



Town of Hampden
Planning Board
Wednesday, October 11, 2023, 7:00 pm
Municipal Building Council Chambers
Minutes

In Attendance:

Planning Board

Richard Tinsman, Chair
Benjamin Dunham, Vice Chair
Amanda Day
Jacob Beaulier
Ryan Tribou
Dennis Marble
Monica Small (Alternate)

Staff

Clifton Iler, Town Planner
Amy Ryder, Economic Development Director
Wanda Libbey,

Public

Lucy Feeney
Sean Thies
James Condela
Mike Carroll

Chair Tinsman called the meeting to order at 7:00 p.m. and verified that all attendees in-person and virtual could hear and see each other. In the absence of a regular member Chair Tinsman appointed Alternate Member Small to serve as a full voting member for the duration of the evening's meeting.

1. Administrative:

a. Minutes – August 9, 2023, Regular Meeting

Motion by Member Marble to approve the minutes of August 9, 2023, Regular Meeting; second by Member Dunham; motion carried 7/0/0 by roll call vote.

b. Minutes – September 20, 2023, Workshop Meeting

Motion by Member Dunham to approve the minutes of September 20, 2023, Workshop Meeting; second by Member Tribou; motion carried 5/0/2 by roll call vote (Member Day and Member Beaulier abstained).

2. Old Business:

3. New Business:

a. Harold Bouchard Way Subdivision – Public hearing for a Major Subdivision and Major Site Plan review for an 8-lot subdivision on Harold Bouchard Way; Tax Map/Lot: 09-0-035. This property is located in both the Interchange District and Industrial District.

Chair Tinsman went over the rules for public hearings and confirmed with Administrative Asst. Wanda Libbey that the required public hearing posting had been met and then opened the public hearing at 7:05 p.m.

Lucy Feeney, representing the applicant, presented the Final Plan:

- 7-lot Subdivision off Bouchard Way.
- Located in the Interchange/Industrial 2 District
- Lots will be over one acre but less than two acres.
- 24-ft roadway with 2-ft gravel shoulders on each side.
- Public sewer and water will be utilized along with a pump station.
- There will be a hydrant at the end of the cul-de-sac.
- An easement has been provided for the town to maintain the stormwater pond.
- Water stubs will be provided for each lot for domestic water and fire suppression services.
- A buffer will be provided along the east property line to help shield the abutter's property.
- An easement has been granted to lot two for public sewer.

Planner Iler confirmed that the applicant had provided the updates regarding the sewer flow down to connect with Harold Bouchard Way, an easement allowing the Town of Hampden access to the wet pond located on the "Remaining Land", and alterations to the cul-de-sac and location of fire hydrants to accommodate fire apparatus. Town staff determined that no additional third-party review was necessary for this project. There are no further concerns or issues regarding the final plan as submitted.

Public Questions/Concerns/Opposition: None

Planning Board Questions:

Member Marble asked for clarification about the maintenance of the retention pond and legal easement. Lucy Feeney explained that an easement has been given to the town for them to maintain the retention pond when they take over the road in the subdivision.

Chair Tinsman closed the public hearing at 7:14 p.m.

Discussion was held concerning why the applicant is not being held to section 2.3.1 in the Subdivision Ordinance concerning the placement of underground utilities. Planner Iler explained that both the applicant and the owner of the property wanted to stay within the consistency of the surrounding roadways, like Coldbrook Road and Bouchard Way that have overhead utilities. Planner Iler did not request a letter from the applicant as he believed this was discussed and resolved at the preliminary stage. Planner Iler explained that the board could waive the requirement of the letter.

Economic Development Director Ryder explained that she received an email from the applicant on June 21, 2023, with a letter attached that she read aloud the following regarding the underground utilities which is attached to these minutes as Exhibit A "Hickory Development is willing to continue with the project, but with overhead power

and no sidewalks. In my research, there are numerous other commercial subdivisions in surrounding towns that do not have these restrictions, and we feel it unfair to force these added expenses onto us. These surrounding subdivisions include but not limited to, Dave's Way in Hermon, Pinewood Business Park in Hermon, Freedom Park in Hermon, Oakridge Business Park in Bangor, Longview Drive in Bangor, Robertson Boulevard in Brewer, and Liberty Drive in Brewer, just to name a few."

Motion by Member Dunham based on discussion and information presented herein moved to approve the Final Site Plan and Subdivision Plan for the 7-lot commercial subdivision located on Harold Bouchard Way (Tax Map/Lot: 09-0-035 & 09-0-035-A) with a waiver to 2.3.1 of the Town of Hampden Subdivision Ordinance to allow for the use of overhead electrical and communication utilities; seconded by Member Marble; motion carried by 6/0/1 roll call vote (Member Beaulieu abstained).

b. Zoning Ordinance Amendments– Public hearing for amendments to the Hampden Zoning Ordinance. These amendments were referred to the Planning Board by the Town Council.

Chair Tinsman confirmed with Administrative Asst. Wanda Libbey that the required public hearing posting had been met and opened the public hearing at 7:30 p.m.

Planner Iler clarified the process involving amendments to ordinances and the Planning Board and Town Council's roles. He also briefed the board on the five amendments to be voted on to be referred to the Town Council. All the amendments were discussed at the September 20, 2023, Planning Board Workshop Meeting. Amendments one through four will allow the opportunity for private solid waste facilities in Hampden without impacting the existing use and functionality of the Hampden Transfer Station. Amendment five issue could be solved by the applicant applying for a variance to create a buildable lot, but this line seems an artifact of previous regulations since the standard is not held to other zoning districts that abut Route 202. There are only five lots that abut Route 202 in the Industrial 2 District of which only two are buildable.

Planning Board Questions:

Member Marble asked what and why the amendments regarding solid waste. Planner Iler explained that the ordinance currently reads the use of the former Fiberight facility is a processing facility to create a buy product. The amendments intend to open the Firberight facility and any other facility within that zoning district to be a temporary space for solid waste.

Member Marble asked if the amendment in reference to Route 202 has anything to do with curb cuts. Planner Iler explained that it does not.

Economic Development Director Ryder explained that the Town Council is in agreement with item five, and also suggested that it match the table dimensions of the Industrial Zone which is a 50 FT setback from the road.

Chair Tinsman asked Planner Iler if there should be a 50-ft requirement in the motion. Planner Iler clarified why §3.4.1 references a 10 FT setback for Ammo Park and why it is not necessary to change it. Planner Iler stated that the board can use the current text and change the 200 FT to 50 FT in §3.7.2.8.2 or change the Table of Dimensional Requirements in §3.4.1.

Chair Tinsman closed the public hearing at 7:48 p.m.

Member Marble asked if the board needs to vote on the first four items separately or can the four items be voted on together. Planner Iler explained that if the board is all in agreement to vote on the first four items together, they may do so. If not, then they would vote on them individually.

Motion by Member Marbel to bundle the first four items; seconded by Member Tribou. The motion was withdrawn by Member Marble.

Motion by Member Marble to combine recommended amendments for one, two, three, and four be recommended to the Town Council for approval; seconded by Member Tribou; motion carried by 6/1/0 roll call vote (Member Beaulieu abstained).

Motion by Member Marble moved to recommend to the Town Council the removal of §3.4.2.8.2 “No buildings may be constructed within 300’ of the Route 202 right-of-way.” for approval; seconded by Member Day, motion carried by 7/0/0.

4. Town Planner Report

Planner Iler asked if the board would still like to hold a Planning Board Workshop Meeting on October 18, 2023, at 6:30 p.m. in Council Chambers.

The consensus of the board was yes.

5. Planning Board Comment

Member Beaulieu noted that because our bylaws state that Workshop Meetings are held on the third Tuesday of each month, next week's meeting would be considered a Special Planning Board Workshop Meeting.

It was the consensus of the board to discuss the change to the bylaws at the October 18th meeting.

6. Adjournment

Motion by Member Beaulier to adjourn the meeting at 8:05 p.m., seconded by Member Dunham; the motion was carried by a roll call vote of 7/0/0 in favor.

Respectfully Submitted By,

Wanda Libbey, Administrative Asst