



Town of Hampden
Planning Board Workshop
Thursday January 25, 2017, 6:30 pm
Council Chambers
Minutes – Draft

In Attendance:

Planning Board

Gene Weldon
Kelley Wiltbank
Jennifer Austin
Jim Davitt
Jake Armstrong

Staff

Karen Cullen, AICP, Town Planner
Myles Block, Code Enforcement Officer

Public

None

The meeting was called to order at 6:31 pm.

New member Jake Armstrong was welcomed to the board.

Planner Cullen led a discussion on the continuation of review of the proposed use table for article 3 of the zoning ordinance; discussion resumed at item G-18, places of assembly. Key points:

G-18, places of assembly – CEO Block noted there are provisions in the building and life safety codes for these uses which give additional protections to the public and can affect where they are located in terms of reusing old buildings. No changes were made to the proposed use table.

G-19, funeral home – currently only mentioned in the Residential B and Business B districts, in both cases as conditional use. Discussion regarding whether these should be allowed in the Residential B district. It was noted that the only funeral home in town was originally located in the Residential B district but the zoning at that location was changed to the Business B district. Discussion about the use of large old houses for funeral homes, it was recognized that most of those are in the Residential A district and there is no desire to allow this use there. Discussion about allowing this use in the Town Center district, it was thought there are some sites there that may be suitable for the use. Changed the use table to not allow funeral homes in the Residential B district (from C to N) and to allow by conditional use permit in the Town Center district (N to C).

G-21, drive-through businesses – it was noted that this use specifically excludes drive-through restaurants, which are listed elsewhere in the use table. It was also noted that there are specific design standards dealing with the location and design of the drive-through facility, including buffering along property lines abutting residential uses or districts. No changes to the table.

G-22, mixed residential/commercial use – this use is meant to cover only properties that have both a residential and commercial use on them, such as a store with an apartment above. Decided to add a definition so there is no confusion as to what type of project this applies to.

G-23, business park – currently only mentioned in the Industrial Park district. Discussion about allowing in other districts, after looking at the zoning map and considering appropriate areas (access to arterial road, surrounding land uses), decided to allow by conditional use permit in the Industrial 2 and the Commercial Services districts. Discussion about the language in new section 3.2 (which was moved from old section 3.1.2 and from the covenants), decision to reword to avoid terms like “harmoniously” which are too subjective.

G-24, group development – discussion on what this is; it is not currently mentioned as a use in any of the zoning districts but is covered in section 4.17 and is treated there as if it is a specific use. It was thought that Avalon was approved under these provisions, and nobody was aware of any other developments that were subject to this section. [Ed Note: after research on Avalon, it was approved as a congregate care facility and there is no mention of group development in the record]. Planner Cullen explained that residential developments should be processed as cluster developments, noting the entire cluster development issue is being revised (currently regulations on cluster development are in at least four different sections of the ordinance, they are being revised and consolidated into one). She also noted commercial or industrial developments with multiple buildings should be processed under site plan review and she sees little if any value in the existing 4.17 language. It is unknown when (if ever) this section has been used. After discussion the board decided to delete this item from the use table and delete section 4.17.

G-26, outdoor storage – Planner Cullen noted this use is often ancillary to some other use and she has added a section to the table specifically to handle uses that are usually accessory to other non-residential uses. This use is just parcels that are used solely for outdoor storage, such as boat storage, construction materials storage, etc. The use is currently addressed in a number of districts. After discussion on appropriateness of the use in various areas, it was decided to change from conditional to not allowed (from C to N) in the Interchange district, since that district is meant to serve the traveling public on I-95. In addition, the draft use table included this as a permitted use in the Industrial Park district and the board decided it should be a conditional use (from P to C) in that district, to allow the board to impose additional conditions on such a use to protect the other properties in the business park.

Planner Cullen noted that the current ordinance includes “buildings in excess of 35’ in height” as a use in a number of districts, and it is not a use – retail, office, light industry are uses, while the height of the building is not. The provisions regarding increased setbacks for buildings that are taller than 35 feet are included in the dimensional regulations section of the revised ordinance, which will be reviewed at another workshop meeting.

Planner Cullen requested that we postpone discussion of the first two items in the Industrial uses section (gravel pits and stockpiling) to another meeting, given the complexity of the earth moving provisions. The board agreed.

H-4, truck terminal – after discussion on whether a truck terminal is an appropriate use in the Commercial Service district, it was decided to change it from conditional to not allowed (from C to N) in that district.

H-7, manufacturing – decided to add language to the definition to explicitly not include anything to do with marijuana in this use category, as that is handled elsewhere. After discussion, it was decided to include manufacturing as a conditional use in the Commercial Services district, to allow small manufacturers to locate there. This will provide more areas where entrepreneurs can start a small business that manufactures a product.

H-8, 9, & 10, retail marijuana cultivation, product manufacture, and testing – Planner Cullen said these are currently in the use table with “N” (not allowed) in all but the three industrial zoning districts, where the table includes them as conditional uses. CEO Block added that Town Council has given direction that they want these uses to be allowed in some areas of town. Planner Cullen said that until the state completes their amendments to the Act and the state agencies write the rules, there isn’t anything we can do on this topic, and the C’s will be changed to N’s. She noted this table was drafted months ago when we thought the state would have completed their work by now. Once the state work is completed then we can go back to amend the ordinance to change the N to C (conditional use) in the districts where we decide the uses would be acceptable. Additionally, a new section will be added to Article 4 to include all the provisions that will be specific to these uses. For the time being, we are simply prohibiting them all to avoid any problems arising if an application were submitted for one of these uses.

Planner Cullen noted that the current ordinance includes several uses as permitted by right (with site plan review): compounding, assembling, packing, packaging, and treatment, which are either included in manufacturing or some other industrial use. For example, packaging is an activity that occurs along with manufacturing – nobody has a business that does nothing but packaging. These are not included in the new table.

H-11, processing – the current ordinance only includes processing as a use allowed in the Industrial district, and has size restrictions regarding whether the use is processed only as a site plan or (if 5,000 square feet or more) by conditional use permit. Planner Cullen said the size provision determining the type of review is arbitrary, as you can have a 4,000 square foot processing facility that is more obnoxious than one over 5,000 square feet. In the draft table, this use was recommended to be permitted by right in all three industrial districts. After discussion, it was decided to make them conditional (without a size provision) in all three industrial districts.

H-14 and H-15, automotive graveyard and petroleum refining – Planner Cullen noted she has added these to the use table as prohibited (N) in all zoning districts. They are called out in the business park covenants and current section 3.1.5.

H-16, heavy industry – Planner Cullen said this is a new item and it replaces the catch-all “use” currently included in the Industrial Park district as “other industrial operations which conform to the performance standards of this Ordinance” which tends to cause confusion. The definition of heavy industry is written to include industries that have serious impacts on the area. It is proposed to be a conditional use in the three industrial districts and prohibited everywhere else.

Planner Cullen said she has included a section in the use table to handle uses that are commonly ancillary to other nonresidential uses in the table.

I-1, outdoor storage – existing restrictions on outdoor storage are included in the new language in section 3.2. It is a conditional use in the Rural, Business, and Business B districts and permitted by right in the other commercial and industrial districts. It is not permitted in the residential or the Town Center districts. Planner Cullen pointed out that the vision for the town center is to eventually be a pedestrian friendly area with shops and restaurants and public spaces that would encourage more people to walk around and encourage more socialization – essentially creating an area of town that outsiders could identify as a town center. Outdoor storage is not conducive to creating that kind of environment.

I-2, living quarters for personnel – the current ordinance includes this as a conditional use in the three industrial districts, the use table expands this to be a use permitted by right in all of the nonresidential districts. A definition of this use has also been added to the ordinance.

I-3, outdoor dining – Planner Cullen noted this is included since it is fairly common for restaurants to want to have outdoor dining space and including it in the table clarifies where it is allowed. The existing provisions in the special district regulations sections of numerous districts, regarding barriers, consumption of alcoholic beverages, etc. are now included in the new section 3.2.

I-4, retail sales – this is currently addressed in the Industrial Park district, where retail sales is limited to no more than 5,000 square feet. Planner Cullen recommends changing that specific square footage figure to no more than 49% of the gross floor area of the building(s) plus outdoor display or storage areas. She pointed out that for some types of products (sheds, gazebos, etc.), a square footage limitation could overly restrict a business. As a conditional use in all districts where allowed, the Planning Board will always have the opportunity to place additional requirements such as larger or more robust buffers to protect the public interest.

I-5, office – after discussion it was decided to not include this as an accessory use in the table. A small office that is included with a business is common and it was thought that we don't need to address it in the use table (it was included as permitted by right in all nonresidential districts).

Planner Cullen then went back to item G-14, drive-through restaurant, to ask the board if they thought they should be allowed or not in the Town Center district. It was noted the Dunkin Donuts restaurant is in this district. After discussion, the board decided to allow them as conditional uses in the TC district.

Planner Cullen noted that the regular Planning Board meeting in February will be another zoning workshop, as there are no applications to be dealt with at that meeting. In addition, we will meet the following Tuesday as normally scheduled for another workshop. The next topic will be the dimensional table, and we will also need to review the other sections of the ordinance (in Article 4) before we wrap up this phase of the project. She added the regular March meeting will have a number of applications, and Ben Smith will be handling those at that meeting.

The meeting was adjourned at 8:50 pm.