

Town of Hampden
Planning Board
Minutes
Wednesday June 8, 2016

The meeting of the Hampden Planning Board was called to order at 7:00pm on Wednesday June 8, 2016 at the Hampden Municipal Building Council Chambers by Chairman Peter Weatherbee.

Attendees:

Peter Weatherbee - Chairman
Michael Avery
Eugene P. Weldon
Kelley Wiltbank
Jim Davitt
Mort Syversen
Associated Member Andrew Scott

Staff:

Myles Block, Code Enforcement Officer
Ed Bearor, Town Attorney

1. Approval of Minutes – May 25, 2016 – as amended on page 4 and 11.

Proposed amendments by Mr. Keith Bowden are as follows:

Page 4 - Chairman Weather stated that this is new relatively “untested” (not interested) technology.

Member Davitt made a motion to approve the amendment seconded by Member Wiltbank, the vote was unanimous. (6/0)

Page 4 – should read the “DEQ” (not DEP) DEQ is the Virginia equivalent to Maine DEP.

Member Weldon made a motion to approve the amendment seconded by Member Wiltbank, the vote was unanimous. (6/0)

Page 11 – should read “lime” injection (not live)

Member Weldon made a motion to approve the amendment seconded by Member Avery, the vote was unanimous. (6/0)

Page 11 – (of 200 pages) to be left in.

Page 11 - but “no” secondary containment (not o secondary)

Member Davitt made a motion to approve the amendment seconded by Member Weldon, the vote was unanimous. (6/0)

Page 11 – added sentence left in.

Attendee list: named Andrew “Nelson” as Associated Member should be Andrew “Scott”.

Member Avery made a motion to approve the amendment this was seconded by Member Weldon, the vote was unanimous. (6/0)

Member Avery made a motion to approve the revised or amended minutes this was seconded by Member Weldon. 6-0

Chairman Weatherbee moved the New Business before the old business.

2. New Business:

Hampden Water District requests a waiver of site plan and conditional use for an expansion of their pump station, Map 18 Lot 17-1 in a Residential A District.

Myles Block Code Enforcement Officer explained that essential services could ask for a waiver for site plan review and conditional use.

Member Syversen made a motion to grant the 2 waivers, seconded by Member Avery, the voted was unanimous. 6/0

Franklin Land Associates LLC requests a Site Plan Review of a proposed Dollar General Retail Store to be located at 674 Main Road North on a property identified as Map 20, lots 34. The application is for the 9,100 square foot retail use in the Business District. Change from original approval. Public Hearing

Chairman Weatherbee opened the Public Hearing asking to hear from opponents, proponents and then anyone with questions or comments.

Lee Allen, Franklin Land Associates, stated the changes to the previously approved site plan of February 24, 2016 are basically grading and instead of underground drainage a wet pond. The treatment of the stormwater is required.

There were no other comments, questions or concerns, chairman Weatherbee closed the Public Hearing.

Kyle Corbeil of Woodard and Curran spoke about the peer review of this application, the original application, and this revision, they did do peer review on both. Mr. Corbeil spoke about the wet pond and a retention pond difference, Mr. Corbeil also spoke on the grading.

Member Davitt asked where the wet pond is located on the site.

Mr. Allen pointed out on the site plan where that was located. Mr. Allen stated that the DEP permit looked at two year, ten year and twenty five year storm event. The DEP has issued a permit, and there was no comment from the Army Corps of Engineers.

The site is next to Pat's Pizza. There is a steep slope in the back.

Member Avery asked if this is a revision to the original site plan or is it a new application.

Myles Block stated that this application is a revision to the previously approved site plan, but it was over the threshold of a minor revision, so the applicant needed to come back to the Planning Board as a full review again as no mechanism for revision if it is not a minor revision.

Member Avery asked about the conditions that were placed on the previous plan, and about lighting.

Atty. Bearor's opinion is that the prior application can be taken into consideration along with the newly submitted material.

Only the Members that were present for the previously approved meeting of the original site plan can vote on the amended site plan before the Board.

Myles Block found in the previous minutes of the original review that all full members were present at the original approval.

A full application was not submitted, but Member Avery stated he would like to see the full site plan application.

After some discussion with the Board Members on whether to table the application or move forward with conditioning the application, Member Avery stated he would like to see the size of the grading easement shown on the site plan. Member Avery stated he would make a motion.

Member Avery made a motion to approve the site plan with the conditions that a complete application be submitted along with Woodard and Curran comments being addressed, and the previous 3 conditions of the original application in February 2016. This motion was seconded by Member Wilbank. The vote was six in favor and none against the motion to approve the application with conditions.

3. Old Business

A. **Site Plan/Conditional Use: Fiberight LLC/MRC: Solid Waste Recycling and Processing Facility - Public Hearing (continued from April 13 and May 11, May 25, 2016)**

Chairman Weatherbee introduced the continued Public Hearing from the prior hearing session on May 25, 2016. Chairman Weatherbee stated that the Board would hear comments on the new material submitted. Chairman Weatherbee stated he would limit the scope of comments to the new material.

The Municipal Review Committee/Fiberight LLC, has proposed to construct a 144,000 square foot Solid Waste Processing Facility with an attached 9,800 square foot administration building accessed by a 4,600 foot newly constructed commercial road. The road and facility are proposed to be located east of the Coldbrook Road on Map 9, Lot 35 – 39 and Map 14, Lot 7

Chairman Weatherbee asked for a motion to remove this item from the table.

Member Wiltbank made a motion to continue the Public Hearing this was seconded by Member Avery. The vote was unanimous to continue the public hearing.

Sean Thies of CES, Inc. stated that supplemental material included: The financial capacity, revised truck route, procedure for filing complaints, the labels for the flare, stamped boundary survey, elevation views, building height and size along with the tank heights, and a written report from the DEP on the EcoMaine facility regarding odor complaints.

Mr. Thies stated they have a revised BACTS (Best Available Control Technology) analysis and turned the meeting over to Kyle Sullivan with CES, Inc.

Kyle Sullivan explained that the revised BACTS analysis has been received and controls are put in place to maintain minor air license.

Ongoing performance standard testing along with a rigorous test program are in place. Similar testing is required for a facility that burns Municipal Solid Waste (MSW).

Member Avery asked who does the inspections.

Mr. Sullivan stated that Fiberight would do the testing and monitoring themselves. Odor scrubbers are part of the license. These are the best available control technology.

Odorous trucks were discussed. When an odorous truck arrives at the facility it would be moved to the front of the line. Odor hotline would be Fiberight's burden, not the Town. They are not

expecting odor complaints, but Fiberright is putting it in place. There are no odor complaints from EcoMaine facility on file with DEP.

A Planning Board Member asked what difference is there between PERC and the proposed facility, as far as odor? Mr. Sullivan explained that the difference is the length of time that waste sits on the floor of the facility. Negative air pressure was discussed and how it works.

Member Wiltbank asked what safe guards there are on the air quality.

Mr. Sullivan stated the DEP regulates air emissions and air quality.

Member Weldon asked about the odorous trucks and the process in which they will be handled.

Mr. Sullivan explained at length what would happen if an odorous truck came to the facility.

Member Scott asked about the truck routes, and if they all coming off of I95.

Mr. Thies explained about the trucks routes and the trouble with State Roads, policing them could be a problem. Going Route 202 turning onto the Coldbrook Road passing through a residential neighborhood is a concern for Members of the Planning Board.

Member Avery asked about the truck cueing and the maximum number of trucks that maybe lined up at the facility.

Mr. Thies stated that there would be a steady stream of trucks. It would take about 10 to 20 minutes to unload a truck. 90 trucks per day are expected. Out bound trucks would be 4 to 5 a day for residue going out.

Member Avery asked what number of trucks could be lined up outside the facility, 6 or 7 ?

Mr. Thies thinks that might be a high number, any odorous truck would be moved to the front of the line. Four trucks at a time can be unloaded.

Denis St.Peter, CES, Inc. compared EcoMaine to the proposed facility, he thinks that 175 thousand tons a year is accepted at the EcoMaine facility, their goal is 150 thousand tons a year. They can operate without complaints, he thinks this facility can as well.

Kyle Corbeil of Woodard and Curran spoke about the newest submittal. Kyle asked if the Board and the Town has enough information to move toward with a decision. The technology meets industry standards, odor issues have a compliant policy and procedure for monitoring the facility, the truck haul route policy, and oversight to see it is adhered to.

The Planning Board needs to decide what, if more material is required, would they need to move to a conclusion, and does it meet the Town ordinances.

Truck haul routes, the regulation of the "the good neighborhood" policy, and the enforcement of them on state roads is very difficult.

Atty. Bearor weighed in on the truck route policy and if that can be policed and by whom. He thinks that the Planning Board can condition the application in the way they see fit.

Member Wiltbank asked Kyle Corbeil if they now give a recommendation to the Board. How are the materials supplied compared to the Town's ordinances?

Mr. Corbiel stated that the material is complete and they meet the industry standards. He does not offer a legal opinion.

Member Davitt asked about the number of trucks that can dump at one time.

Mr. Sullivan stated that 1 transfer trailer and 3 packers at any one time can be dumped.

Mr. Thies stated that Fiberight/MRC is willing to make I395W to I95S the preferred haul route on the route plan for trucks coming from that direction in order to not have trucks on US 202. This was a concession asked by the board and agreed to verbally by Fiberight/MRC. This was in response to trucks going past Main Trail and Coldbrook Road housing developments.

Discussion about having the haul routes a condition of approval.

Public Comments:

Chairman Weatherbee asked anyone wishing to speak in favor of the application please come up to the podium.

Member Jim Davitt stated he received a letter from Bill Lippincott on concerns with the Fiberight proposal, for the record.

Phil Flag, Emerson Drive, had questions and concerns about the wetlands.

Mr. Thies stated that through a Maine DEP permit they have addressed the wetlands impact and the vernal pools.

Member Wiltbank asked for clarification on the truck traffic routes.

Kathy Walker, 5 Old Coldbrook Rd, one of the two houses that all these trucks would go by, said she would like to go on the record that she disagrees with the traffic report that there is no problem with traffic on the Coldbrook Road. A truck entering sign would be ignored. A blinking yellow sign or light is needed.

Mark Robson, 91 Main Trail, compared the size of the facility three times the size of the supermarkets.

Fiberight will have someone 24/7 to handle odor complaints. Concerns on emission to the air, the long term impact on all forms of wildlife, vernal pools, ecosystem quality of life, air and water safety. Fiberight does not have a tested business plan. Let the citizen of Hampden decide.

Jim Hornbrook, Main Trail, stated that the comparison between the proposed facility and EcoMaine is antidotal at best. Mr. Hornbrook asked if there were engineer designs for this facility. The information has been just evolving over time. This plant has not been 100 percent engineered, and there is no design. Asked that a moratorium be placed on any projects of this scope in the Town. Concerns over what the fail safes are in place. No business plan. Read information on health effects of manganese and nickel.

Keith Bowden, resident of Orrington, stated that the Lawrenceville VA plant processes are 1 & 2 tons per day. Mr. Bowden had a handout that was passed around. 316.8 tons in 2012, the recycling rate is 26.7
2013 - 416 total tons 42.8 recycle rate. The scale up factor of 634 to 1. 634 years for the Lawrenceville plant to handle what is coming to Hampden in a single year.

The Planning Board does not have any jurisdiction on the failure or success of a business.

Dale Parker, who lives in Hampden and works at PERC, asked how they going to check the trucks. The schedule of the trucks does not work, they come when they come.

Mark Robson asked about the haul fees and the container fees. Water in the containers end up on the roads.

Ernie Mayo, Sidney Blvd voiced his concerns over the proposed facility. He wants the Board to vote as if this facility is in their yard.

Bill Lippincott of Wilbur Drive asked about the standard of the storage tanks and if natural gas was considered a petroleum product.

Chairman Weatherbee asked the board that if after four meetings Board is ready to close the public hearing.

The Board discussed having a work session to digest the material they have received.

Member Avery stated he has further questions on vernal pools and the impact on the wetlands.

Numerous discussions on a possible extra meeting date. Woodard and Curran noted that it would be possibly up to 3 weeks before they could have a full review of each site plan standard and conditional use standard done and presented to the board. Informal discussion continued until it was a consensus of the board members to continue the hearing at the next regular Planning Board meeting.

Member Wiltbank made a motion to continue the public hearing seconded by Member Avery. The vote was unanimous 6/0

The next scheduled Planning Board meeting July 13, 2016.

Chairman Weatherbee asked the board if any members were interested in sitting on the interview committee for the hiring of a new Town Planner. Member Davitt and Associate Member Scott stated that they could sit in on the interviews for a Town Planner.

Myles Block read into the record the Stormwater note, prepared by Phil Ruck, P.E., below:.

As many of you are aware, the Town of Hampden is a regulated municipality under the Maine Department of Environmental Protection's Municipal Separate Storm Sewer System (MS4) General Permit for Stormwater Discharges. One of the permit requirements that Hampden must comply with is municipal education and outreach for stormwater issues. The Town must provide periodic stormwater updates to Town Council and Planning Board members. Phil Ruck of Stillwater Environmental Engineering has provided previous updates to the Council and Bob Osborne last provided a Planning Board workshop to discuss Hampden's stormwater program before he left the Town. We had scheduled a similar workshop for this meeting but due to a full

agenda, have decided to push the stormwater presentation for the Planning Board until our July meeting. For now, please understand that there are several issues that Planning Boards must be aware of as they review projects that are greater than one acre in size and also have stormwater discharges to the Town-owned stormwater management system. Phil and I will review these issues in detail with all of the Planning Board members and answer any questions during the presentation in July. In the meantime, please don't hesitate to let us know if you have questions prior to the presentation. Phil will also be presenting a stormwater permit update to the Council on the 13th, in case any of you wish to attend that meeting.

4. Planning Board Concerns – Board Member had some discussion on various issues.
5. Adjournment
Meeting adjourned at 10:15 pm.

Respectfully Submitted,

Michael Avery,
Planning Board Secretary