



Town of Hampden

Planning Board

Wednesday December 13, 2017, 7:00 pm

Municipal Building Council Chambers

Minutes – Draft

In Attendance:

Planning Board

Peter Weatherbee, Acting Chair
Mort Syversen
Kelley Wiltbank
Tom Dorrity
Mike Avery
Jennifer Austin, Alternate

Staff

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

Public

Randy Bragg, Carpenter Associates
Chuck Lawrence, Southstreet Development Co. LLC

Acting Chairman Weatherbee called the meeting to order at 7:00 pm. He noted that Chairman Weldon is unable to attend tonight's meeting, and he appointed Alternate Member Austin to serve as a regular member in the absence of Member Davitt.

1. Administrative.

- a. Minutes of November 8, 2017 meeting: **Motion** by Member Avery to approve as submitted; Second by Member Wiltbank, carried 6/0/0.

2. Old Business.

None

3. New Business

- a. Public Meeting: Earth Moving Permit Application – Randy Bragg, agent for Southstreet Development Co. LLC, proposes temporary storage of 8,000 to 10,000 cubic yards of earth materials under Section 4.9.4 of the Zoning Ordinance on property at 98 Coldbrook Road, the future site of Tradewinds (corner of Coldbrook and Route 202). Acting Chairman Weatherbee noted this is not a public hearing but will be run in a similar fashion. Member Syversen noted that he will abstain on this application due to a current affiliation with Carpenter Associates.

Randy Bragg described the project to the Board.

- The proposal is to store 8,000 to 10,000 cubic yards of earth material on the property over the winter, as the material is available inexpensively.
- The site plan application is not yet ready for submission and the review process for it will not be completed quickly enough to accommodate the

needs of the site where the material is originating, therefore this application was made to allow temporary storage of the material.

- The proposed pile is outside of the wetlands on the property.
- The wetlands and all adjacent areas on the site will be protected by silt fences and other erosion and sedimentation control measures, in accordance with the best management practices required by DEP.
- The material will be used as fill for the future Tradewinds development in the spring after site plan approval.

CEO Block noted this application is before the Planning Board since the amount of material proposed to be stored on the site exceeds the threshold for CEO approval.

Key points of the discussion:

- The size of the proposed pile is about an acre, and the portion nearest Coldbrook Road is basically close to street level and the back portion will be about 13 feet deep; the existing grade slopes down about that amount.
- There will be no access to Route 202.
- During the rezoning process some nearby residents were concerned about the 200 foot buffer remaining wooded; the owner has agreed to sell them that area.
- It was noted the proposed pile will be at least 8' lower than Route 202.
- If all trucks hauling the material are 12 cubic yard trucks, it would take 666 trips to deliver 8,000 cubic yards, this would likely take several months to accomplish.
- The applicant stated no DEP permit is required for the temporary storage as long as their BMP's are followed.
- Finding #1 of the draft Board Order deals with the date at which bare ground must be planted or covered; the Board set this at August 15, 2018.

The Board reviewed the draft Board Order and discussed the suggested conditions of approval:

1. Hours of operation set at 7am to 6 pm. Member Wiltbank noted that if the hauling times overlap the peak hour traffic on Route 202, the haulers may want to avoid those times to lessen congestion at the intersection of 202 and Coldbrook Road.
2. Specific route of truck travel set at Route 202 from the north (i.e. I-395).
3. The tracking pad must be a minimum of 75' long to provide adequate cleaning of the tires; concerns regarding silt reaching the Souadabscook Stream.
4. The tracking pad must be cleaned and maintained on a weekly basis.

5. Any spillage of material on Coldbrook Road must be cleaned up within 24 hours; the applicant stated that is part of their contract with the hauling company.
6. If the level spreader is installed, that erosion control measures must be installed around it.
7. If the temporary storage pile is used as a building pad, it should have appropriate compacting and testing done; the applicant assured the Board this material will not be in this location permanently. The Board decided to eliminate this suggested condition.

Motion by Member Dorrity to Approve the Earth Moving Permit Application for temporary storage of earth materials on the property at 98 Coldbrook Road for Southstreet Development Co LLC as described in the Board Order, based on the date in finding 1 set at August 15, 2018 and the conditions as discussed above, specifically with the hours of operation limited to 7 am to 6 pm, and the truck route set as Route 202 from and to the north; second by Member Wiltbank; carried 5/0/1 (Member Syversen abstained).

b. Zoning Workshop, Article 3, Uses

Planner Cullen led a discussion on the proposed new use table. She explained that the current ordinance is organized by district with paragraph format listings of uses allowed by right or by conditional use, and each section includes all the dimensional requirements for the district as well as numerous special conditions or criteria that need to be met for certain uses to be allowed in the district. This is all proposed to be replaced with a use table, a dimensional table, and well organized text to simplify and clarify this central article of the ordinance. The Board reviewed the first four sections of the table (agricultural and recreational uses, residential uses, residential accessory uses, and educational uses). Key points of the discussion:

- “Forestry” is managing forested lands for timber growth, does not include processing of harvested timber. Use the dictionary definition (i.e. don’t add one to the ordinance). Do not allow in the (proposed) TC – town center – district.
- “Campground” related to paying customers (as opposed to family), and is temporary – although per the plumbing code that can be 120 days. Definition of “campground” to be modified to incorporate the term paying customers.
- Planner Cullen asked if anyone knew why single family residential was listed as a conditional use in the Rural Business district; nobody knew and the decision was made to change that to permitted by right.

- Planner Cullen asked if anyone knew the history behind the requirement that single family residential is permitted in the Commercial Services district only if it existed prior to 12/6/2004; nobody knew although we surmised it was likely in an attempt to gradually eliminate residential uses from this commercial district. Karen will research the minutes from that period.
 - It was noted that under Maine law, a multi-family building with three or more dwelling units is a subdivision.
 - Multi-family units in the Rural district should not need to be connected to public sewer, but from a fire suppression, life safety, and sprinkler standpoint, public water would be necessary.
 - Mobile Home Parks are currently allowed by right in the Residential B district, the Board agreed this should be a conditional use.
 - Customary Rural Business is really a subset of other uses. The Board directed Karen to rethink whether it makes sense to retain this as a use or eliminate it if those uses are handled elsewhere in the use table.
 - The definitions of “animals as usual pets” and “animals other than usual pets” need to be reworked and the regulatory portions of those definitions need to be moved to another section of the ordinance (new section 3.2).
 - Planner Cullen asked why child care centers in the Residential B district are limited to existing structures – Board members thought new buildings would be too commercial, but Karen will research state laws to ensure such a limitation is consistent with the state laws.
- c. Discussion on current zoning ordinance amendment process – Board members agreed the process Planner Cullen has suggested will work well; hold two Planning Board meetings a month with the first as a regular meeting for development applications and time permitting, zoning workshop, and the second meeting (held on the third Tuesday each month, at 6:30 pm) will be for workshops – for the foreseeable future these will focus on zoning amendments, but at some point can be for discussion the subdivision ordinance.
4. Staff Report: none.
5. Planning Board Comment. Acting Chairman Weatherbee expressed his appreciation for the work Karen is doing on the zoning ordinance, noting the complicated nature of this important project. Other members agreed.

The meeting was adjourned at 9:06 pm by motion of Member Wiltbank, with second by Member Avery; motion carried 5/0/0 (Member Syversen left at 7:55 pm).

Respectfully submitted by Karen Cullen, Town Planner