance. There would be adequate parking and handicap

parking allotted.

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

Mr. Osborne indicated that this item was essentially the same as the previously approved plan but for the additional parking spaces and that staff recommends approval of the site plan at this time.

Member Syversen made a motion to approve the site plan as submitted. Member Meo seconded this motion and the vote was five in favor and none against the motion to approve the site plan.

3. STAFF REPORT

Mr. Osborne stated that the Subdivision Ordinance amendments have now been adopted. The first newsletter from the town was mailed to the residences.

4. BOARD MEMBERS CONCERNS

Dawn Thomas announced her resignation from the board effective immediately.

5. ADJOURNMENT

The Planning Board meeting adjourned at 8:20 p.m.

Respectfully Submitted,

David Caliendo, 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 14, 2005, at the Hampden Municipal Building by Chairman Beric Deane.

Attendance: Planning Board Members: Member David Caliendo, Mike Avery, Carrie Meo, Andrew Nelson, and Chairman Beric Deane.

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

1. APPROVAL OF MINUTES (August 24, 2005)

Member Avery made a motion to approve the minutes as written, Member Caliendo seconded this, and the vote was five in favor and none against. The vote on the minutes was unanimous.

2. NEW BUSINESS

A. Site Plan Review – Hampden Physical Therapy (Tardiff) – Revision of the previously approved plan for addition of a client drop-off driveway loop located on a parcel of land located on the northwest corner of the intersection of Route 202 Bypass and Coldbrook Road in a Commercial Service District (Tax Map 9, Lot 20) – Public Hearing

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

Mike Barrows the general contractor for the applicant spoke. He stated that the driveway would loop from the parking lot, past through the carport, and back around to the parking lot, after leaving clients off under a canopy by the front door.

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

Mr. Osborne, the town planner stated this is a simple revision to the site plan. Staff would recommend approval.

The Board discussed how the drop-off loop was to be marked for no parking. The pavement would be marked.

Member Avery made a motion that the application meets site plan approval standards, this motion was seconded by Member Caliendo, the vote was five in favor and none against this motion to approve the site plan revision.

B. Site Plan Review – Town of Hampden – Revision of the previously approved plan for Lura Hoyt Pool Recreation area to construct a 47 space parking lot addition and construction of a volleyball/ice skating area and children’ play area located at 146 Western Avenue in a Residential B District (Tax Map 9, Lot 18) – Public Hearing

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

Jim Kiser, PE with Kiser and Kiser spoke as a representative for the applicant. Mr. Kiser stated that this addition would be used for ice skating in the winter, and beach volleyball in the summer, with a small play ground area. An increased area parking will be paved.

Mr. Osborne read a letter into the record from the Goodale’s of 164 Western Avenue, next to the proposed addition.

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

Mr. Osborne stated that this is a small amendment, 100 ft. by 80 ft. ice skating area. About the size of a basketball court or volleyball court but not the size of a hockey rink. He indicated that the plan was a revision to the previously approved site plan and that it meets the standards governing site plan review.

Member Avery asked about the lighting.

Mr. Kiser stated that the lighting would be down cast, and would light only the ice skating area, and play area.

Member Meo made a motion to approve the revisions to the site plan, this motion was seconded by Member Avery, the vote was five in favor and none against the motion to approve the revisions to the site plan.

C. Minor Subdivision Plan – Mark D. Kaplan and Kevin J. Nelson – Applicant requests approval for a two-lot, 39.6 acre residential subdivision located at 150 Back Winterport Road in a Rural District (Tax Map 6, Lot 3) – Public Hearing

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

Kevin Nelson, one of the applicants, stated that the proposal was for 2 lots on 39.6 acres, on the Back Winterport Road. He briefly discussed the contents of the submissions. He indicated that he believed that the application was complete and requested approval of the subdivision.

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

Mr. Osborne stated that this application required subdivision review because Dr. Kaplan sold a lot a few years ago to Dennis Whitcomb and he now has offered his home (a homestead) for sale as well as the pending sale to Mr. Nelson. He noted that the open space was to be retained by the developer. He indicated that the submission is complete and that Staff would recommend approval of this application.

Open space was discussed.

It was noted that this was a minor subdivision.

Member Caliendo made a motion that the application meets Article 340 of the subdivision ordinance and 3.9 of the zoning ordinance, this motion was seconded by Member Nelson, the vote was five in favor and none against the motion to approve this application.

D. Site Plan Review – Lafayette Hotels, Inc. – Construction of a 9,100 sq. ft., two-story addition to the White House Inn located at Littlefield Avenue for use as five additional guest rooms and spa, exercise area and breakfast area in an Interchange District (Tax Map 9, Lot 49 & 49A) – Public Hearing

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

Jim Kiser, PE of Kiser and Kiser, representing the applicant spoke in favor of the application. Mr. Kiser stated that the improvements being made to the Whitehouse Inn would bring the Inn up to the requirements that Best Western requires. He noted that the modifications would move the primary entrance of the building to the rear or southerly side of the Inn. The improvements would include five additional guest rooms, an exercise area and spa for guests of the Inn and a new car port. The fire Department has reviewed the plans and has determined that the fire lane regulations are satisfied.

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

Mr. Osborne stated the Inn was built in the 1960's pre-dating the town's zoning ordinance requirements for site plan review, so it does not have a previously approved site plan on file. It is however an addition to an existing structure and use and the review of the plan is generally limited to the expansion. He noted that the land in the area of the proposed parking lot is in two ownerships currently, but that both are under the control of Carla and Dan Lafayette. He indicated that either a lease agreement or deed would be the appropriate way to protect the interests of the Whitehouse Inn. Applicant has provided a letter indicating that the Lafayettes intend to lease land to the

Inn. He noted that some handicap parking spaces have been improved. He noted that there are some non-conforming parking spaces exist along the easterly end of the Inn and that he had encouraged applicant to enlarge them to meet the current dimensional requirements for parking and access aisle dimensions, but applicant has declined. He indicated that the Board has limited authority to compel compliance in this regard. He indicated that the application is complete and that staff recommends approval of the application at this time as it meets the standards governing site plan review.

Boundary lines were discussed, along with the setback requirements and whether they are being met. The question was that the perimeter of the over all holdings of the Lafayettes had meets and bounds information but the interior parcel lines did not.

Member Avery asked about the survey and meets and bounds of the parcels in question.

Mr. Kiser stated that he took his information from a Pilsga and Day, survey done some years ago.

Member Avery made a motion to approve the amended site plan with the condition that the dimensions are on the plat plan signed by the town and recorded along with the required setbacks, and the lease agreement be in order. This motion was seconded by Member Caliendo, the vote was five in favor and none against this motion to approve with conditions.

E. Mayor Subdivision Final Plan Revision – Onsite Developers – Applicant requests revision to the proposed road elevation to adjust for ledge conditions – The subdivision is located on Western Avenue across from Emerson Mill Road in a Rural District (Tax Map 8, Lot 33) – Public Hearing

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

Jeff Allen PE with James W. Sewall Company, spoke for the applicant. He stated the the grading of the road needs to be changed by one foot due to ledge encountered on site.

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

Mr. Osborne stated that this is a house keeping item and that Town staff has no authority to authorize changes to a subdivision plan. He noted that Mr. Kiser, PE had reviewed the plan revisions on behalf of the Town and found them to be acceptable.

A motion was made by Member Caliendo to approve the amendment to the subdivision plan as submitted, this motion was seconded by Member Nelson, the vote was five in favor and none against the motion to approve the subdivision plan revision.

F. Minor Subdivision Plan – Cynthia Philbrick – Applicant requests approval for a four-lot, 53.08 acre Rural Cluster residential subdivision with no public improvements located at 1220 Western Avenue in a Rural District (Tax Map 7, Lot 20-A, 20-A1, and 20-A2) Public Hearing

Chairman Deane asked for a motion to table this application due to the lack of plans and material being submitted for review by staff and Planning Board.

Member Caliendo made a motion to table this application, this motion was seconded by Member Nelson, the vote was five in favor and none against the motion to table the application.

G. Sketch Plan Review – M & D Real Estate, LLC – Applicant requests pre-application subdivision review of a 14 lot, 54.84 acre subdivision with no public improvements located on the north side of Shaw Hill Road at Miller Road in a Rural District (Tax Map 7, Lot 69)

Chairman Deane opened the item and asked for a representative of the applicant to address their comments to the Board.

Darrell Gunn represented the applicants Marvin and Doug Smith (M & D Real Estate, LLC)

Mr. Gunn stated that this is a 14 lot subdivision with the lots having their frontage on two town roads. It is in the rural zone, the lots are 2 acre lots with 200 feet of road frontage. The wetland mapping is underway, and soil tests have been done.

Open space was discussed with the applicants, and since this has not been decided yet, the applicants were told of the three choices for open space that is acceptable by the town.

Stormwater and drainage was discussed along with the placement of culverts and driveways.

Mr. Osborne asked about the DEP permit process, and State review of the subdivision.

Member Caliendo made a motion to class this subdivision as a major subdivision due to the number of lot being over four. This motion was seconded by Member Avery, the voted was five in favor and none against the motion to classify this subdivision as a major subdivision.

Signage was discussed with Mr. Gunn, as well as the name of the subdivision.

3. STAFF REPORT

Mr. Osborne stated that the Council will soon be taking up the Subdivision Ordinance amendments that the Board had sent to them. Council Ordinance Committee has made a motion to recommend those amendments, to the full Council for approval. Mr. Osborne stated he has been working on an overhaul of the shoreland zoning maps and the zoning ordinance. He recently had a meeting with the DEP to discuss the maps and to help understand what shoreland zones might be acceptable in the jurisdictional areas within the Town.

4. BOARD MEMBERS CONCERNS

Chairman Beric Deane announced that he is resigning from the Planning Board after over 18 years of service. He stated, he enjoyed working all the Board Members. His resignation is to take effect immediately.

5. ADJOURNMENT

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

Respectfully Submitted,

David Caliendo, 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 24, 2005, at the Hampden Municipal Building by Chairman Beric Deane.

Attendance: Planning Board Members: Member David Caliendo, Mike Avery, Dawn Thomas, Andrew Nelson, Mort Syversen, and Chairman Beric Deane.

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

1. APPROVAL OF MINUTES (June 8, 2005, June 29, 2005 and July 20, 2005)

Member Syversen made a motion to approve the minutes as written, Member Avery seconded this, and the vote was six in favor and none against. The vote on the minutes was unanimous.

2. OLD BUSINESS

A. Major Subdivision, Final Plan – Sunset Developers, Inc. – Application for Sunset Ridge Subdivision – a 14-lot, 45.54 acre conventional subdivision with public improvements – Located on the south side of Western Avenue 0.6 miles west of Emerson Mill Road in a Rural District (Tax Map 8, Lot 23A) – Continued

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

Member Caliendo made a motion to remove this item from the table, Member Syversen seconded this motion; the vote was six in favor and none against the item being removed from the table.

Mr. Osborne the Town Planner stated that Tom Russell the Town Attorney asked that a revised plat show the drainage easement around the two level spreaders at the cul-de-sac that extend slightly out of the right-of-way. He indicated that the final plan is now ready for final approval. The deed for the road and detention pond have been approved by the Town Attorney, the Town Manager has approved and received the improvement guarantee, and the town has received the fee in lieu of open space. Staff recommends final plan approval at this time.

Member Caliendo made a motion that the final plan for subdivision be approval as submitted, Member Avery seconded this. The vote was six in favor and none against the motion to approval the final plan for Sunset Ridge subdivision.

3. NEW BUSINESS

A. **Site Plan Review - Hampden Properties, LLC – Construction of a 8,500 sq. ft. building for use as office, storage and showroom (by two tenants) located at 40 Carey Circle on Lot 14 Hampden Business and Commerce Park in an Industrial Park District (Tax Map 10B, Lot 14) – Public Hearing**

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

Jeanna De Tour, PE of Carpenter Associates spoke as a representative of the project. Ms. DeTour stated that this is a modification to the building total floor area increasing it from 8,500 square feet to 10,000 square feet.

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

Mr. Osborne indicated that this is an application to revise the previously approved site plan. The plan proposes no changes except that the footprint of the building extends farther to the west. The parking lot is unchanged. The plan still has adequate parking spaces for the enlarged use. Staff recommends site plan approval of the revision at this time.

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

B. **Major Subdivision, Preliminary Plan – Harry J. Rancourt – Application for Town Farm Meadows Subdivision Phase 3, a 6-lot, 18 acre subdivision with public improvements – Located on the east side of Town Farm Road and south of Western Avenue in a Rural District (Tax Map 5, Lot 51) – Public Hearing**

Chairman Deane opened the Public Hearing, asking to hear from proponents, then opponents, then anyone with general questions or comments.

Jim Tower, PE of Engineering Dynamics spoke for the applicant of the proposed Town Farm Meadows Subdivision, Phase 3. Mr. Tower stated that they are waiting for the DEP Site Location of Development Act approval permit. Town Farm Phase 2 and Town Farm Phase 3 had DEP approval when the second phase was done. The owner then subsequently requested that the DEP removed Phase 3 from the approval area.

The creation of a homeowners association for the open space was discussed with Mr. Tower. At this time those documents have not been prepared according to the Town Attorney and Mr. Rancourt's attorney.

Chairman Deane closed Public Hearing. *(Please note that the hearing was closed prematurely and upon realization of the fact Chairman Deane reopened the hearing to hear from others on this item).*

Chairman Deane asked for staff comments.

Mr. Osborne spoke about the application. He indicated that the wetlands delineation was now attributed to S. W. Coles on the plan and that the methodology was still compliant with state regulations today. He noted that the proposed drainage design was consistent with that originally proposed when the plan received Preliminary Plan approval in 1999. He indicated that Jeff Allen at Sewall Company, the Town's engineer, has signed off the drainage analysis. He noted that the Town Manager had received the improvement guarantee in the form and amount acceptable to the Town. He indicated that the road deed is acceptable to the Town Attorney. He noted that the Public Works director had signed off on the road design as proposed. He indicated that he had discussed this development with Mike Robbins from the Conservation Commission and they concluded that there is no official snowmobile trail in the immediate area of Phase 3 rather the trail skirts around the lots and there is no need to directly cross this area. Mr. Osborne also mentioned the driveway crossing the 66-footage right of way. He noted that the lot lines that are not perpendicular are existing lot lines. He indicated that no homeowners association had been created at this time. He noted that the DEP permit had not yet been issued.

Member Avery stated that there are pins missing on the final plan between lot 35 and 36 where those lot lines join the cul-de-sac street line.

There was some discussion about Judith Allen's driveway access; her driveway goes into her house from the 66-foot right of way, where the new road is proposed.

Mr. Osborne stated that the Allen's have an easement to cross the right of way, where the proposed road is going. There was some question on whether the easement for the Allen's driveway existed and who's responsible it would be to rebuild the driveway upon the road being constructed.

Mr. Tower disputed the driveway easement stating that no such easement existed and that was why the easement is not depicted on the plat plan.

Mr. Tower requested a Waiver for the existing side lot lines that are not perpendicular to the street line.

Member Caliendo made a motion to grant a waiver for the existing lot lines that are not perpendicular to the road, Member Avery seconded this motion. The vote was six in favor and none against the motion.

The Board discussed the driveway question and concluded that the plat plan was the only official finding regarding the presence or absence of the driveway easement and that they would be remiss to conclude otherwise.

Member Caliendo made a motion to approve the final subdivision plan, as per Article 332 of the Subdivision Ordinance, Article 400, and Article 500 general requirements, as well as Zoning Ordinance 3.9, and 4.6 Rural District Cluster Housing, with the following conditions: 1) that the DEP permit approval is received. 2) the final plat plan shows the missing pins between 35 and 36 and between 35 and 34. 3) the open space is listed as being retained by owner on the Mylar, until it goes into the Homeowner's Association. Member Thomas seconded this motion with the stated conditions. The vote was six in favor and none against the motion.

Mr. Osborne stated that he was embarrassed to point out that he only now had realized that Chairman Deane had closed the public hearing without asking for opponents and those with general questions to speak. He noted that Mrs. Bader was in the audience and that she may wish to speak about this application.

Marion Bader, of 27 Town Farm Road, asked who requested the DEP permit be rescinded for Phase 3?

Mr. Tower stated that the application to the DEP Phase 3 of Town Farm Subdivision was rescinded at the applicant's request that it be withdrawn from further consideration.

C. Conditional Use/site Plan Review – Carlen Transport, Inc and C & F Holdings – Construction of a 3,290 sq. ft. building addition for use as a truck bay and other site improvements including 2.5 acres of parking area for truck terminal use located at 81 Mecaw Road in a Commercial Service District and Industrial Park District (Tax Map 10, Lots 49A and 49) – Public Hearing

Member Avery asked to be recuse on this item due to a conflict of interest. His employer, CES is the design firm that had created the site plan application.

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

Don Becker, PE of CES spoke as a representative for the applicant. He stated that this is an application for 3300 sq. ft. addition to the truck bay area. He noted that they had added a proposed light in the parking area on an existing power pole at the suggestion of staff. He indicated that they did not yet have the DEP Stormwater Permit but the application had been completed. He noted that there had been some discussion regarding how to best trucks maneuvering near the steep slope to the rear of the truck lot. He indicated that applicant lays out orange traffic cones to direct where trucks are to park and that practice will continue.

Scott Dunbar is the building contractor for this project and was present tonight to answer any questions.

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

Mr. Osborne stated that this application contains two elements: a before-the-fact application for construction of the 3300 square foot addition to the existing Carlen facility that would serve as a truck bay and an after-the-fact application for the two-acre expansion to the truck parking area located to the rear of the facility. The proposed use is truck terminal: a permitted use in the Industrial Park District and a Conditional Use in the Commercial Service District. The zone line splits the site along its access driveway. Mr. Osborne indicated that the Board must review the southerly end of the truck parking area as a conditional use and the entire site development for site plan approval. He characterized the truck bay addition to the building as a modest expansion that did not generate much additional activity or traffic. He explained that the Board can never fully know the predevelopment conditions for this applications as it is now under as much as 20 feet of fill. He suggested the board limit its discussion to those items that are known and to the standards that they can still review such as safety considerations as they relate to lighting and vehicular safety.

The Board discussed what elements of the plan had been completed and what had not. It was pointed out that the detention pond was the primary element that had not been completed with regard to the truck parking area on the rear of the site development.

Chairman Deane verified that the facility is on public sewer.

Mr. Osborne stated that the application meets all the conditional use standards as well as the site plan review standards.

Member Thomas made a motion that the application meets conditional use approval; Member Caliendo seconded this. The vote was five in favor and none against the motion.

A motion was made by Member Thomas to approve the site plan; Member Caliendo seconded this motion. The vote was five in favor and none against the motion.

3. STAFF REPORT

Mr. Osborne stated that the Council will soon be taking up the Subdivision Ordinance amendments that the Board had sent to them. Council Ordinance Committee has made a motion to recommend those amendments, to the full Council for approval. Mr. Osborne stated he has been working on an overhaul of the shoreland zoning maps and the zoning ordinance. He recently had a meeting with the DEP to discuss the maps and to help understand what shoreland zones might be acceptable in the jurisdictional areas within the Town.

4. BOARD MEMBERS CONCERNS

Member Caliendo asked if they could work toward establishing ordinance changes that would stipulate that new site plan approvals could not be granted if they had previous site plan approvals which were not either completed or were in non-compliance. He indicated his displeasure with making changes to site plans that have not been completed essentially buying the applicant time to postpone or circumvent the approved completion of a plan.

This was discussed with the Board Members, and how this could better be managed.

5. ADJOURNMENT

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

Respectfully Submitted,

David Caliendo, Secretary

**TOWN OF HAMPDEN
PLANNING BOARD
MINUTES**

The meeting of the Hampden Planning Board was called to order at 7:00 p.m. on Wednesday, July 20, 2005, at the Hampden Municipal Building by Chairman Beric Deane.

Attendance: Planning Board Members: Member David Caliendo, Mike Avery, Dawn Thomas, Carrie Meo, Andrew Nelson, Mort Syversen, and Chairman Beric Deane.

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

1. APPROVAL OF MINUTES (JUNE 8, 2005 AGENDA)

Member Syversen made a motion to approve the minutes as written, Member Thomas seconded this, and the vote was seven in favor and none against.

The minutes were unanimous.

2. NEW BUSINESS

A. Site Plan Review _ Hampden Properties, LLC – Construction of a 8,500 sq. ft. building for use as office, storage and showroom (by tow tenants) located at 40 Carey Circle on Lot 14 Hampden Business and Commerce Park in an Industrial Park District (Tax Map 10B, Lot 14) – Public Hearing

Chairman Deane opened the public hearing. He asked for proponents opponents and those with general questions and comments.

Bob Goodreau, one of the partners in Hampden Properties, spoke about the office building and warehouse space. Mr. Goodreau stated that Imaginary formerly known as Pitney Bowes, and Clean Harbors are the two business moving into that location. Mr. Goodreau stated that his partner is Mike Keeley who is also present for tonight's meeting, and both are from the Portland area. He indicated that Randy Bragg, PE from Carpenter Associates had done the site plan and that WBRC had done the landscaping plan. He indicated that he believed that the submission is complete and requested site plan approval.

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

Mr. Osborne indicated that this lot 14 is located beside US Blades on the west side of Carey Circle. He indicated that the uses are permitted and that the plan meets parking and loading requirements. He indicated that the overall stormwater management plan for the subdivision had been adhered to and that staff recommends approval of the site plan.

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

B. Major Subdivision, Final Plan – Sunset Developers, Inc. – Application for Sunset Ridge Subdivision – a 14-lot, 45.54 acre conventional subdivision with public improvements – Located on the south side of Western Avenue 0.6 miles west of Emerson Mill Road in a Rural District (Tax Map 8, Lot 23A) – Public Hearing

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

Randy Bragg of Carpenter and Associates spoke for the applicants. Mr. Bragg stated that all the necessary changes have been made to the plan, for the 14 lot subdivision. Mr. Bragg also stated that Greg Nash the Public works director for the town of Hampden needs to approve of the construction of the proposed road. Also the improvement guarantee is not in place yet.

Public hearing was closed as no one else wished to speak.

A motion was made by Member Caliendo to table the application, this motion was seconded by Member Thomas. The vote was seven in favor and none against the motion to table.

C. Major Subdivision, Preliminary Plan – Harry J. Rancourt – Application for Town Farm Meadows Subdivision Phase 3, a 6 lot, 18 acre subdivision with public improvements – Located on the east side of Town Farm Road and south of Western Avenue in a Rural District (Tax Map 5, Lot 51) – Public Hearing

Chairman Deane opened the public Hearing, asking to hear from proponents, then opponents, then anyone with general questions or comments.

Jim Tower, of Engineering Dynamics spoke for the applicant of the proposed Town Farm Meadows Subdivision, phase 3. Mr. Tower stated the 6-lot 18 acre subdivision would have no public water or sewer, but would be served by septic systems and wells.

Marion Bader, of 27 Town Farm Road, just moved here from Alabama. Mrs. Bader stated several issues: Stormwater and drainage problems, wetland area, open space designation, and a buffer for the proposed new road.

Judith Allen of 37 Town Farm Road, also expressed the same concerns as her neighbor.

Annie Cowin 104 Town Farm Road wanted clarification on what open space meant.

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

Mr. Osborne indicated that the first order of business was to classify the subdivision and the street. This item did not receive sketch plan review.

Member Caliendo moved to classify the proposed subdivision as a major subdivision, this motion was seconded by Member Syversen. The vote was seven in favor and none against/

Member Thomas moved to classify the road as a minor, this motion was seconded by Member Caliendo. The voted was seven in favor and none against.

Mr. Osborne indicated that this subdivision layout was very similar to one that the Board had previously approved for preliminary plan in 1997. He noted that there was always the plan of a street to cross the drainage easement and pedestrian easement. He noted that the plan had been reviewed by Jeff Allen, P.E. and that he had indicated that his preliminary review was that although he would recommend some changes that he would recommend preliminary plan approval. Mr. Osborne indicated that he recommends that the Board grant preliminary plan approval at this time and also provide the applicant with any recommendations that they might have regarding final plan.

Member Thomas made a motion that major subdivision preliminary plan approval has been met as submitted, this motion was seconded by Member Caliendo. The vote was seven in favor and none against this motion.

D. Major Subdivision, Final Plan Revision – F & L Properties, LLC (Bion Foster and Mike Levesque) – Proposed amendment of public water service deleting public water service from four lots – Located at 382 +/- Main Road South in a Rural District (Tax Map 3, Lot 30, and a portion of Map 49, Lot 3)

Jim Kiser of Kiser and Kiser spoke about the proposed changes, deleting four subdivision lots from the public water. These lots are 2 acre lots and not in the cluster part of the subdivision.

Mr. Mike Riley of Woodard and Currant, spoke for Hampden Water District, stating that the water district could not approve the revised plan for the water main.

Kim Slinginger of Main Road South, asked why they should be exempt from hooking on to public water.

Joe Lebrun of Main Road South asked about the utilities crossing.

Member Caliendo made a motion to deny the application.

This motion died due to lack of a second.

Member Thomas made a motion to table the application until the end of the agenda, this motion was seconded by Member Syversen. The vote was seven in favor and none against this motion.

Member Avery made a motion to remove this item from the table, this was seconded by Member Syversen. The voted was unaminious.

Cam Torry the General Manager of the Hampden Water District spoke about the water line revised plan being acceptable. He would see that a letter was sent to the town upon his return from vacation.

Member Avery made a motion to accept the revisions to the subdivision plan. With the condition that the town receive a letter from the Water District. This motion was seconded by Member Syversen. The vote was six in favor and one against the approval of this amendment. Member Caliendo voted against the motion to approve.

E. Site Plan Review – Northland Ridge, LLC – Revision of the previously approved plan for Highland Ridge to revise the septic system designs of 12 of the buildings to allow additional bedrooms located on 274 Main Road South in a Rural Park District (Tax Map 3, Lot 18) – Public Hearing

Chairman Deane opened the Public Hearing. Asking for proponents and opponents, then anyone with general questions or comments.

Jim Tower of Engineering Dynamics spoke for the applicant. He stated that this is a revision to the subsurface waste water disposal designs for 12 of the buildings. The revision changes the design from a 2 bedroom design to a 3 bedroom.

Kim Slinginger of Main Road South spoke about the impact on the community, schools and other public facilities in the town.

Public Hearing was closed and Chairman Deane asked for staff comment.

Mr. Osborne indicated that he had Ben Johnson, the town Licensed Plumbing Inspector, review the proposed designs and that Mr. Johnson had found them to be suitable. Mr. Osborne indicated that as the Board review this proposed change that they consider if the change places a burden on schools or municipal services. He noted that although more bedrooms would result from the proposed change it would not necessarily follow that there is a one to one ratio with additional residents. Thus, it would appear that perhaps the change would result in perhaps a handful of additional residents and that this would not constitute an unreasonable burden on the school or municipal services.

Member Caliendo made a motion to approve the revision to the site plan for the three bedroom septic design. This motion was seconded by Member Thomas. The vote was

seven in favor and none against.

F. Subdivision Sketch Plan – Mark Kaplin & Kevin Nelson – Pre-application for a 2-lot, 36.6-acre conventional subdivision with no public improvements – Located on the Back Winterport Road in a Rural District (Tax Map 6, Lot 3).

Chairman Deane opened the meeting noting that it is not a public hearing and asked Mr. Nelson to address the Board.

Kevin Nelson spoke as one of the applicants. He stated that this is a 2 lot subdivision, a single family house will be put on the third lot, which was split before the five years had expired. 3.5 acres had been split off to Dennis Whitcomb.

As no one else wished to speak the Board discussed the subdivision. This is a minor subdivision with no public improvements.

Member Syversen made a motion to approve the subdivision this was seconded by Member Thomas, the vote was seven in favor and none against.

G. Subdivision Ordinance Text Amendment – Town of Hampden – Amendment to Article 521, Lots to be build able by allowing an alternative to the minimum upland lot area regulation in the Rural District, amendment to Article 522 side lines by allowing an alternative to the regulation requiring that side lot lines be perpendicular to street lines, amendment to Article 524 lot frontage to require dimensional tie lines along the street setback lines, amendment to Article 552 design and construction standards requiring that all cul-de-sac street designs include a radius where the street meets the sul-de-sac and requiring a minimum traveled way for landscaped cul-de-sacs. Public Hearing

Chairman Deane opened the public hearing.

Bob Osborne spoke as a representative for the town. He indicated that the items were familiar to the Board as they had all been discussed previously. He noted that the Ordinance Committee had spent a considerable amount of time on this and that they might wish to report.

Member Caliendo gave a brief report on the ordinance committee's findings on the proposed amendments.

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

Member Thomas made a motion to send 521 back to council with an "ought to pass" recommendation. This was seconded by Member Caliendo. The vote was seven in favor and none against.

Member Thomas made a motion to send 522 back to council with an “ought to pass” recommendation. This was seconded by Member Caliendo. The vote was seven in favor and none against.

Member Thomas made a motion to send 524 back to council with an “ought to pass” recommendation. This was seconded by Member Caliendo. The vote was seven in favor and none against.

Member Thomas made a motion to send 552 back to council with an “ought to pass” recommendation. This was seconded by Member Caliendo. The vote was seven in favor and none against.

3. STAFF REPORT

4. BOARD MEMBERS CONCERNS

5. ADJOURNMENT

The Planning Board meeting adjourned at 9:40 p.m.

Respectfully Submitted,

David Caliendo, 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 29, 2005, at the Hampden Municipal Building by Chairman Beric Deane.

Attendance: Planning Board Members: David Caliendo, Mike Avery, Dawn Thomas, Carrie Meo, Andrew Nelson, Mort Syversen, and Chairman Beric Deane.

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

1. OLD BUSINESS

A. Minor Subdivision/Site Plan/ Group Development Review - Michael & Kristi Lyford - Application for constriction of 3,600 sq. ft. building for use as a 4-dwelling unit apartment building and associated parking area located at 333 Old County road in a Residential B District (Tax Map 20, Lot 36) - Continued

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

Member Caliendo made the motion to remove this item from the table, this was seconded by Member Syversen. The Board voted was seven in favor and none against the motion.

Bob Osborne, the town planner spoke about this proposal for a four family dwelling in the form of a two-story apartment house and associated parking and two car garage, stating the issues with the drainage, and turn around space for emergency vehicles.

Michael Lyford, spoke about the proposal and identified the changes that the Board requested be made to the plan at their June 8, 2005 Planning Board meeting. He indicated that he felt that the plan now before the Board had incorporated those changes. Mr. Lyford stated that the location of the four-plex and garage are unchanged. He discussed drainage issues along with the access road and fire access and fire lane. The required easement has been signed as well. Mr. Lyford also handed out to the Planning Board Members and Fire Inspector a drawing showing the hammer head turning radius for emergency vehicles. He indicated that the provided turn around area accommodated a 45 ft. turning radius which would be adequate for a fire truck.

Keith Barnhard, Fire/Building Inspector for the Town of Hampden discussed his findings on the fire lane. Mr. Barnhard stated that he was not sure if the turning radius would work for the emergency vehicles.

Member Avery asked if the road could be widened to 20 feet at the critical turn around area.

Mr. Leighton of 704 Main Road North, had some concerns over the water run-off, and

water problems. He stated that he would not want the problem to become worse, because of this project.

The Board discussed the fire lane turn around. Staff has a reference book that appears to require more space than the drawing provided by Mr. Lyford. After some discussion it was determined that the reference book design was not applicable because it was designed for moving traffic not stopped traffic such as proposed here.

A motion was made by Member Thomas to approve the final minor subdivision plan this motion was seconded by Member Caliendo. The vote was seven in favor and none against the motion to approve.

A motion to approve the site plan was made by Member Avery, with the conditions that modification to the turning radius be widened improving the turning radius for emergency vehicles. This motion was seconded by Member Nelson. The vote was seven in favor and none against this motion.

B. Major Subdivision, Preliminary Plan – Sunset Developers, Inc. – Application for Sunset Ridge a 14-lot, 45.54 acre subdivision with public improvements Located on the south side of Western Avenue 0.6 miles west of Emerson Mill Road in a Rural District (Tax Map 8, Lot 23A). Continued

Chairman Deane asked for a motion to remove this application from the table.

Member Caliendo made a motion to remove this application from the table, this motion was seconded by Member Thomas, the vote was seven in favor and none against.

Chairman Deane asked the applicant for an update from the June 8, 2005 meeting.

Randy Bragg of Carpenter Associates spoke as a representative of the applicant, Sunset Developers.

He indicated that the preliminary plan application is complete and that Mr. Allen had indicated that he was satisfied with the drainage analysis. He noted that the plan now proposes fee-in-lieu of open space and that all of the undivided land area to the rear of the subdivision would be retained by the developer.

Mr. Osborne indicated that the plan now meets the standards for preliminary plan review. He noted that Mr. Allen had indicated that he was satisfied with the plan and the drainage analysis. The plan calls for a small detention pond near the front of the development adjacent to the proposed street.

The snowmobile trail is now on the site plan. The Planning Board Members have asked to see the snowmobile trail depicted on the plan.

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

Member Avery made a motion that the application meets preliminary Plan approval this was seconded by Member Caliendo, the vote was seven in favor and none against this motion.

Some further discussion was had with the applicant on the snowmobile trail.

4. STAFF REPORT

5. BOARD MEMBERS CONCERNS

6. ADJOURNMENT

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

Respectfully Submitted,

David Caliendo, 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 8, 2005, at the Hampden Municipal Building by Chairman Beric Deane.

Attendance: Planning Board Members: Member David Caliendo, Mike Avery, Carrie Meo, Andrew Nelson, and Chairman Beric Deane.

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

1. APPROVAL OF MINUTES – May 11, 2004

Member Meo made a motion to approve the minutes as written, this motion was seconded by Member Nelson.

The minutes were accepted unanimously.

2. OLD BUSINESS

A. Minor Subdivision/Site Plan/ Group Development Review - Michael & Kristi Lyford - Application for construction of 3,600 sq. ft. building for use as a 4-dwelling unit apartment building and associated parking area located at 333 Old County Road in a Residential B District (Tax Map 20, Lot 36) - Continued

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

Member Caliendo made the motion to remove this item from the table, this was seconded by Member Nelson. The Board voted was five in favor and none against the motion.

Michael Lyford spoke about the proposal and the changes made to the plan subsequent to the previous Planning Board meeting. Mr. Lyford stated that the proposed four-plex and garage remains the same. Modifications have been made to the driveway and parking areas to provide graveled radius at the entrance and on the interior of the site and to provide angled parking. The stormwater run-off was modified somewhat and some sand and snow storage have also been modified.

Bob Osborne, the Town Planner, spoke about the fire lane, asking Keith Barnhard from the Hampden Fire Department to share his finding with the Board.

Keith Barnhard, Fire Inspector for the Town of Hampden discussed his findings on the fire lane. Mr. Barnhard along with Jim Kiser the engineer on this project had a meeting to discuss the required Fire Prevention Code minimum standards for a fire lane. It requires a width of the fire lane being 20 feet, along with end turning radius of 50 feet for a 100 foot cul-de-sac. The Fire Department found that this site could not be retrofitted with the 100 foot cul-de-sac as per the Fire Prevention Code, but a 15 feet wide fire lane

and a hammer head turn around was acceptable to the Fire Department if it was of adequate overall dimensions to turn around the fire trucks. The driveway design must be no less than 15 feet in width and be provided with the necessary turn radius for entrance and turnarounds to be considered acceptable to the Fire Department. Given these amendments to the proposed fire lane with the provided turn around is acceptable by the fire department.

The removal of the proposed parking spaces in front of the garage has been made to the site plan.

Water ponding on site was discussed.

The fee in lieu of open space in the amount of \$800.00 was discussed with Mr. Lyford.

A sewer easement has been granted by Snows.

Chairman Deane and Mr. Lyford discussed the detailed the list of issues raised including the issues with the site plan. Drainage issues, and contours, small ditch, that the site plan cannot meet the fire code, and more details on the building unit itself.

A motion to table this application was made by Member Caliendo, this was seconded by Member Avery. The vote was five in favor and none against the motion. The Board discussed a special meeting in two weeks to conclude this item if a plan was received that addressed the noted issues.

3. NEW BUSINESS

A. Site Plan Review – Cello Partnership (d/b/a Verizon Wireless) – Application for construction of a microcell wireless telecommunication facility to attach cellular telephone antennae to the face of the existing water tower and to construct a 300 sq. ft. telecommunication equipment utility building next to the water tower lacted at 99 Ballfield Road in a Residential A District (Tax Map 10, Lot 14). – Public Hearing

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

Ray Pelletier, from Verizon Wireless and Scott Hersey, technical support were present as representatives for Verizon Wireless, the applicant.

Mr. Pelletier spoke about the project, that antennae would be sited on the water tower, at 99 Ballfield Road, along with an equipment shed.

Mr. Pelletier stated that the antennae would be painted as close to the water tower's color as possible.

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

for staff comments.

Mr. Osborne indicated that the Board would recall that the application was for a microcell wireless telecommunications facility to be co-located on a water tower which is an accessory use to the water tower use. This use requires site plan review and the definition requires that the antennae blend into the tower color. The site plan meets submittal and review standards and staff recommends approval of the site plan application.

A motion was made by Member Caliendo approving the site plan with the condition that the antennae be painted the same or as similar to the water tower as possible, this motion was seconded by Member Avery. The vote was five in favor and none against this motion.

B. Major Subdivision, Preliminary Plan – Sunset Developers, Inc. – Sunset Developers, Inc. – Application for Sunset Ridge a 14-lot, 45.54 acre subdivision with public improvements Located on the south side of Western Avenue 0.6 miles west of Emerson Mill Road in a Rural District (Tax Map 8, Lot 23A). - Public Hearing

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

Randy Bragg of Carpenter Associates spoke as a representative of the applicant, Sunset Developers.

Mr. Bragg stated that this is an application for 14, 2-acre lots in a Rural District. All the issues have been addressed that were raised by the town's engineer, Jeff Allen at J.W. Sewall Company. The culvert sizes have been labeled, the width of John's Way, the entrance being 100 feet, the road right of way being 66 feet in width, the utility poles and detention pond being identified.

The snowmobile trail is not on the site plan. The Planning Board Members have asked to see the snowmobile trail depicted on the plan.

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

Mr. Osborne indicated that the drainage analysis had received only a preliminary review from Mr. Allen and that he did not recommend that the Board take any action on the application at this time. He did suggest that if the Board had any guidance for the applicant that it would be reasonable to make suggestions at this time.

This application was tabled for further review.

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

C. Subdivision Sketch Plan – Harry J. Rancourt – pre-application for Town Farm Meadows Subdivision Phase 3, a 10-lot, 18 acre subdivision with public improvements – Located on the east side of Town Farm Road and south of Western Avenue in a Rural District (Tax Map 5, Lot 51)

This application was tabled at the beginning of the Planning Board meeting because the sketch was undergoing substantial changes in the days leading up to the meeting.

4. STAFF REPORT

5. BOARD MEMBERS CONCERNS

6. ADJOURNMENT

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

Respectfully Submitted,

David Caliendo, 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 11, 2005, at the Hampden Municipal Building by Chairman Beric Deane.

Attendance: Planning Board Members: Member David Caliendo, Steve Dubay, Mike Avery, Dawn Thomas, Mort Syversen, Carrie Meo, and Andrew Nelson, Beric Deane.

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

1. APPROVAL OF MINUTES - April 13, 2004

Member Thomas made a motion to approve the minutes as written, this motion was seconded by Member Avery.

The minutes were accepted unanimously.

2. OLD BUSINESS

A. Finding of Fact Certification - Northland Ridge, LLC - Certification of action taken by Planning Board concerning Highland Ridge Subdivision/Site Plan application.

Bob Osborne, the town planner read into the record the facts and sections of the ordinances that the planning board based their approval of this application on. Please see attached copy of that certification. The Board noted several typographical errors in the document which were subsequently corrected and those Board members that voted on the Northland Ridge, LLC application subsequently signed the Finding of Fact Certification.

3. NEW BUSINESS

A. Major Subdivision, Final plan - Mecaw Road Developers - Application for Mecaw Road Business Park Subdivision, a 9-lot, 12.5 acre subdivision with public improvements of which 4-lots and 4.8 acres are located in the Town of Hampden and the remainder in Bangor - Located on Mecaw Road in a Commercial Service District (Tax Map 10, Lot 49-C) Public Hearing

Chairman Deane opened the Public Hearing and asked for proponents, opponents and those with general questions and comments.

David Moyse of Mecaw Road Developers spoke that there were no changes made, from the last meeting, at the preliminary stage. The City of Bangor signed their half, on Tuesday night's planning Board meeting.

A draft copy of the deed for the road has been sent to Tom Russell, the town's attorney.

Bangor Hydro has signed off on the pole placement of the power poles. The improvement guarantee is in place. Fee in lieu of open space in the amount of \$960.00, will be submitted before the signed plans are released for recording in the registry of deeds. FEMA's (flood map correction) application has been submitted, the process take approximately 30 to 60 days.

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

Bob Osborne the Town Planner, stated that he had a letter from Susan Lessard the Town Manager indicating that the improvement guarantee is acceptable in form amount and duration. He indicated that he had a letter from Joseph Rogers, Public Safety Director indicating that the placement of the fire hydrants are acceptable. He indicated that he had a letter from Jeff Allen indicating that he was satisfied that the plan meets the regulations of the Subdivision Ordinance. As there are no remaining issues he recommended that the Planning Board grant Final Plan approval as it meets the standards of the Subdivision Ordinance.

It was discussed that the joint meeting between the City of Bangor and Hampden has been waived at the prior meeting. Mr. Osborne indicated that Bangor had also waived the joint meeting noting that there is no compelling public need for a joint meeting. He also noted that no one but Mr. Moyses spoke at either meeting.

The City of Bangor approved the Final Plan subdivision for the part of the project that was in their town on Tuesday May 10, 2005.

Member Syversen made a motion to approve the subdivision with the condition that the fee in lieu of open space be accepted before the plot plan is released. This was seconded by Member Dubay. The voted was seven in favor and none against the motion to approve the application.

B. Major Subdivision, Final Plan - Webber Brook LLC - Application for Hawthorne Ridge Subdivision - Phase 1, a 14 lot, 36.2 acre cluster subdivision with public improvements - Located at 618 Western Avenue a Rural District (Tax Map 8, Lot 20 and 21) - Public Hearing

Member Dubay indicated that because he had been professionally involved with the sale of the subject property he requested that he be recuse from this item.

Chairman Deane opened the Public Hearing and asked for proponents, opponents and those with general questions and comments.

Steve Ribble of Ames Corp AE, spoke representing Webber Brook, LLC. He indicated that they had a complete Final Plan application that is consistent with the Preliminary Plan approval. They request final subdivision approval at this time. He indicated that the improvement guarantee is in place. He noted that the open space has been accepted by the Town Council. He noted that James Manzer, PE was also in attendance and available to answer questions.

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

Bob Osborne the Town Planner, stated that he had a letter from Susan Lessard the Town Manager indicating that the improvement guarantee is acceptable in form amount and duration. He stated that he had a letter from Denise Hodsdon indicating that the Town Council had voted to accept the open space dedication at their May 2, 2005 meeting. He indicated that he had a letter from Jeff Allen indicating that he was satisfied that the plan meets the regulations of the Subdivision Ordinance. As there are no remaining issues he recommended that the Planning Board grant Final Plan approval as it meets the standards of the Subdivision Ordinance.

Member Caliendo made a motion that the Final Plan for Webber Brook, LLC. meets the standards of the Subdivision Ordinance. Member Thomas seconded the motion. The Board voted seven in favor and none against the motion.

C. Minor Subdivision - Blaine and Carol Harvey - application for a Harvey Acres Subdivision, a 4 lot, 13.41 acre subdivision with no public improvements - Located at the corner of Western Avenue and Canaan Road in a Rural District (Tax Map 8, Lot 7) Public Hearing

Chairman Deane opened the Public Hearing and asked for proponents, opponents and those with general questions and comments.

Carol Harvey, of Western Avenue, stated that it is a 4-lot subdivision, of which two of the lots are the farm, and an existing house. There would be only 2 additional (new lots) There were suitable soils test done. This is a minor subdivision with no public improvements. She indicated that one of the new lots would gain access from Western Avenue and the other from Canaan Road.

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

Mr. Osborne indicated that based on the opinion offered by Robert Treworgey, Esq. it was determined that it would be prudent to get subdivision approval for the four lots as proposed. He indicated that Attorney Russell also supported that opinion. He indicated that the plan meets the standards for Minor Subdivision and recommended approval at this time. He noted that the only remaining issue is fee-in-lieu of open space. He stated that the final approval should be conditioned on receiving fee-in-lieu of open space in the amount of \$ 2,684.00.

Member Caliendo made a motion that the application meets Minor Subdivision approval with the condition that the fee in lieu of open space be received by the town before releasing the plat plan, in the amount of \$ 2,684.00. This motion was seconded by Member Syversen. The vote was seven in favor and none against this motion.

D. Site Plan Review - Zenas Realty, LLC - Application for construction of 16,090 sq. ft. industrial building for warehouse and office use in the Hampden Business Park at 51 Carrie Circle in a Industrial Park District (Tax Map 10-B, Lot 11)- Public Hearing

Chairman Deane opened the Public Hearing and asked for proponents, opponents and those with general questions and comments.

Fred Marshall, Landscape Architect, of Plymouth Engineering spoke as a representative of the applicant, Zenas Realty LLC, the property manager of Zenas, David Blanchett, was also present for tonight's meeting. Mr. Marshall indicated that the proposed business is John W. Kennedy Company dealers in Petroleum products, and their customers include Irving Oil, Dead River and Webber Oil, etc.

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

Mr. Osborne indicated that the proposed site plan is in the master planned business park. For the benefit of those who were not on the Board when the Business Park was reviewed he explained that this subdivision's stormwater plan was designed to accommodate the buildings and parking areas as indicated on the master plan. The proposed site plan is consistent with the master plan, it meets the standards governing site plan review and he recommended that it be approved at this time.

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

E. Minor Subdivision/Site Plan/ Group Development Review - Michael & Kristi Lyford - Application for construction of 3,600 sq. ft. building for use as a 4-dwelling unit apartment building and associated parking area located at 333 Old County road in a Residential B District (Tax Map 20, Lot 36) - Public Hearing

Chairman Deane opened the Public Hearing and asked for proponents, opponents and those with general questions and comments.

Mike Lyford, the applicant, spoke about the proposed four-plex he would like to construct on this parcel. There already exists a duplex. He stated that the abutting lot has multi-family units and the proposed use is in keeping with the neighborhood.

Silva Johnson had a questions about where the unit is going.

Mr. Lyford explained where the building would be situation on the lot.

Water run-off was discussed with Mr. Lyford.

All access would be from the Old County Road, there is a right of way that loops around

the building.

A note from Robert Leighton was read into the record by Mr. Osborne. (The letter essentially stated that he was in support of the application if the stormwater issues are addressed).

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

Mr. Osborne stated that this is a minor subdivision, site plan and group development standard review. He noted that no stormwater analysis was submitted. He indicated that the Board should determine if a stormwater analysis is required. He had been advised that some drainage issues are present in this neighborhood, such as erosion and ponding, but concluded that a small stormwater analysis limited to the subject parcel probably would not identify those issues. He also noted that this was an unusual situation for the Board in that most applications provide some flexibility as to where a building is sited but in this case the proposed four-plex must be sited in the proposed spot because given the other demands on the parcel no alternatives are available. The Board should be able to determine that the application provides evidence that it meets the standards governing site plan review.

The Board discussed the access to the lot. It has a gravel access off of Old County Road. The Leighton property does have an access through it to this parcel off of Main Road North.

The Planner Board Members asked about a licensed land surveyor and whether the plan should include a stormwater management plan.

Planning Board Member also had questions on whether the access off of 1A is used. Building separation distances was discussed.

The layout of parking meets the standards with 2 extra spaces.

It is on public water and sewer.

Pictures of the site were passed around to the Planning Board Members.

Chairman Deane took a straw poll of the Members desiring a stormwater management. Several Member stated that they would like to see the site first. They voted three in favor and four against requiring a stormwater management plan.

Chairman Deane took a straw poll of the Members desiring a site visit. They voted four in favor and three against a site visit.

Member Caliendo made a motion to table the application until a site visit was done. This motion was seconded by Member Avery. The vote was four in favor of tabling the application and 3 against the motion to table. This item was tabled until a site visit could be set up.

There will be a site visit set up for later this coming week.

F. Final Subdivision Plan Revision - Onsite Developers - Application for revision of the rear lot line of lots 4 and 13 of the Hampden Center Estates Subdivision - Located near the corner of Western Avenue and Patterson Road in a Rural District (Tax Map 8, Lot 33) - Public Hearing.

Chairman Deane opened the Public Hearing and asked for proponents, opponents and those with general questions and comments.

Jeff Allen, of James W. Sewall Company, representing the applicants Onsite Developers, stated that this was a small modification to lot lines on lot 4 (which a house was set to close to the setbacks) and lot 11 and the lot line between lot 11 and 13. He indicated that Buzzy LaChance was also in attendance.

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

Mr. Osborne indicated that the need to the amend lot lines was the result of the construction of a new residence too close to the rear lot line. He indicated that the additional lot area had already been conveyed with the sale of the residence and this amendment would correct the subdivision plat. He noted that the upland area of each lot would remain at least two acres. He indicated that he had the previously approved plans available if the Board wished to review them. He recommended approval of the Final Plan revision.

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

G. Site Plan Review - David Chandler - Application for reuse of an existing site for Retail Auto Sales - Located at 574 Main Road North in a Commercial Service District (Tax Map 19, Lot 36) - Public Hearing

Chairman Deane opened the Public Hearing and asked for proponents, opponents and those with general questions and comments.

David Chandler, the applicant, stated they propose to reuse the property at 574 Main Road North, previous site of Young's Canvas, as a car sales lot.

Douglas McPike owner of Young's Canvas spoke in favor of the application. He stated that the applicant has a lease with an option to buy the property. He indicated that the property is on public sewer and water.

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

Mr. Osborne stated that this is a simple reuse plan. The primary consideration for this application is the provision of adequate parking and appropriate location of the proposed display area for the automobiles. He indicated there is adequate parking provided and that automobiles would be displayed adjacent to the front of the building and in the side and rear yard as indicated on the plan. The front yard is paved. He indicated that the plan meets the standards governing site plan review and recommended approval at this time.

Member Thomas made a motion that it meets the standards governing site plan approval, this was seconded by Member Dubay. The voted was seven in favor and none against the motion to approve.

H. Subdivision Sketch Plan M & D Realty - Pre-application for a 7-lot subdivision with no public improvements - Located on the south side of Shaw Hill Road across from Miller Road in a Rural District (Tax Map 7, Lot 86)

Chairman Deane opened the item indicating that this is not public hearing for this item, it is sketch plan only. He did note that the public would be given an opportunity to comment. He also confirmed that the abutters were notified of this item.

Each lot will be between 2 and 3 acre lots for a total of 7 lots, 16 acres for the first phase. Cash in lieu of open space was discussed.

A right of way that Craig Hartford uses to get to his property and his parents property was discussed between the applicant and the property owners of the Smith and Brown property.

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

4. STAFF REPORT

No report was offered.

5. BOARD MEMBERS CONCERNS

No issues were raised.

6. ADJOURNMENT

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

Respectfully Submitted,

David Caliendo, 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 13, 2005, at the Hampden Municipal Building by Acting Chairman David Caliendo.

Attendance: Planning Board Members: Member David Caliendo, Steve Dubay, Mike Avery, Dawn Thomas, Mort Syversen Carrie Meo, and Andrew Nelson.

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

1. APPROVAL OF MINUTES - March 9, 2004

Member Meo made a motion to approve the minutes as written, this motion was seconded by Member Thomas.

The minutes were accepted unanimously.

2. OLD BUSINESS

- A. Major Subdivision, Final Plan - F & L Properties, LLC (Bion Foster and Mike Levesque) - Application for Oldfield Estates Subdivision, a 54 lot, 134 acre combination cluster/conventional subdivision with public improvements - Located at 382 +/- Main Road South in a Rural district (Tax Map 3, Lot 30, and a portion of Map 49, Lot 3) continued.**

Jim Kiser, PE spoke for the applicant, F & L Properties. Jim Kiser discussed open space, which has been accepted by the town council. Mr. Kiser stated that the lighting will be at the intersections only.

Bob Osborne the town planner, stated that the improvement guarantee is approved by the Town Manager, the open space has been accepted by Town Council. Mr. Osborne stated that Joe Roger, public safety director, had spoke with Mr. Osborne on the water pressure at the back of the development. DEP permits are in order, guardrails with be installed where necessary. The Town Attorney has approved the form of all deeds and easements, particularly the road deed. Fee in lieu of open space in the amount of \$4,416.00 must be submitted and should be a condition of the approval prior to the release of Mylars.

The six month final subdivision plan submission deadline after preliminary approval requirement was waived at a previous meeting. Member Syversen asked about lot 3 meeting the ordinance. Mr. Kiser stated that a land swap is taking place. He indicated that they would request that the Board approve the plan and that for some unforeseen reason the swap should fail to take place it only affects lot 3 but the lot would meet zoning regulations in either case.

Member Avery made a motion that the final subdivision plan meets approval with the conditions that 1) the fee in lieu of open space be accepted by the town of \$4,416.00.

2) non-sale of lot three until legal deed dimensions are determined in the land swap. 3) the Waiver was granted and noted for the 6 month submittal time limit from preliminary plan to final and the perpendicular lot lines on the lots along the pipe line was also granted a waiver by the board. This motion was seconded by Member Thomas. The vote was five in favor of the approval and none against. Member Nelson and Member Syversen could not vote on this item, due to missing a previous planning board meeting.

B. Major Subdivision, final plan and site plan/group development - Northland Ridge, LLC - Application for High land Ridge Subdivision, a 1 lot, 15 two family dwellings for a total of 30 units 35.53 acre subdivision with public improvements - located at 274 Main Road South in a Rural District (Tax Map 3, lot 18) continued.

Chairman Caliendo reopened the Public Hearing and asked for comment from proponents, opponents and those with general questions and comments.

Jim Tower, PE of Engineering Dyamics spoke as a representative of the applicant. Mr. Tower stated the the DEP has now approved the plan. The pavement width is 24 feet on the traveled way of the landscaped cul-de-sac. A street light is proposed on a single utility pole at end of road. A note has been added to the plot plan to allow minor departures in the footprint and orientation of the proposed buildings clearly noting however that the building set backs and separation must be met.

Charles Gilbert, of 254 Main Road South spoke briefly about his opposition to this application. He noted that he had spoken previously about this application and that his remarks would stand. He also noted the two Planning Board Members not able to vote is Member Nelson and Syversen on this item.

Robin Smith of 350 Main Road South asked if this development would affect her taxes, and the taxes in the area.

Chairman Caliendo closed the Public Hearing and asked for staff comment.

Mr. Osborne, the town planner, stated that the Town Manager had approved the improvement guarantee, the DEP has approved this application, and the Town's engineer has reviewed this application and takes no issue with what was submitted.

Mr Osborne noted that because this development is condominiums staff had recommended that some minor flexibility be built into the site plan for the footprint of the buildings because we know that at Avalon Village the Board approved such a condition on the plan and it has proved successful.

Mr. Osborne noted that the Town needs a fee in lieu of open space in the amount of \$3,080, and noted that the proposed street name of Highland Ridge should probably have street, way or avenue in its name to better distinguish the street from the development.

The time period of completion of the project and the building phasing was discussed. Mr. Osborne noted that the street, as part of the subdivision, must be completed in two years. He indicated that the buildings could be constructed one at a time or all at once.

A 10 x 10 area easement for the underground transformers to Bangor Hydro has not been received,

Chairman Caliendo explained to the Board that the Zoning Ordinance regulations that the Board must consider this application under are the Site Plan Review standards found in Article 4.1 subject to the Rural District regulations found in Article 3.9 and the Lots and Planned Group Developments regulations found in Article 4.17.

Member Avery moved that site plan application subject to the cited regulations meets those standards and recommends approval, this was seconded by Member Thomas. The vote was five in favor and none against the approval, with Member Nelson and Member Syversen not being able to vote on this application, due to missing a previous meeting.

The six month final subdivision plan submission deadline after preliminary approval requirement was waived at a previous meeting.

Member Dubay made a motion that the application meet Major Subdivision, Final Subdivision Plan approval standards with the conditional that the fee in lieu of open space in the amount of \$3,080.00 be accepted/received by the town. Also an addition to the language of the mylar being signed stating the certification, and the street name also be added. This was seconded by Member Thomas the vote was 5 in favor and none against this motion. Member Nelson and Member Syversen could not vote on this item, due to missing a previous planning board meeting.

3. NEW BUSINESS

A. Conditional Use/site Review - Jack Hinds - Application for construction of 667 sq. ft. addition to an existing single family residence for use as a second dwelling unit at 231 Main Road North in a Residential A district. (Tax Map 33, Lot 17) - Public Hearing.

Chairman Caliendo opened the Public Hearing and asked for proponents, opponents and those with questions and comments.

Jack Hinds, applicant and resident of 231 Main Road North, spoke about the proposed addition to his home. He stated that a full bathroom and bed room would be added, acting as a second dwelling unit to his single family dwelling in a Residential A. The proposed project is next to Avalon Village.

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

Mr. Osborne indicated that this application must receive Site Plan Review under Article 4.1 and Conditional Use review under Article 4.2 subject to Article 3.7 Residential A District standards and Article 3.7.6 Special District Regulations. He noted that this is the first application of the recently approved amendment regulating two-family dwellings in the Residential A District.

He explained that the Special District Regulations require that the proposed addition be no more than 50 percent of the existing house's square footage. The building is expanded from a single family dwelling to a two-family dwelling. The apartment will be off the rear of the existing dwelling, in the shape of an L.

Member Thomas made a motion that it meets the standards governing conditional uses and recommended conditional use approval, this was seconded by Member Syversen. The vote was seven in favor and none against.

Member Avery made a motion that the application meets the standards governing site plan review and recommended site plan approval, this was seconded by member Thomas, the vote was seven in favor and none against.

B. Major subdivision, Preliminary Plan - Mecaw Road Developers, LLC - Application for Mecaw Road Business Park Subdivision, a 9 lot, 12.5 acre commercial subdivision with public improvements of which 4 lots and 4.8 acres are located in the Town of Hampden and the remainder in Bangor Located on Mecaw Road in a Commercial Service District (Tax Map 10, Lot 49C) Public Hearing

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

David Moyse spoke representing Mecaw Road Developers, LLC about the proposed subdivision on Mecaw Road. He indicated that he and his wife along with Joseph Lynch and his wife comprise the LLC. He proceeded to discuss the proposed subdivision having lots in both Hampden and Bangor.

Four of the subdivision lot are in Hampden, the proposed street is designed with a 24 foot wide traveled way. He noted that the lots would be served with public water and on-site subsurface waste disposal. He also noted that the Bangor Planning Board had recently granted preliminary subdivision plan approval to this application. Some agreement between Bangor and Hampden over the road maintenance will be in place.

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

Mr. Osborne indicated that the first item of business would be for the Board to vote to waive the requirement for joint meeting with the Bangor Planning Board on this item. He noted that Bangor have already voted to waive the joint meeting and that David Moyse was the only individual that spoke for or against the item at that meeting.

The Board voted unanimously to waive the joint meeting.

Mr. Osborne indicated that the plan was reviewed by Sewall and no issues were identified with the stormwater design. He noted that the lots meet the requirements of the Commercial Service District and the plan meets the regulations for Major Subdivision, Preliminary Plan approval.

Member Syversen made a motion to approve the preliminary plan, this was seconded by Member Dubay the vote was seven in favor and none against the motion.

C. Site Plan Review - Dana and Debra Tardif - Application for construction of 7,770 sq. ft. professional office building and associated parking area located on a portion of a parcel of land located on the northwest corner of the intersection of Route 202 Bypass and Coldbrook road in a Commercial Service District. (Tax Map 9, Lot 20) Public Hearing

Acting Chairman Caliendo opened the Public Hearing and asked for proponents, opponents and those with questions and comments.

Jim Kiser, PE of Kiser and Kiser, spoke representing applicants Dana and Debra Tardiff. He indicated that applicant proposes a 7,700 sq. ft. professional office building with treatment rooms, office areas and a common area. He stated that there would be on-site septic and well water.

Parking and landscaping was discussed with the Planning Board Members. Mr. Kiser stated that selective cutting of trees was taking place that should serve to provide all of the required screening and bufferyards.

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

Mr. Osborne stated that the plan meets the requirements of the Commercial Service District and also meets the standards governing site plan review. He noted that the site development would not directly access Coldbrook Road rather they would access a right of way on Lane property which will likely become a street at some point in the future.

Member Dubay made a motion that the site plan meets the standards governing site plan review and recommended approval of the site plan, this was seconded by Member Avery. The vote was seven in favor and none against the motion.

D. Subdivision, Sketch Plan - Blaine and Carol Harvey - Pre- application for a Harvey Acres Subdivision, a 4 lot, 13.41 acre subdivision with no public improvements - Located at the corner of Western Avenue and Canaan Road in a Rural District (Tax Map 8, Lot 7).

Chairman Caliendo asked the pre-applicant of speak about the proposed subdivision. Carol Harvey stated that they had purchased the Goodall farm several years ago. They now wish to subdivide it into several lots. Currently there are two residences on the parcel and two additional new lots would be created.

The Board discussed some of the history of the land regarding when lots were created or conveyed.

It was suggested that the so-called lot 5 sold to Susan St. Peter (as the first lot out) be

removed from the plan and simply indicated as now or formerly St. Peter.

The lot numbering was discussed with the applicant.

Member Avery made a motion to class the subdivision as a minor subdivision. This was seconded by Member Dubay. The vote was seven in favor and none against.

E. Site Plan Review - YMCA - Application for construction of 3,000 sq. ft. changing room-pavilion, a paved tennis -basketball court and other site improvements at Camp Peirce Webber on Emerson Mill road in a rural District (tax Map 8, Lot 57 & 58) - Public Hearing

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

Jim Wilson, PE of Woodard and Curran stated he was representing the YMCA. Mr. Wilson stated that improvements to the site development include bathrooms/change rooms, playground equipment and a 2000 gallon per day septic design has been done.

Rob Reeves the General Manager of Bangor YMCA spoke in favor of the project. Mr. Reeves stated that some previous projects are being finished up and the planting along the play field will be completed this spring. He indicated that they propose to construct the tennis court/basketball court this year as well. He noted that the parking indicated along the access drive in the area of the play field was in error and would be removed from the plan.

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

Mr. Osborne, the town planner spoke about the proposed improvements noting that they meet group development standards, play ground equipment, construction of the tennis/basketball court. He noted that the buffer of trees approved oin the prior plan should be a priority for completion once the weather improved. He recommended site plan approval as it meets the standards governing site plan approval.

Member Avery made a motion that the application meets the standards governing site plan review and recommended approval of the site plan with the condition of the revised extension of the landscaped tree line and the gravel parking area revised on the submitted site plan. This motion was seconded by Member Thomas. The vote was seven in favor and none against the motion to approve.

F. Major Subdivision, final plan - COL-TEA-MAC (Terrence Cliff) - application for Coolbrook Acres Subdivision, Phase IV, a 14 lot, 15.55 acre subdivision with public improvements - Located at Ruth Avenue in a Residential A district (Tax Map 9, Lot 28). Public Hearing

Acting Chairman Caliendo opened the Public Hearing and asked for proponents, opponents and those with questions and comments.

Terry Cliff, applicant of COL-TEA-MAC stated the changes that were made to the final plan subdivision. The center line was added, as well as the notes that were requested to be placed on the final subdivision plan. He noted that they had amended their plan to move the houses for lots 12 and 13 much closer to the street in order to facilitate the gravity flow to the sanitary sewer. He stated that he felt that the plan was complete at this time and requested final subdivision approval.

Joe Lebrun, 57 Ruth Avenue asked about the open space. Will it be preserved as open space and will the open space be provided on site.

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

Mr. Osborne noted that this is a cluster/conventional subdivision and meets the Zoning Ordinance standards of the Residential A District for the respective portions of the subdivision. The plan had been adjusted to allow for improved gravity flow of the sewer on lots 12 and 13 noting that although some additional wetlands must be filled that this seems like a reasonable approach to the problem and that pumping was not an acceptable solution. He indicated that the final plan was now in order and indicated that he recommended approval of the major subdivision final plan. He also noted that the Town Council had approved the required utility easement to cross the Coolbrook Acres open space. The issue of the water service needing to be looped around was discussed. The Town Manager has indicated in the form of a letter that the improvement guarantee is acceptable. The Town Clerk has indicated in the form of a letter that the Council approved the easement.

Member Thomas made a motion to approve the major subdivision, final plan, this was seconded by Member Syversen. The vote was seven in favor and none against this motion to approve the final plan.

G. Subdivision, Sketch Plan - Sunset Developers, Inc. - Pre-application for Sunset Ridge Subdivision, a 14 lot, 45.54 acre subdivision with public improvements - Located on the south side of Western aVe. 0.6 miles west of Emerson Mill Road in a rural district (Tax Map 8, Lot 23A).

Chairman Caliendo asked a representative of Sunset Developers to present the proposed subdivision.

Randy Bragg, PE of Carpenter Associates, spoke for Sunset Development.

Mr. Bragg stated that this is a 14 lot subdivision with a 66 foot wide town road. Minimum road frontage for the lots would be 200 feet and above. 4 acres will be retained by the development.

A motion to classification of the subdivision as a major was made by Member Avery, this was second by Member Syversen. The vote was seven in favor and none against the motion.

A motion to classify the road as a minor road was made by Member Thomas, this was second by member Dubay, the vote was seven in favor and none against this motion.

4. STAFF REPORT

5. BOARD MEMBERS CONCERNS

6. ADJOURNMENT

The Planning Board meeting adjourned at 10:00 p.m.

Respectfully Submitted,

David Caliendo, 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 9, 2005, at the Hampden Municipal Building by Chairman Beric Deane.

Attendance: Planning Board Members: Chairman Beric Deane, Steve Dubay, David Caliendo, Mike Avery, Dawn Thomas and Carrie Meo.

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

1. APPROVAL OF MINUTES - February 9, 2004

Member Thomas moved that the minutes be accepted as amended, this was seconded by Member Dubay. (The amendments are Members Avery and Thomas were in attendance, and were not listed in the original minutes of February 9, 2005)

The minutes were accepted unanimously, as amended.

2. NEW BUSINESS

A. Major Subdivision, Preliminary Plan - Robert Foster - Application for Silver Ridge Subdivision - Phase 1, a 14 lot, 36.2 acre cluster subdivision with public improvement - Located at 618 Western Avenue a Rural District (Tax Map 8, Lot 20 and 21) Public Hearing

Chairman Deane opened the public hearing, asking for proponents, and opponents, then anyone with general questions or comments. Member Dubay recused himself from voting on this item. He was the realtor involved in the sale of this property.

Steve Ribble, PLA of Ames Corporation spoke in favor of the application and representing Robert Foster. Mr. Ribble stated that the proposed subdivision would contain 14 lots, with a build out of 54 lots all together, with suitable open space. The current application is Phase one of this subdivision for 14 lots. Proposed lots sizes vary from approximately 1.32 to 2.75 acres, there are 36.2 acres all together, in that 36.2 acres are 3.8 acres of open space, near the entrance. An 11 acre section in the back of the property will be dedicated open space which will grow into 20 acres of open space as the project develops. They have gone through the soil tests, for septic suitability, and have located well sites, and building envelopes.

Jim Manzer, PE of Ames Corporation working on this project spoke about the trails and open space. Wetland impacts and the proposed stormwater management plan were discussed. The proposed road right-of-way is 66 feet wide and will be approximately 2500 feet long. It will have open ditches and storm water detention areas.

Charles Gilbert, III, Esq. of 246 Main Road South stated he had concerns about

Hampden's subdivision ordinance, cluster subdivision section. He believes that the cluster subdivision provision of the Hampden ordinance is flawed legally. He also made comments regarding the proposed open space.

Dan Scott of 652 Western Avenue stated the he is a land abutter of this proposal on 2 sides, stated he found the idea of their proposed open space entertaining. He asked about buffering and the setbacks requirements for this project.

Bob Osborne stated that the setbacks for this Rural District cluster subdivision is 10 feet from the street and 25 from rear yard. Were the subdivision conventional the Rural District requires 30 foot setbacks for all yards to be met.

Member Avery had a question about a preliminary subdivision plan, being included in the packet and complete. He indicated that his reading of the ordinance requires a single document that would look very much like the final plan recording document. In this case he indicated that the required information may be contained on several sheets but it was not technically in the form that the ordinance requires.

Bob Osborne stated that there was not a single sheet showing the preliminary subdivision plat plan.

Mr. Ribble of Ames Corp., agreed that a revised sheet should be provided to the Board as Member Avery had indicated and would certainly be as part of the final plan submissions. He discussed a sheet showing all the bearings and distances for each of the lots and the road alignment. An amended submittal C201 was included with the packet, given to the Planning Board.

Lots 1, 2 and 3 where discussed. There is an existing dwelling on lot 1 with a purchase and sale agreement in place for the sale of this lot combined with 2 and 3, with the keeping of horses, and to be exempt from the proposed covenants of this subdivision which would not permit the keeping of barnyard animals.

Members of the Board asked about the DOT permit for access, and the width of the proposed traveled way being 24 feet. The Board also discussed the naming of the subdivision. It was noted that the subdivision at Aarons Way and Western Avenue is named Silver Mine Ridge Subdivision and that the proposed name of this subdivision of Silver idge Subdivision were too similar and would cause unnecessary confusion. The traffic engineering, storm water, along with DOT and DEP permits where discussed with the developer.

The percentage of open space was discussed with Members of the Board, and the applicant. The storm water permitting process was also discussed.

Member Caliendo made a motion to approve the preliminary plan subject to the re-naming of the proposed development, this was second by Member Thomas. The Board voted five in favor and none against the motion to grant major subdivision, preliminary plan approval for the Silver Ridge Subdivision with the condition that the name be changed . Member Dubay did not vote on this item.

B. Site Plan Review - Pinetree Landfill - Application for construction of a 7,450 sq. ft. landfill gas to electric generation building, a 5,000 sq. ft. maintenance building (Tax Map 9, Lot 45) Emerson Mill Road in an Industrial District, Interchange District and Resource Protection District Public Hearing.

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

Don Meagher, General Manager of Pinetree Landfill at 358 Emerson Mill Road, spoke in favor of the application. General Information of the landfill was provided by Mr. Meagher. He discussed the overall configuration of the landfill and the approved portions built and not yet built. He discussed the three proposed buildings which are the office building proposed for the west side of the site and the maintenance garage and the new generating facility to convert the landfill gas to electricity located on the east side of the site. He noted that the office and maintenance buildings proposed on the site plan relocate existing activity from two existing buildings that would be demolished as part of this proposal. He noted that the landfill gas which is currently collected and flared off is simply wasted energy but done so to control the odor of the gas. The landfill gas would be capable of operating a generation facility. This gas currently is going to waste.

Mike Booth of Sevey and Mahar Engineers spoke about the project. He discussed the drainage analysis and noted that in response to the comments received that they proposed to make several changes to the plan. They propose to not construct a new access driveway connecting the proposed office building to Emerson Mill Road. They also propose to make adjustments to the proposed lighting and bufferyard of the gas generation site located off Old Coldbrook Road.

Brain Oliver, Ted Reeves, Marty Drew, Tom Gilbert, and Helen Edmonds were also present for tonight's meeting representing PineTree Landfill, and were available to answer any questions the Board may have.

Two letters submitted to the Town Planning were read into the record by Bob Osborne, the Town Planner. One letter was from Daniel Perez, of Emerson Mill Road dated March 5 2005, the other letter being from Dan Stover of Papermill Road. (Copies attached to minutes)

Ted Reeves spoke about the noise that the new generating facility would create, less than 70 decibels at the property line. This is below the acceptable levels. Mr. Reeves stated that the noise would be very minimal, and that if two people were having a conversation outside the facility, they could be heard speaking in normal tones.

The life of the gas generation facility was discussed. It was stated that it could be useable and have a life span of 20 years. It would generate enough megawatts to power 2600 homes.

Conditions of approval were discussed. The conditions being the phasing of the proposed project, along with the flare being maintained, the access to Emerson Mill

being deleted and a revised plan being submitted to the Planning Office and the screening and lighting in place as discussed.

Member Meo asked Don Meagher if the flare would be functioning, would it stay in place?

Mr. Meagher stated that the flare would be able to function at any time that it might be needed when the generation facility was taken off line for service.

It was discussed if this item required conditional use review. It was determined that the generation building's size required conditional use approval.

Chairman Deane read the Standards Governing Conditional Use Review and asked the Board if they wished to discuss any of the criteria. No one had any further comments and Chairman Deane asked for a motion.

Member Caliendo made a motion that Conditional Use be approved as submitted. This was second by Member Dubay, the vote was six in favor and none against the motion.

Chairman Deane read the Standards Governing Site Plan Review and asked the Board if they wished to discuss any of the criteria. No one had any further comments and Chairman Deane asked for a motion.

Member Avery Made a motion that the site plan be approved with the conditions of the phased construction schedule of the project be presented to the Code Enforcement Officer, a new plan be submitted that deletes the Emerson Mill Road access, for the office building, and a revised plan for the generation building that replaces the wall pack lighting with shoe box pole lighting in the parking lot and adds a bufferyard to the front of the site. This was second by Member Dubay with the noted conditions. The Board voted six in favor and none against the motion to approve the site plan application with the noted conditions.

C. Major Subdivision, Final Plan - Ron and Deborah Mansell - Application for Butternut Estates Subdivision, a 10 lot, 26.4 acre subdivision with public improvements - Located at 1347 Carmel road North in a Rural District (Tax Map 4, Lot 7F) - Public Hearing.

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

Aaron Shaw, P.E. of James Sewall Company spoke as a representative of the applicant, Ron and Deborah Mansell.

This is a 10 lot subdivision, with a town road that is designed as a collector street for the first leg of the road and a minor street for the remainder to the cul-de-sac. He indicated that they had made the changes that James Kiser, P.E. had suggested in his review for the town. He noted that the final plan incorporated the changes discussed at preliminary plan. He indicated that the project would utilize fee in lieu for the open space. He noted that the improvement guarantee is in place with the Town.

Mike McCall of 1293 Carmel Rd. North spoke, he wanted to know about the wetland area and the impact that the water run off would have on his property. He asked about the DEP permits as well.

Tina Robertson, Babcock Road, asked about the water run off, she stated that there seemed to be a lot of water coming across her property and did not want further water run off.

Public hearing was closed.

Mr. Shaw discussed the stormwater plan and answered the questions posed by the neighboring property owners. It was discussed that the post development rate of runoff did not exceed the predevelopment rate as is required by the subdivision ordinance.

Mr Osborne noted that cash in lieu of open space in the amount of \$5280.00 and a check for the cash escrow improvement guarantee are currently in hand. He indicated that Tom Russell had recommended that the cash escrow bank account should be established and an agreement between the Town and the developer signed prior the the release of the signed final plan.

Member Avery made a motion to approve this major subdivision, final plan application with the conditions that the fee in lieu of open space of \$5280.00 be accepted by the town and the mylars would be held until the improvement guarantees are in place. This motion was second by Member Caliendo with the stated conditions. The vote was six in favor and none against.

D. Site Plan Review - RCC dba Unicel - Application for construction of Microcell wireless Telecommunication Facility at 99 Ballfield road in a Residential A District (Tax Map 10, Lot 14) - Public Hearing.

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

Bill Biscone, RCC spoke about the proposed project. Mr. Biscone stated that there would be 6 antennas and 1 microwave on the side of the water tank. A 10 x 12 equipment shed would also be erected on site. There would be no lighting required, a small air conditioning unit would be in the back of the shed.

Mr. Osborne indicated that the site plan was complete and that the application complied with the recently approved text amendments to the Zoning Ordinance that created the opportunity to establish microcell facilities in conjunction with water towers.

Member Caliendo made a motion to approve this application, this was second by Member Thomas. The Board voted six in favor and none against the motion to approve the site plan application.

E. Major Subdivision, Final Plan & L Properties, LLC (Bion Foster and Mike Levesque)- Application for Oldfield Estates Subdivision, 54 lot, 134 acre

**combination cluster/conventional subdivision with public improvements
- Located at 382 +/- Main Road south in a Rural District (Tax Map 3, Lot
30, and a portion of Map 49, Lot 3) Public Hearing.**

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

Jim Kiser, of Kiser and Kiser spoke representing the applicants. He asked the Planning Board for a waiver for the 6 month time limited for final subdivision, and a waiver for several lots along the pipeline for not having perpendicular lot lines.

Joe Lebrun - property owner to the south, asked about the street lights shown on the plan.

Larry Flanagan, Back Winterport Road, asked if cable broadband would be accessible to the lots, and if access to the Back Winterport Road through this subdivision would be possible. Dr. Flanagan also asked if hunting with high powered rifle would be abolished in this area. Dr. Flanagan stated that abolishing hunting with high powered rifles is one of his life's missions.

Wetland crossings and a mixture of cluster and conventional subdivision open space was discussed.

Public water will be supplied to 44 of the lots, and fire hydrants, and fire safety was also discussed with Mr. Kiser.

The looping of water lines was discussed with the general manager of Hampden Water District, Cam Torrey.

Street lighting was discussed with Mr. Kiser, along with the public water and hydrants. Cluster lotting of open space fee is \$4416.00, plus a draft copy of improvement guarantee was also discussed. The Town Council has not accepted the open space as of yet, so the final subdivision approval will need to be tabled until the final items are all in place.

Member Avery made a motion to grant the waiver for special circumstances in the six month time line for final plan review, due to the DEP's review and permitting process, this was second by Member Caliendo, the vote was six in favor and none against.

Member Caliendo made a motion to grant a waiver for special circumstances for the lot lines, that the pipeline runs across, or abuts, and are not perpendicular, this was second by Member Thomas, the vote was six in favor and none against.

Member Caliendo made a motion to table this application until all the requirements, street lighting in only the intersections, improvement guarantee and wetland impact, and the acceptance of open space and receipt of cash in lieu, has been taken care of to the Boards satisfaction, this was second by Member Thomas, the vote was six in favor and none against.

This application was tabled.

F. Major Subdivision, Final Plan and Site Plan/Group Development - Northland Ridge, LLC- Application for Highland Ridge Subdivision, a 1 lot, 15 two family dwellings for a total of 30 units 35.53 acre subdivision with public improvements - Located at 274 Main Road South in a Rural District (Tax Map 3, Lot 18)- Public Hearing.

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

Jim Tower, P.E. of Engineering Dynamics spoke as a representative of the applicant. Mr. Tower requested a waiver for special circumstances, for the six month limit for final plan submission due to the DEP review of the project taking considerable time. He also stated that this is fifteen buildings with 2 family units per building, public water, proposed underground utilities. The phasing of the project would be 2 building per phase. Width of paved surface of the road is 24 feet. Project will have on-site waste water disposal systems. A minimum of two water hydrants will be on site. Bylaws for the condo units are proposed, and improvement guarantee cost estimate was discussed.

Charles Gilbert of 254 Main Road South, spoke as a opponent of this project/application. Mr. Gilbert stated that this project is not consist with the Town of Hampden's comprehensive plan. It is not in keeping with the character of the rural zone. Mr. Gilbert also stated that he believes it is an illegal subdivision and use of the property. He also stated that this is a mis-application, 30 units are being developed on the front 5 acres of the property.

Mr. Gilbert stated that it should be 2 acre lots, as stated in the town's zoning ordinance.

Bill Albair, the owner of the property in question stated that he believes that it is consist ent with the Town's Comprehensive Plan adopted in 2001. It encourages orderly growth, it helps control sprawl, and it's a cluster development.

Public Hearing was closed.

Member Caliendo made a motion to grant a waiver for special circumstances for the six month time limit on submission of final plan this was second by Member Avery, the vote was six in favor and none against.

Member Caliendo made a motion to table this application until such time as, the late revision submission, coming in on Monday before the planning board meeting, were review by staff. This motion was second by Member Dubay, the vote was six in favor and none against.

This application was tabled.

G. Zoning Ordinance Text Amendment - Town of Hampden - Amendment to Article 4.8 signs to add regulations for the removal of off-site nonconforming signs - Public Hearing

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

Mr. Osborne spoke on the proposed text amendment. Currently, the removal of an unlawful sign, is viewed like a structure. Due process must be accorded for its removal and it is lengthy for the removal of these signs. Political signs, contractor's signs that kind of thing, if they are unlawful, off premises signs are the subject of the proposed amendment. This would allow the Town to remove these illegal signs without a lengthy legal process. Event signs may only be established two weeks before the event lawfully, and this amendment would provide for timely removal of those signs when established weeks in advance of the event. This proposal also deals with the problem of these signs being in the sight-line of motorists.

There was no one that wished to speak in opposition of this proposal, and no one with general questions or comments.

Chairman Deane closed the public hearing.

The sign ordinance is clear that a sign may be displayed for two weeks.

Member Caliendo made a motion to send it back to Town Council with an "ought to pass" recommendation, this was second by Member Thomas, the vote was six in favor and none against.

H. Zoning Ordinance Text Amendment - Town of Hampden - Amendment to Article 3.10 Seasonal District and Article 7.2 Definitions to clarify meaning of seasonal - Public Hearing

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

A copy of the proposed amendment was handed out to the interested parties.

There was no one wishing to speak in favor of the application.

Carol Vincent, of 125 Fowlers Landing Road, questioned how will this effect us, will it effect our taxes, will they receive any services from the town?

Charles LaVersa, owner of 81 and 75 Fowlers Landing Road questioned what the definition of a seasonal dwelling is. He stated that his dwelling has all of the mentioned amenities. He wants to know what the proposal is, what is going to be allowed.

Public hearing was closed by Chairman Deane.

Mr. Osborne stated what the proposed definition is of the seasonal district. The definition does not seek to regulate the number of days you live in your house. The proposed change to the purpose statement of the district makes that clear. Currently there is no definition of seasonal and the town is trying to define that term.

The Board had further discussions with residents of Fowlers Landing Road, present at tonight's meeting.

Member Caliendo made a motion to pass it back to the Town Council with an "ought to pass recommendation" as submitted. This was second by Member Avery, the vote was six in favor and none against the motion.

3. STAFF REPORT

The Council is holding a public hearing to consider the adoption of a conservation ordinance.

4. BOARD MEMBERS CONCERNS

5. ADJOURNMENT

The Planning Board meeting adjourned at 10:45 p.m.

Respectfully Submitted,

David Caliendo, 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 9, 2005, at the Hampden Municipal Building by Chairman Beric Deane.

Attendance: Planning Board Members: Chairman Beric Deane, Steve Dubay, David Caliendo, Mike Avery, Dawn Thomas, Mort Syversen and Shirar Wilder, and Andrew Nelson.

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

1. APPROVAL OF MINUTES - January 19, 2004

Member Syversen moved that the minutes be accepted as amended, this was second by Member Dubay. (The amendments are Members Avery and Thomas were in attendance, and were not listed in the original minutes)

The minutes were accepted unanimously.

2. OLD BUSINESS

- A. Major Subdivision, Preliminary Plan - COL-TEA, MAC, Inc. (Terrence Cliff) - Requesting review of a 15 Lot, 15.55 acre subdivision with proposed Public Improvements including approximately 1,000 feet of new street, sewer and water - Located off Ruth Avenue (Coolbrook Subdivision) in a Residential A District (Tax Map 9, Lot 28) - Continued**

Chairman Deane asked for a motion to remove this item from the table making note of the fact that the public hearing was already held at a prior meeting.

Member Caliendo made a motion to remove this item from the table. This was second by Member Thomas. The vote was seven in favor and none against the motion.

Chairman Deane asked to hear from the applicant.

Terry Cliff, representing COL-TEA-MAC, Inc., identified changes made to the subdivision plans subsequent to prior meeting. He noted that the storm drain was changed from a single main to tandem main lines going on each side of the road. At the request of Hampden Water District they proposed water line loop back into the main line. This alteration eliminated water service to the rear of the subdivision. The water line must loop across land owned by the Town of Hampden, open space off Lindsay Way, and they are seeking an easement from the town to do so. They eliminated one pie-shaped lot due to the angles of lots, and made lots 10, 11 12 bigger. Open space has been calculated. Shaded area at the northerly end is for the storm water management plan's outlet pipe. He noted that the plan contains a note that prohibits the pumping of waste water.

Robert Osborne, the town planner stated a lot which had been previously at issue was

removed from the plan. He indicated that Greg Nash, Hampden Public Works Director had written a letter that expressed concern that the lots of newly designed subdivisions be designed for gravity flow sewer from the residence to the street. He indicated that several of the proposed lots may be difficult to service gravity flow because the lots require that residences be set back a considerable distance from the street to avoid a wetland area and as a result there would be insufficient cover on the sewer service pipe.

The Board discussed the sewer question in the context of the designer's responsibility to demonstrate that all lots can be served with either gravity flow sewer or on-site waste disposal. They noted that the Sewer Ordinance supports Mr. Nash's contention that the subdivision should be designed for gravity flow of both the system and the residences. They suggested that the proposed note on the plat plan that the lots not pump did not demonstrate feasibility. Rather they suggested that the sewer would require a certain amount of cover, perhaps in conjunction with a driveway, and that driveway must cross a wetland area on lot 12.

The Board discussed open space, it was calculated that 5.449 acres for open space to be used as recreational trails and to be retained by the owner.

Member Caliendo asked Mr. Cliff some questions about the sewer and how it would serve lots 12 and 13. He suggested that it should be the developers responsibility to get DEP permits needed to cross wetland for driveway and sewer cover. The developer should also obtain permission to cross the town open space and to cross the pipeline.

Some questions as to a note being put on the plat plan as to lot 12 & 13 needing to be a raised ranch style home, and lot 13 will need a DEP permit for the driveway. Also the open space will be retained by the owner/developer of this subdivision. Member Avery ask that a note be put on the plat plan as to the owner/developer retaining the open space.

Member Caliendo made a motion to approved preliminary plan as submitted, subject with conditions of the applicant provide permitting, fill or acceptable methodology for making lots 12 and 13 buildable, prior to final approval; this was second by Member Thomas, the voted was seven in favor and none against the motion to approve the preliminary plan.

B. Zoning Ordinance Text Amendment - Town of Hampden - To amend Article 3 Zoning Districts to establish Home Occupation as a permitted use in 3.4 Business, 3.5 Rural Business, 3.6 Interchange, 3.7 Residential A, 3.8 Residential B, 3.9 rural and 3.14 Village Commercial districts, to amend Article 4.1 Site Plan to establish standards for submission of a simplified Site Sketch, and to amend Article 4.10 Home Occupations to modify the review standards for a Home Occupation - Continued

Chairman Deane noted that this item had been opened for public hearing at a previous meeting and had been sent to the Ordinance Committee for some further review. He opened the item for discussion.

Member Caliendo indicated that the Ordinance Committee had discussed this item. They proposed incorporating some of the regulations found in the site plan and conditional use review standards in the new home occupation standards. The consensus was that home occupations should be essentially invisible but for the sign and the customers. The basic standard would be to evaluate if the use was discernable at the property line. Some discussion was held as to each district and whether home occupation should be permitted.

Member Caliendo made a motion that The Residential A district not be included in the home occupation permitted uses, an "ought not to pass" recommendation be made to the town council, as it is written. This motion was second by Member Thomas. The voted was seven in favor and none against this recommendation.

Member Caliendo made a motion that an "Ought to Pass" recommendation be passed to Town Council with the exception of Residential A as noted in the above motion. This was second by Member Syversen. The vote was seven in favor and none against this recommendation.

3. NEW BUSINESS

- A. Minor Subdivision Plan Revision - James Jordan and Kimberly D. Miller Jordan - requesting review of the previously approved Brown Brook Subdivision - Applicant requests removal of a condition on the plan requiring that the remaining land not be sold, divided or developed without subsequent Planning Board approval - Located at 829 Kennebec Road in a rural District and Resource Protection District (Tax Map 2, Lot 49) - Public Hearing.**

Chairman Deane opened the public hearing asking to hear from opponents, the proponents, and anyone with general questions.

Alex King of 807 Kennebec road spoke in favor of the application and as Mr. Jordan' agent. Mr. King stated that note 5 of the Brown Brook subdivision plat plan must be eliminated in order for Mr. James Jordon to sell this parcel to him. Mr. James Jordon is the son of the original developer of the subdivision.

Rich Kelley of 840 Kennebec Road had some questions about the parcel in question being subdivided. He also wanted to know if a new home was built on this parcel where it might be located on that parcel.

Mr. King stated that the land will not be divided into a subdivision.

A motion was made by Member Avery to eliminate note #5 from the subdivision plat plan. This motion was second by Member Wilder. The vote was seven in favor of the motion and none against.

- B. Subdivision Sketch Plan - Mecaw Road Developers, LLC - Requesting review of a 9-lot, 12.5 acre commercial subdivision - Subdivision is located on the common boundary of Hampden and Bangor with 4 lots in Hampden in a Commercial Service District and 5 lots in Bangor - Public improvements include about 1,100 feet of new street.**

David Moyse spoke representing Mecaw Road Developers, LLC about the proposed subdivision on Mecaw Road. He indicated that he and his wife along with Joseph Lynch and his wife comprise the LLC. He proceeded to discuss the proposed subdivision having lots in both Hampden and Bangor. He asked to be allowed to provide the Board with an enhanced plan and the Board agreed.

Mr. Moyse stated that the concept of the the proposed commercial subdivision would be for small business buildings of 2,000 to 3,000 sq. ft. in size. The completion of the road is estimated for June of 2005.

There was discussion on having a joint meeting with Bangor, as some of the lots are in Hampden and some are in Bangor. It was determined that the statute allows boards to waive the joint meeting and it was agreed that this would be pursued.

The sewer and water was discussed with the applicant as well. Mr. Moyse stated that on-site subsurface waste water disposal are being proposed for the lots in Hampden. With the exception of the lot where his building is, which is on private sewer, and he does have an agreement with R.H. Foster for his sewer line.

A motion was made by Member Syversen to classify the subdivision as a major subdivision, this motion was second by Member Caliendo. The vote was seven in favor and none against.

A motion was made by Member Syversen to classify the road as a minor road this was second by Member Thomas. The vote was seven in favor and none against. There was some discussion after the vote that the road may indeed be constructed to collector standards as it must be in Bangor.

4. STAFF REPORT

Shirar Wilder told the Board that she will be resigning from the board due to moving out of town.

5. BOARD MEMBERS CONCERNS

Some discussion was had with the Board Member over the language of the Seasonal District. It was indicated that the revised language should be scheduled for public hearing at the next meeting.

6. ADJOURNMENT

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

Respectfully Submitted,

David Caliendo, 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 19, 2005, at the Hampden Municipal Building by Chairman Beric Deane.

Attendance: Planning Board Members: Chairman Beric Deane, Steve Dubay, David Caliendo, Mort Syversen and Shirar Wilder, Carie Meo, and Andrew Nelson.

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

The Planning Board took up January 12, 2005 agenda because that meeting was postponed due to weather conditions.

ELECTION OF OFFICERS

In accordance with the Planning Board By-laws the election of officers was held on the first meeting of the new calendar year.

Chairman Deane called for nominations for Chairman.

Member Caliendo nominated Beric Deane as Chairman, this was second by Member Dubay. As no one else was nominated the Board voted the item. The Board vote was unanimous, seven in favor and none against.

Chairman Deane called for nominations for Secretary.

Member Dubay nominated David Caliendo for Secretary. As no one else was nominated the Board voted the item. The Board vote was unanimous, seven in favor and none against.

Beric Deane and David Caliendo were elected for their respective offices for the current calendar year.

1. APPROVAL OF MINUTES - December 8, 2004

Member Wilder moved that the minutes be accepted as written, this was second by Member Meo.

The minutes were accepted unanimously.

2. NEW BUSINESS

- A. Site Plan Revision - Steve & Lea Andrew - A request for revision of the previously approved plan to construct six, one-story, 3,000 sq. ft. self storage units (warehouse use) and a 3,300 sq. st. office building located at Penobscot Meadow Drive in an Industrial Park District (Tax Map 10, Lot 39.) Applicant requests approval of multiple phases for construction of the project - Public Hearing**

Chairman Deane indicated that this item was a public hearing and that the Board would hear from proponents, opponents and those with questions and comments. Chairman Deane opened the public hearing and asked for proponents.

Jim Kiser, PE of Kiser and Kiser, spoke as a representative of the applicant. He indicated that Mr. Steve Andrew was also in attendance. Mr. Kiser stated that the applicant wishes to amend their approved site plan to phase the construction of the project. There are two buildings on site at present. The actual site plan drawing is unchanged. The revision is in the form of a letter detailing the proposed phases of construction.

The Board asked Mr. Kiser if he could offer a date upon which the entire project would be completed according to the site plan drawing and letter. Mr. Kiser declined to offer a specific date indicating that the market forces would determine the need for the storage units and office.

The Board asked what parking would be made available and what is required by ordinance. Mr. Osborne indicated that the self storage areas were not parking spaces in the strict sense but that they would accommodate both the loading area and provide room to bypass stopped vehicles. Occupation of the warehouse storage facility was also discussed with Mr. Kiser.

As no one else wished to speak Chairman Deane closed the public hearing and asked for a motion.

Member Caliendo moved to approve the revised site plan to include the phased construction of the previously approved site plan, this was second by Member Dubay. The Board voted seven in favor and none against the motion to approve the revised site plan application and phasing plan.

- B. Site Plan Revision - Maine Sports Complex, LLC - A request for revision of the previously approved plan to construct a 4,600 sq. ft. expansion to the existing indoor sports facility located at 330 Coldbrook Road in an Interchange District (Tax Map 9, Lot 35-A). Applicant requests approval of deletion of approximately 2,000 sq. ft. of the previously approved expansion and other specified changes - Public Hearing**

Chairman Deane opened the Public Hearing and asked for proponents of the application.

Pete Madigan, CEO of Maine Sports Complex and resident of Hampden spoke in favor of the project. He explained that the proposed revision of the project was based on a somewhat scaled down version of the previously approved expansion. Mr. Madigan stated that there will not be any changes made to parking, or other item on the site plan.

Jim Shue, of 84 Main Road South stated he has two teenagers that use this facility, and would like to see it survive and grow.

Grover Reed (Sonny) of Enfield Maine, stated Maine Sports Complex is at the construction end of the project and that they have the financing needs coming in place to complete this project, at the reduced scale.

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

Bob Osborne, the town planner spoke about the reduction of floor area, and the scaling down of the over all project. He noted that proposed site plan revision meets all ordinance and submittal requirements. He acknowledged that there is a history to the application, but He advised that the Board's role was to determine if the application itself meets Zoning Ordinance standards. He cautioned that the Board should not base its decision on past or present compliance and enforcement issues.

Members of the Planning Board asked about the completion date (a specific completion date was imposed on the previous site plan revision), was it met? Were the terms and conditions of the consent agreement met?

Susan Lessard, the Town Manager of Hampden spoke about the compliance of this project and site plan. Ms. Lessard also stated that a letter stating the financial capabilities of the facility to complete the project, has been submitted to the town on behalf of Maine Sports Complex.

Questions of when the project will be completed were asked.

Mr. Reed stated the completion end of it work would start, pending weather, around the third week in March, and be completed around the end of May.

Further elements of the previously approved site plans and their completion dates were discussed.

Chairman Deane called for a motion on the item.

Member Caliendo made a motion to approve the revised site plan and that it would supercede the previous approvals. This motion was second by Member Wilder. The Board voted seven in favor and none against the motion to approve the revised site plan.

C. Zoning Ordinance Text Amendment - Town of Hampden - To amend Article 7.2 Definitions to define Microcell Wireless Telecommunications Facilities and to amend Article 4.22 Wireless Telecommunications Facilities and to exempt microcell facilities from the requirements of Article 4.22 when done as an accessory use on water towers - Public Hearing

Public Hearing was opened by Chairman Deane.

Cameron Torrey, General Manager of the Hampden Water District spoke in favor of the project. Mr. Torrey stated that the wireless microcell antennae would hang on the water tank, it would be painted the same color and be very minimal in it's visibility. Mr. Torrey also stated that the financial income that this would generate for the water district is key to the survival of the Water District.

Jim Shue of 84 Main Road South had a question on the contract, and whether it included an annual increase of the fees.

Mr. Torrey stated that the contract that has been agreed upon is very fair and allows for an increase each year.

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

Bob Osborne stated that the Planning Board Ordinance Committee had reviewed the proposed language and that the Board might wish to hear a report from their Chairman Member Caliendo.

Member Caliendo indicated that the Committee had reviewed the language and found it to be acceptable and that it is consistent with the Zoning Ordinance. He noted that the proposed use is preferable to conventional cell towers and that the Town should embrace the newer technology.

Member Caliendo made a motion to send this back to Council with an "ought to pass" recommendation. This was second by Member Syversen. The Board voted seven in favor and none against the motion.

D. Zoning Ordinance Text Amendment - Town of Hampden - To amend Article 7.2 Definitions to add a definition of Seasonal for the Seasonal District - Public Hearing

Chairman Deane opened the Public Hearing.

Linda Gamble of 17 Fowler's Landing Road stated her concerns over the limiting of square footage of the residence on Fowler's Landing Road.

Tracey Smith of 101 Fowler's Landing Road, had concerns over the limit of 1,500 square feet on the homes, and asked about the houses that are there now over the

1,500 square feet.

Carol Vincent of 125 Fowler's Landing asked what effect this would have on their residences.

Sandy Levasseur of 75 Fowler's Landing Road, asked what would be included in the (finished floor area) square feet, would basements and garages be included in the 1,500 square feet? What about the house that was burned down and rebuilt at twice the size and as a two story?

She also expressed concerns over leech field and expanding closer to the pond.

Deb Boller of 110 Fowler's Landing Road asked about FEMA and the Pond Road. She noted that she was not required flood insurance due to the flood maps being wrong, and how that would affect her property.

A letter from Heidi Richards 99 Fowler's Landing Road was read into the record by Bob Osborne the town planner.

Steve Howard 153 Fowlers Landing Road asked about the one-time 30 percent expansion. Would that go away, and the size in general. Limiting factors and yard set backs, as well as the water set back, and the flood plan. He also had questions on the definition of seasonal.

Chairman Deane closed the public hearing and asked for the Committee report.

Board Members indicated that they did not appear to have the referral text and Mr. Osborne provided it to them. (Board members did have the recommendation of the Ordinance Committee).

Board members expressed concern that the referral text definition of seasonal based on something cottage in nature and limited to 1,500 sq. ft. finished floor area did not provide the sort of definition for seasonal that they would favor. They did indicate that they supported the concept of the clarification that seasonal was not intended to regulate the number of days each year living in a dwelling unit in the seasonal district.

Member Caliendo commented on the committee's review of the language. He indicated that a more suitable definition for seasonal must include the concept that a seasonal dwelling lacks one or more of the following: potable water, sewer/septic, and central heat source.

Member Caliendo made a motion to sent the original referral text back to Council with an "ought not to pass" recommendation. This was second by Member Syversen. The Board voted seven in favor and none against the motion.

Chairman Deane sent the item back to the Ordinance Committee for further review and comment.

- E. Zoning Ordinance Text Amendment - Town of Hampden - To amend Article 3 Zoning Districts to establish Home Occupation as a permitted use in 3.4 Business, 3.5 Rural Business, 3.6 Interchange, 3.7 Residential A, 3.8 Residential B, 3.9 Rural and 3.14 Village Commercial Districts, to amend Article 4.1 Site Plan review to establish standards for submission of a simplified Site Sketch, and to amend Article 4.10 Home Occupations to modify the review standards for a Home Occupation - Public Hearing**

Chairman Deane opened the Public Hearing and asked for comments.

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

Mr. Osborne indicated that this set of amendments was proposed to address two issues. The Board will acknowledge that they do not really require a full site plan/conditional use application for home occupation application. As such the Board's review authority is somewhat compromised. What is recommended instead is a scaled down application requirement and review process that better reflects what the Board has required of home occupation applicants in the past. Second, the proposal addresses the fact that home occupation approvals should not run with the land. Subsequent owners of a residence approved for a home occupation do not run the same business and will not feel compelled to abide by the conditions of the approval.

The Board expressed some concern that the proposed language does not provide the tools to review neighborhood impacts that could be created by a proposed home occupation. Chairman Deane recommended that some additional regulations for control of the appearance and a set of performance standards would make him more comfortable with the proposed regulation.

This language was sent back to Ordinance Committee for further review.

3. STAFF REPORT

Alex King had a question about a note on a subdivision that the Planning Board had placed on the Brown Brook subdivision in approved in 1997, that is what exactly was the intent of condition 5 on the plan and as a land abutter could he purchase this land without going through subdivision or planning board approval. Chairman Deane indicated the note was placed on the plan because the Board had found that some subdivision applicants had skirted municipal and state regulations by making further splits after the subdivision approval that would not have been proper by regulation. He expressed to Mr. King that the Board may consider removing the note on the plan if application were made to do so.

4. BOARD MEMBERS CONCERNS

5. ADJOURNMENT

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

Respectfully Submitted,

David Caliendo, Secretary