Town of Hampden

Planning Board Workshop

Tuesday February 20, 2018, 6:30 pm

Conference Room

Minutes – Draft

In Attendance:

Planning Board	Staff
Gene Weldon	Karen Cullen, AICP, Town Planner
Kelley Wiltbank	Myles Block, Code Enforcement Officer
Jake Armstrong	
Jim Davitt	Public
	None

The meeting was called to order at 6:37 pm.

Planner Cullen led a discussion on the continuation of review of the proposed amendments to the zoning ordinance; discussion focused on §4.1 and 4.2, site plan review and conditional uses. Key points:

- Discussion of language relating to the establishment of the Planning Board, similar to that for the new staff review committee. Planner Cullen to research further. [Ed. note: after additional research and discussion with the Town Clerk, it was determined that the Town Charter includes a scriveners error in Article VI, which is titled "Zoning Board of Appeals and Planning Board"; section 601 states "There shall be a zoning board of appeals…". The remainder of Article VI deals only with the Planning Board, and the Town Clerk is of the opinion that at some point in the past language pertaining to the "zoning board of appeals" was changed but these two references remained in error. Thus, the Planning Board is established within the Town Charter and such language is not needed within the zoning ordinance.]
- Added new §4.1.2 to state we have a three tier system; note that language authorizing the CEO, staff review committee, and planning board to act on the applications was included here.
- Discussion on size thresholds for the various levels of review; decided to add language "not to exceed 50% of the existing footprint" or something to that effect.
- Discussion about adding an option to allow the CEO to kick any application up to the staff review committee; concern regarding whether that would create unnecessary uncertainty for applicants. [Ed. note: language was added stating that minor revision applications are forwarded to the CEO, and the CEO has the option to seek review and comment from any member of the staff review committee prior to acting on the application.]
- Discussion regarding tie votes at the staff review committee; Planner Cullen to add language stating that in such a circumstance the application will automatically be referred to the Planning Board for action at their next meeting, and that this is not to be a public hearing.

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- Discussion on whether it is necessary to say anything about who determines if an application is complete; Planner Cullen to give more consideration to the idea. [Ed. note: after further research it was determined such language is not necessary. An applicant always has the right to go before the Board no matter the completeness of the application, it is the Board's responsibility to disapprove the application if the incompleteness warrants such action. Staff does not have that authority.]
- Add definitions for "peak hour trip" and "average daily traffic"; consult the ME DOT definitions.
- Reworded §4.1.5.2 item 9 regarding use of the word "overburdened"; split into appropriate categories and use the term "exceed the capacity of" for those that are quantifiable and leave "overburdened" for the others.
- Decided to keep the drawing for site sketch, but move it to §4.2, conditional uses. [Ed. Note: I haven't made the move yet, nor made the tweaks to the diagram needed to make it consistent with the listing of submission requirements in 4.2.4.
- Discussion regarding changing the language in §4.2.4 to deal with proposals that have a change in use but no change to the building or site. [Ed. note: the only change made was to the section number for site plan review. This issue is included in both minor revisions and minor site plans, and it's better to reference §4.1 so the appropriate level of site plan review kicks in. Thus the submission requirements for any application that also needs some level of site plan review are what is required for the conditional use application, which is then submitted to the PB as they are the only entity with the authority to grant conditional use approval.]
- Discussion of items 3 and 4 under §4.2.5, decided to combine the two into a single item.
- Discussion regarding use of certain words in various places in §4.2: injurious, detrimental, harmony, nuisance, annoying, overload. [Ed. note: changes made where it made sense, not to others. Regarding "injurious" and "detrimental" in §4.2.1, that language is from a court case and is the best way to say it – the use would be injurious or detrimental without conditions being imposed, that's the whole point of conditional uses.]

Planner Cullen noted that the regular Planning Board meeting in March will be all development applications, and Ben Smith will be handling those at that meeting. March 20 we'll have the next zoning workshop, when we'll continue with the review of the proposed amendments to Article 4. Next up will be §4.5, nonconformities, §4.6, cluster housing, and §4.7, design standards.

The meeting was adjourned at 9:00 pm.

Respectfully submitted by Karen Cullen, Town Planner

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