



Town of Hampden  
Planning Board Meeting  
Wednesday November 14, 2018, 7:00 pm  
Council Chambers

## Minutes

In Attendance:

Planning Board

Gene Weldon, Chairman  
Kelley Wiltbank  
Peter Weatherbee  
Jim Davitt  
Tom Dorrity  
Jake Armstrong

Staff

Karen Cullen, AICP, Town Planner

Public

Gabe Poulin, Hans Albee, Brian Byrne – ReVision  
Peggy Brown – ReVision, representing landowner  
Jim Kiser – representing Mayo Rd and Main Rd N

The meeting was called to order at 7:01 pm.

1. Administrative: Minutes of October 10, 2018. **Motion** by Member Davitt to approve the minutes as submitted; second by Member Weatherbee; carried 6/0/0.
2. Old Business: None
3. New Business:
  - a. **Major Site Plan – ReVision Energy** Installation of a 165.6 KWDC solar array on property behind the White House Inn. The property is in the Interchange district and is located at 155 Littlefield Road, parcels 09-0-049, -049-A, and -049-B. Chairman Weldon opened the public hearing at 7:02 pm.

Brian Byrne of ReVision Energy, along with Gabe Poulin and Hans Albee, presented the application:

- Proposal is for 480 solar panels installed in two rows, roughly parallel to I-95, on galvanized steel racks with post supports, non-moveable, at a tilt of 34 degrees.
- The panels are designed to reduce glare and glint to about 2%; while there is always potential for it, they have not seen problems in other installations.
- The electric wires will be underground and the transformer will be near the existing one on the White House Inn property.
- The system will be connected to the electric grid but most if not all of the energy generated will be used by the hotel.

Key points from Planning Board discussion were:

- Most traffic on I-95 heading southbound will see the sides of the array; glare and glint should not pose a problem for them.
- Traffic going northbound is not thought to be subject to glare or glint due to the distance from the array and the presence of trees.

- Distance to closest structures estimated to be 150' to 300'; meets setback requirements.
- Potential additional rows would be installed on the Emerson Mill Road side of the array and would increase generation to 314.6kw.
- There is no on-site power storage (such as battery packs); the energy will go into the grid and the hotel's account will be credited.
- The array has been approved by the local electric utility, Central Maine Power.
- The site and the electric system has been designed to accommodate the entire project, both the two rows shown on the plans tonight and the addition of two more rows in the future.

Chairman Weldon closed the hearing at 7:13 pm.

**Motion** by Member Weatherbee to approve the site plan application for ReVision Energy as submitted to install a 314.6 kW (DC) solar array, which includes the potential addition of two rows, subject to the condition that, in the event that solar glint or glare impacts drivers on I-95, the applicant or property owner shall install a buffer (vegetation, solid fencing, or other appropriate material) to shield drivers from such glint or glare; second by Member Wiltbank; carried 5/0/1 by roll call vote with Member Davitt abstaining since he is a customer of the applicant.

- b. **Sketch (Subdivision) Plan – Bangor Realty Group LLC.** Proposal for a multi-family cluster housing development consisting of 30 units in six buildings on a 3.5 acre site on Mayo Road, parcel 35-0-001-A. The property is in the Residential B district.

Jim Kiser represented the applicant and presented the sketch plan:

- the site has recently been cleared but the buffers were left intact
- three 4 unit and three 6 units buildings are proposed
- building construction is to stay within the residential building codes, and will have fire walls between every other unit [*Ed. note: the CEO informed the Planner that to fall under the residential code there needs to be a firewall between every unit, from foundation to roof.*]
- parking designed to accommodate visitors as well as residents
- parking located to be away from abutters but that puts it in front of the buildings
- will need a lift station for the sewer (will be privately owned)
- will connect to water and sewer in Mayo Road
- will add hydrant if deemed necessary by fire officials
- entry road was located based on DPW comments
- there are no wetlands on the site
- stormwater management will be done on site, and approved via local regulations; the proposal is just under one acre of disturbance thus DEP approval is not required
- common open space will be everything not covered by buildings or pavement
- the buffer equates to 45% of the required open space
- will be asking for a waiver to the allowable amount of buffer within the open space

Main points from discussion:

- traffic will likely be a concern for area residents; Jim Kiser estimates 22-25 vehicle trips during peak hour; Board members noted traffic was a major concern for other similar proposals
- Member Wiltbank noted we are trying to encourage cluster development, as noted in the comprehensive plan and the zoning and subdivision ordinances, but he is concerned that altering the requirements for open space and buffers for this proposal may set precedence for other proposals and possibly have a negative impact on abutters
- Jim Kiser felt that as written the requirement for open space is larger than stated since only 30% of the buffer is allowed to be counted toward the open space requirement

- if the Board agrees that it is acceptable to include everything not covered by buildings or pavement within the required open space, then they might be able to do this within the 30% buffer counted toward open space as required by the ordinance
- while the abutting land (to the east) is for sale and holds the potential for future expansion of this development, the owner currently has no agreement or commitment to purchase it.

**Motion** by Member Weatherbee to categorize this as a major subdivision; second by Member Wiltbank; carried 6/0/0 by roll call vote.

Classification of the road is not needed since the project does not include any new roads, just a driveway into the development.

The Board provided the following guidance to the applicant regarding the open space issues: stay within the ordinance requirements to the greatest extent possible, and we'll see what comments we hear from area residents at the public hearing.

The Board decided that a group site visit is not necessary at this time; Jim Kiser invited members to visit the site individually if they would like to see it.

The process will be to submit both a subdivision and a site plan; the subdivision plan will only deal with the number of units and the site plan will include the site design. In the event a modification is needed after approval, it is much easier to go through the minor site plan process with staff than return to the Board to amend the subdivision plan. The applications for subdivision and site plan are expected to be submitted for the February 2019 meeting.

- c. **Sketch (Subdivision) Plan – Stan & Sean MacMillan.** Proposal for a 35 lot cluster subdivision with two new roads, on a 27.7 acre parcel located on Main Road North, parcels 33-0-011-A and 33-0-015-A. The property is in the Residential A district.

Jim Kiser represented the applicant and presented the sketch plan:

- the plan shows 35 lots, which may be increased or decreased
- the requirement for buffers in the entrance area is a problem
- the entry road was located at the northern tract boundary to allow the abutter to construct a driveway to this road and close off the driveway to Main Road North
- lot 35 is not 66' wide at the frontage on Main Road North so that spot could not be utilized for the entry road
- the land is mostly gently sloping, several lots do have steeper slopes that are probably well suited for walk-out basements
- there is a sewer line on the property down by the brook, they plan to tie into that line
- water service will be brought in from Main Road North
- this sketch plan was drawn under the old regulations, they know they'll need to modify it
- the open space includes fields, woods, and riparian buffer; while the sketch plan doesn't show any, they will include one or two pedestrian access points from the interior road
- wetlands have been mapped and are mostly down near the brook, some in the swale area behind lots 26 and 27 and a few small pockets in the old farm field
- expected timeline is for construction to begin in the spring.

Main points from discussion:

- lot 35 should not have access to Main Road North; a reasonable compromise might be to have a 20' wide access to the interior road with the remaining frontage on Main Road North (for a total of about 75', in excess of the 50' requirement under single family cluster)

- the entry roadway could be centered within that frontage and a short stub of right-of-way included to abut the neighbor's property for a potential future driveway in order to avoid future difficulties in changing the open space area to allow such driveway
- there is room for the lot layout to be modified to make some of the lots smaller with smaller lot frontages in order to move the lots affected by the buffer requirement away from the entry road area
- the Board is not opposed to there being only one entry road into the subdivision, noting there are other subdivisions in town with a similar number of lots on a single entry road, and the lack of 66' row width at the frontage with Main Road North in the area of lot 35
- the Board believes the abutters along the northern tract boundary would want the buffer to be there and to remain intact

**Motion** by Member Wiltbank to categorize this as a major subdivision since it is more than four lots and includes new roads; second by Member Davitt; carried 6/0/0 by roll call vote.

**Motion** by Member Wiltbank to categorize the roadways as collector for the portion from Main Road North to the intersection with the side street, and as minor for the two cul-de-sacs from that intersection; second by Member Davitt; carried 6/0/0 by roll call vote.

The Board decided that a group site visit is not necessary at this time; Jim Kiser invited members to visit the site individually if they would like to see it. Chairman Weldon noted the area where the entry road is proposed is probably the most important area to look at.

- d. **Shoreland Permit –James Dana.** Proposal to bury a 1,000 gallon propane tank for residential use within the Limited Residential Shoreland Zoning district. The property is located at 22 Murphy Lane, parcel 25-0-002, and is in the Residential A zoning district.

Planner Cullen noted the applicant was unable to attend the meeting and had nobody to represent him. She then presented the application, which is for a Shoreland Permit under Table 1, Land Uses in the Shoreland Zone, of the Shoreland Zoning Ordinance. The application is to bury a 1,000 gallon propane tank, which is understood to be installed, owned, and maintained by Irving Oil. The tank location would be at the (upland) edge of the shoreland zone. Given the properties of propane, it is unlikely that a leak in this tank would have any detrimental impact on the Penobscot River.

Planner Cullen noted the ordinance is not clear on whether a public hearing is required, and she interprets the language to mean the Board has the option of holding one or not.

Member Wiltbank suggested the Board should have written evidence that Irving Oil will install, own, and maintain the tank. This could be a lease agreement, contract, or other such document. Chairman Weldon suggested we also receive copies of any applicable state permits.

**Motion** by Member Davitt to waive the public hearing and approve the Shoreland Permit as submitted with the following conditions:

- 1) That written evidence be submitted showing that Irving Oil will install, own, and maintain the underground tank;
- 2) that any non-local permits required for this project be submitted;
- 3) That no site work shall be commenced prior to compliance with conditions 1 and 2, nor prior to placement of proper erosion and sedimentation control devices as needed to prevent impacts to the roadway or any drainage facility or area; and
- 4) that any disturbed area must be revegetated at the completion of the project.

Second by Member Weatherbee; carried 6/0/0 by roll call vote.

4. Staff Report:

- a. Planner Cullen noted the Town Center project will have its third and final public meeting at the Kiwanis building on December 4<sup>th</sup> at 6:00 pm.
- b. Planner Cullen asked the Board if anyone remembered the details of the approval of the church on Crosby Way, in regard to an inquiry she's received related to the ability of the abutter at the corner of Route 202 and Crosby Way to access the private drive. While there were some recollections, nothing definitive was remembered.

5. Planning Board comments: Chairman Weldon noted two board members have their terms expire this year, his own and Peter Weatherbee's. Member Weatherbee stated he would stay on the Board until we had more members (there are currently two vacant Alternate seats). Chairman Weldon indicated he was thinking along the same lines.

**Motion** by Member Davitt to adjourn the meeting at 9:04 pm; seconded by Member Dorrity; carried 6/0/0.

*Respectfully submitted by Karen Cullen, Town Planner*