



Town of Hampden
Planning Board Meeting
Wednesday March 17, 2020

Minutes

In Attendance:

Planning Board

Kelley Wiltbank, Chairman
Jake Armstrong
Brent Wells
Gene Weldon

Staff

Karen Cullen, Town Planner
Ryan Carey, CEO
Jessica Rickman, Recording Clerk

Public

Jim Kiser
Jeffrey Allen
Vince Caron

The meeting was called to order at 7:00 pm.

1. Administrative

a. Minutes – Feb. 12, 2020 regular meeting,

Motion: by member Brent Wells to approve the minutes of the Feb. 12, 2020 regular meeting with the correction of the spelling of Hampden in the last paragraph, seconded by Gene Weldon; motion carried 4/0/0.

2. New Business

The Planning Board decided to change the order of the Agenda. It was decided to make the Erickson's Hardware Public Hearing first, so that the applicant and any Abutters in attendance can leave the meeting when the decision on the application has been made.

- a. Erickson's Hardware – Public Hearing for a Major Site Plan to add seasonal sales of pavement sealer to commercial clients behind the store. This will involve installation of two steel tanks within a containment building and an adjacent pump. This site is located in the shopping center owned by the Allan Wood Family Trust at 13 Main Road North, parcels 36-0-075 and 36-0-073-A, and is within the Town Center district.

Kelley Wiltbank, Chair opened the Public Hearing at 7:09 p.m.

Jeffrey Allen, representing the applicant, presented the proposed plan:

- Located on Main Street
- Tanks will be located at the back corner of Erickson's Hardware, to distribute sealant to commercial companies.
- There will be two grades of sealant. One tank will contain only the liquid sealer, and the other tank will have sand mixed in, to add slip resistance to the final surface (after application).
- When the product is picked up, the customer will drive out back and park on the concrete pad.
- The product will be pumped over the containment wall. The customer will be putting the nozzle in their tank to fill, while someone from Erickson's Hardware will operate the pump.
- The product will not be seen by the public during dispensing.
- The large tank is 10,000 gallons and the smaller tank is 6,000 gallons.
- The containment structure will hold 13,000 gallons. If the tanks were to rupture, the spill would be contained in the structure the client is building. It is unlikely both tanks would rupture at the same time, especially at any time both tanks are holding their full volumes.
- The sale of the product will only be active in the summer (May through September). If the product was to be sold in the winter, it would freeze.

Questions:

Kelley Wiltbank, Chair asked if there is any opportunity for spillage during dispensing to customers? Jeffrey Allen said that you can never say never, but a spill is unlikely to happen. Any spill would be on the concrete pad, which is what the pad is for.

Kelley Wiltbank, Chair asked about the smell. Jeffrey Allen compared the smell to when you fill your heating fuel oil tank. The smell would occur when the air is being displaced in a tank during filling. When the large tanks are filled with the product, there would be a smell associated with it, but that would only be a few times a year (estimated twice a month). The applicant would take the opportunity to clean the tanks in the winter, and some smell would be associated with that as well. Odor would also result when the smaller customer's tanks are filled during a sale, but with a smaller volume, the smell would be shorter in duration and more likely to dissipate quickly.

Gene Weldon asked if the tanks required any heating? Jeffrey Allen said no, since the product will not be sold during the cold months.

Kelley Wiltbank, Chair asked if underneath the asphalt pad will it ever be reached by a spillage of the product? Jeffrey Allen said that the product is designed to seal asphalt and would seal it before it seeped through.

Opposition/Questions/Concerns?

Karen Cullen, Town Planner said that she received a letter to read into the record from John and Dianna Legend of 18 Cottage Street. These abutters are currently in Florida and unable to attend the meeting. The main points made in the letter are the following:

- 2.2.8 in the zoning ordinance - Purpose of the town center district pedestrian friendly/retail uses for consumers in town etc.
 - The Board needs to determine whether the sale of seal coating material is an accessory use to the principle retail use, or if this is a stand-alone business. Karen Cullen, Town Planner said there can be arguments made on each side of that issue.
- 4.4 in the zoning ordinance – Performance standards
 - Site plan applications are not subject to the performance standards, conditional use applications are. This is not a Conditional Use application this is only a Site Plan application.

Karen Cullen, Town Planner mentioned that she also looked at 3.2.15 in the zoning ordinance, which deals with specific use standards for retail uses. There was nothing which requires compliance with performance standards, so the board shouldn't be considering performance standards for this application.

Karen Cullen, Town Planner said that the first question the Planning Board needs to address is whether this is accessory use to the principle retail use, or if this is a standalone wholesale business. If this is a standalone business, then the application will need to be denied because wholesale is not permitted in the district. If the use is accessory to the retail sales, then you will need to determine if the application meets the approval standards in section 4.1.6.2. The staff is mostly concerned with the odor and onsite circulation, and the ability for semi-trailer trucks making deliveries being able to get in and turn around in the back of the building.

Kelley Wiltbank, Chair asked if there was anyone else from the public that would like to speak?

Vince Caron of 31 Cottage Street addressed the board. He mentioned that he doesn't abut the property, but he can see the structure from his yard. He is concerned with having to adjust as well as other residents to:

- Amount of traffic with trucks coming in for deliveries
- Noise from the hose pump
- Size of the trucks coming in for deliveries
- Hours of operation
- Odor
- Safety Data Sheets concerns
- Abuts a residential neighborhood
- More suitable site on the Coldbrook road in Hermon, where it is currently located.

Jeffrey Allen said the structure will be 100 ft from the property line to the residential neighborhood. The hours of operation are 7:30 – 8:00 p.m. in the

summer. The store currently sells this product out of 5-gallon buckets in the store. The tanks will possibly be refilled twice a month. They will have two to three customers per day, on warm summer months. The product will not be sold on rainy days. You can't apply sealant on rainy days. The visibility will be minor in the summertime with the trees with leaves. The town requested solid walls be put up and they are made of metal.

Gene Weldon asked if the Fire Marshall has looked at proposal for compliance with the fire code regarding the setbacks and the building. Jeffrey Allen said the permit application is filled out and waiting on the Planning Board approval. Gene Weldon asked about the tractor trailer being able to get into the back of the building. Jeffrey Allen said that a template was made to insure they can get in and out. Gene Weldon asked about the Safety Data Sheet. Jeffrey Allen said it is covered by the fire marshal's office because if heated up it is flammable. It's comparable to diesel fuel. The flammable index is 1-4 with 4 being extremely flammable and 1 is low likelihood. This product is a 2, it must be 214 degrees to ignite and must be boiling. Gene Weldon said distance wise, it is comparable to the gas station down the road. It has similar components with the product that you would see in a gas station, with far less turnover and volatility of the product as well. Gene Weldon asked Karen Cullen, Town Planner if the gas station is in the same district? Karen Cullen, Town Planner said yes, it is. Gene Weldon said just for retail purposes.

Brent Wells asked what the reasoning is for moving the tanks from Hermon to Hampden? Jeffrey Allen said Pete Erickson doesn't own the land that they are currently on and another organization was selling the product but doesn't wish to continue. Vince Caron, town resident asked if part of the process is mixing sand to the product? Where is that kept? Jeffrey Allen said that the sand is already mixed in the tanks.

Karen Cullen, Town Planner said that the use can be retail or wholesale sales. Does the Planning Board consider this retail use or a separate wholesale business? Pete Erickson then approached the Board, he said that he has full capacity to put it in 5-gallon buckets and sell it to whomever desires it and use it at home. He has added tools, accessories and crack filler in the store for retail, for homeowners or wholesale.

The approval criteria for this application includes:

- Threatens air quality.
- Maximizing pedestrian and vehicular safety

Karen Cullen, Town Planner said the a 90 by 40 feet turning area behind the building might not be enough for a semi-truck to turn around. The existing dumpsters could be moved to make more room. She said she wasn't as concerned with this with an experienced truck driver, but more concerned with an inexperienced driver hitting the existing propane tanks. Jeffrey Allen said that the propane tanks are well protected by large rocks. The Fire Chief, Jason Lundstrom is ok with the turning area for a delivery truck. Regarding the air quality, the product is sprayed onto the pavement, the workers don't have to wear any

protective clothing or equipment. Pete Erickson mentioned that the product is the newest technology in pavement sealer, not the old coal tar stuff. This is a water-based product with petroleum resins. They'll be minimizing odors since air dries the product. Pete Erickson also mentioned that when it comes to delivery, the truck driver will be required to rest for a number of hours due to the distance he will be traveling with the product from its origination point, so he is thinking timing of delivery into the tanks isn't a big deal. They should be able to accommodate residents and the medical center in terms of minimizing impacts to either.

The Board was asked if they thought this was an accessory use? Brent Wells: no, Jake Armstrong: yes, Gene Weldon: yes, Kelley Wiltbank: yes.

Gene Weldon asked if condensers could be used on the vents? That could minimize odor. Also, less air displacement in the tank would minimize the odor (i.e. don't wait until the tank is empty to get a new delivery, get smaller deliveries more often).

The Board reviewed the draft Board Order and edited finding 1 to include their reasoning for making the finding. Planner Cullen stated she recommended adding another condition to explicitly state what the process will be if the conditions are not complied with, the Board agreed with that. A condition was added that if odor is determined by the CEO to be a nuisance to abutters in his discretion, then the applicant must return to the Planning Board for additional action or install a device or equipment on the vents of the tanks to minimize the odor.

Motion: Gene Weldon moved to accept the findings as well as the conditions in the draft Board Order and the two additional ones discussed tonight, seconded by Jake Armstrong; Motion carried 3/1/0.

The hearing was closed at 8:06 p.m.

- b. Michael Levesque – Sketch plan for a Minor Subdivision Plan for a four-lot subdivision of parcels 07-0-015-A and 07-0-014-B, located on Western Ave. This property is in the Rural district.

Jim Kiser, representing the applicant, presented the application:

- Property on Western Avenue, just before the Newburgh town line.
- Open field, that has lots that have been divided off a few years ago.
- 12.7 total acres.
- Portion deeded by the Abutter about 2.28 acres coming into this parcel to divide off 4 lots in excess of two acres. All with required 200 ft of frontage for the Rural zone.

The Planning Board determined this meets the definition of a Minor Subdivision. Vote 4/0/0.

- c. BNA Properties Inc. – Sketch plan for a 26-unit multi-family development on Monroe Road, parcels 02-0-024 and 02-0-024-1. This property is in the Rural district.

Jim Kiser, representing the applicant, presented the application:

- 13 acres
- 3 lot Minor Subdivision

At the time this was brought to the board in October 2019 they were looking at creating a 3-lot subdivision so that the larger parcel would be separated from the 2-acre lot that was broken off approximately a year ago. Those two lots were combined because of some questions brought up by the board, as far as a building permit etc. on this property. So, those two lots were merged into one ownership under BNA Properties. He said we are now looking to develop the larger parcel and add a secondary duplex to the smaller 2-acre parcel so that the total project would be about 13 ½ acres. The reference to the 3 lot Minor Subdivision would be that the owner would like to separate those parcels again so that the 2-acre lot would have a 4 unit on a 2-acre lot in the Rural Zone. This would have a separate deed from the backland which as a 60 foot right away going into it which will be utilized with the driveway access into it. The secondary duplex on the 2-acre lot would be accessed from that private roadway going in. This lot has been harvested and has been prepared to have a garage located in the back of it with approval of this, that application would go away with the applications for building permits under the approved plan.

Ryan Carey, CEO addressed the board and said that he was recently contacted by Jon Cullen from the DEP regarding this application. There was some question about the wetland, and he thinks that we should identify in this approval, if it goes through, that the wetland is to remain untouched. The buffer around the wetland is his main concern given the activity that's happened on the lot so far. Ryan said that Karen Cullen raised a good point, wanting them to reclaim the site back to its original state. In that process, we should contact him to see what verbiage he would like to see around that wetland.

Gene Weldon mentioned during the last approval, there was some concerns about being able to see this as a big development. He also mentioned that the fact that you will have a number of new duplexes, a septic would be something to consider as you come back.

Jim Kiser said he will be contacting Jon Cullen too. He said he doesn't think there are any wetlands with special significance on the property. There are no vernal pools that he knows of.

Karen Cullen, Town planner said that the only thing she wants to note for the board, is that she believes the Deputy Fire Chief has been working with Jim Kiser and others on the requirements for water supply for fire suppression. Whether it

be sprinklers in the building, or if the wetland can support a dry hydrant, or tanks in the ground.

Motion: Moved by Gene Weldon that the Planning Board considers this a Major Subdivision, seconded by Brent wells; motion carried 4/0/0.

d. ReVision Energy and Wishcamper Companies Inc. – Informal discussion regarding a proposed large ground mounted solar array on a property off Kennebec Road and Meadow Road, parcel 02-0-040. This property is in the Rural district. The applicant was unable to attend this meeting but will communicate with the staff and Board with digital information.

Karen Cullen, Town Planner said that she will set up the site visit for the BNA Properties Inc. application.

Motion: Gene Weldon moved to adjourn the meeting, seconded by Brent Wells at 8:33 pm. motion carried 4/0/0.

*Respectfully submitted by Jessica Rickman,
CED Administrative Asst.*