

**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 12, 2012, at the Hampden Municipal Building by Chairman Peter Weatherbee.

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

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

1. APPROVAL OF MINUTES (August 8, 2012)

Member Syversen made a motion to approve the minutes as written and the motion was seconded by Member Weldon. The vote was unanimous to approve the motion.

2. OLD BUSINESS

- A. Town of Hampden forwards the 2010 Comprehensive Plan to the Planning Board for recommendations with particular focus on the comprehensive land use policy amendments proposed by the Citizens Comprehensive Plan Committee, and the Planning Board's responsibility to rule on proposals before them, as to the proposal's consistency with the comprehensive plan.**

Chairman Weatherbee asked for a motion for this item to be removed from being tabled at a previous Planning Board meeting.

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

Town Planner, Bob Osborne read the letter prepared by staff for the Planning Board's signatures to be submitted to the Town Council. He indicated that the letter and the marked up plan copies reflect the comments received from the Planning Board Members. The Planning Board by signing the document to be submitted to Town Council fulfills their requirements under the Town Charter to recommend the Comprehensive Plan.

Member Syversen made a motion to sign the recommendation letter, this motion was seconded by Member Frazier. The vote was six in favor and none against. Member Nelson did not vote on this item due to being absent/excused from the Planning Board for the past few meetings.

3. NEW BUSINESS

A. Final Subdivision Plan Revision – Margeret M. Rivers and Harry J Schacht request approval to revise the Greeley Farms Subdivision lot 23 into two lots. The subdivision is located at 29 Sophie Lane in a Residential A District. Map 10A Lot 23 – Public Hearing.

Chairman Weatherbee opened the public hearing asking for proponents then opponents then anyone with questions or comments, to come up to the podium and state their names for the record.

Harry Schacht of 29 Sophie Lane, spoke about the revision to lot 23, dividing lot 23 making 2 house lots. The uplands can be meet with a fill permit from the DEP for 6000 square feet, meeting the minimum lot size of 18,000 square feet.

Public hearing was closed.

Bob Osborne stated this is a major subdivision revision because of the need to install a sewer and water stub from the street to the lot. He indicated that Town Manager has provided a memorandum that indicates that the Town has received an improvement guarantee for the utilities and also a fee in lieu of open space for the new lot. He indicated that the lot was recently visited by a wetlands delineator and the wetlands are indicated on the plan. There is about 12,000 sq. ft. of uplands on the lot and Mr. Schacht has provided a copy of his application for a wetland alteration permit which requests enough alteration to get the lot up to the minimum 18,000 sq. ft. in uplands. He indicated that Maine DEP's John Cullen indicated that a fill permit is forthcoming and as such the "lots to be buildable" standard can be satisfied.

Member Weldon made a motion to approve the revision to lot 23 of Greeley Farms, this motion was seconded by Member Nelson. The vote was seven in favor and none against.

B. Zoning Ordinance Text Amendment – Town of Hampden request amendment To Article 3.7.6 Residential A District and 3.8.6 Residential B District to create standards for the full utilization of Community Buildings amending the Special District Regulations of those districts as well as amendment to Article 7.2 Definitions to clarify the intended meaning of Community Building. – Public Hearing.

Chairman Weatherbee opened the public hearing and asked Mr. Osborne to explain the draft zoning ordinance text amendment and to report on the Ordinance Committee meeting recommendation in the absence of Member Avery.

Mr. Osborne stated that the Community Building use is groups in buildings meeting the definition like the Kiwanis Hall, Harmony Hall, the Masonic Hall. These buildings are in a residential neighborhoods in the Residential A and Residential B Districts. The Masonic Hall had a tenant (SAD 22) that has moved out, they would like to lease or rent out the building again, to help out with heating cost and expenses. The Council proposes to create some

parameters by which community buildings could take on tenants that are not themselves qualified for the community building use but these infill tenants would not create issues in the neighborhood. What is proposed is to create some language in the Residential A and Residential B Districts that will create some parameters that the proposed tenants would follow, and also modify the definition of Community Building in 7.2 the definitions piece. The Ordinance Committee held a six o'clock meeting and the discussion centered around the hours of operation these tenants. That was the only departure from the text received from Council. There was some further discussion on pushing hours of operation to 9 p.m. instead of 8 p.m. so the start time would be 8 a.m. the end time would be 9 p.m., so that would be the nature of the change from the text the Planning Board has received. If there was some need to alter the site development of one of these Community Buildings that would necessitate coming back to the Planning Board. You could take in a tenant that would not require any site development you could call the code enforcement officer. Tom Russell has reviewed the language.

As no one else wished to speak Chairman Weatherbee closed the public hearing and asked for Board discussion on the draft zoning ordinance amendment.

Member Syversen asked if the old Hampden Academy is classed as a Community Building.

Bob Osborne stated that the old Hampden Academy is not yet Town owned property. Mr. Osborne clarified for Member Syversen the Community Building is a use, the tenants of the building could change the use. "If the Smiths move into the Kiwanis Hall it is no longer classified as a community building as defined". Old Hampden Academy has historically been classified as a public school and future tenant is undetermined. However, the 2010 Comprehensive Plan contemplates the reuse of the old Academy and will allow the Council to rezone it to suit various possible reuses of the site.

There was some more discussion on the operation times. It was discussed that perhaps certain events could operate hours of operation outside of the prescribed time with prior approval of the Code Enforcement Office.

Chairman Weatherbee restated the modification of the language stating the hours of operation. This prompted more discussion between the Board Members on the hours of operation.

Chairman Weatherbee asked for a motion.

Member Syversen made a motion to recommend the text amendment with the hours of operation being 8 a.m. to 9 p.m.

Member Frazier stated that was fine as long as the Code Enforcement Officer can waive the hours of operation if necessary.

Member Syversen amended his motion to recommend the text amendment with the hours of operation being from 8 a.m. unless prior approval from the Code Enforcement Officer to 9 p.m. this motion was seconded by Member Frazier.

Member Wiltbank stated that he thinks the 9 p.m. should be extended with Code Enforcement Officer's approval as well.

More discussion on the hours of operations between the Planning Board Members.

The hours of operation only applies to the tenant not the parent owner or use.

Chairman Weatherbee asked about the motion.

Member Syversen restated his motion to recommend to the Town Council as "ought to pass" the text amendment as submitted with the hours of operation being 8 a.m. to 9 p.m. and with the Code Enforcement Officer's discretion to change those hours if deemed appropriate for the zone, on an event basis. This motion was seconded by Member Blais. The vote was seven in favor and none against.

C. Final Subdivision Plan Revision – Michael C. Levesque and HEMI, LLC request approval to reconfigure lots 1 and 3 of Springer Estates Subdivision, a single-family subdivision, located on the northwest corner of the intersection of Western Avenue and Deer Hill Land in a Rural District. Map 7 lots 35, 35B, and 35C – Public Hearing.

Chairman Weatherbee opened the public hearing.

Jim Kiser spoke as a representative of the applicant. Mr. Kiser stated that they are reconfiguring the lot line on lot 1 and 3 and making a 1 and ¼ acre increase in the size of lot 3 from the remaining land of Levesque . Soils and open space were done at the original subdivision approval and no additional lots are created. All lots conform to the standards of the zoning district.

Mr. Osborne spoke about the revision to the subdivision. He stated that this is just an adjustment of some lot lines on lot 1 and 3. The application meets submittal and approval standards and Staff recommends approval of the plan at this time.

Member Syversen made a motion to approve the revision to Spring Estates Subdivision the motion was seconded by Member Nelson. The vote was seven in favor and none against. Staff's memo to be made part of the record.

4. STAFF REPORT

Staff had nothing to report.

5. BOARD MEMBERS CONCERNS

There were no Member concerns.

6. ADJOURNMENT

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

Respectfully Submitted,

Michael Avery, Secretary