



Town of Hampden
Planning Board Meeting
Tuesday April 14, 2020

Minutes

This meeting was held via remote means (Google Meet) due to the Covid-19 Pandemic, in accordance with SP0789 / LD2167, An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency.

In Attendance:

Planning Board

Kelley Wiltbank, Chairman
Ladoiya Wells
Brent Wells
Gene Weldon
Jennifer Austin
Richard Tinsman

Staff

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

Public

Brian Byrne
Jon Stewart

The meeting was called to order at 7:00 pm. Chairman Wiltbank explained that this meeting is being held remotely, with himself in the Council Chambers and everyone else via Google Meet, in accordance with the guidelines for the pandemic. He took attendance by roll call; all members listed above participating with both audio and video except Brent Wells who had audio only. Member Jake Armstrong was absent. It was established that all board members were able to hear and speak to all the other members. All staff and public participants could likewise hear and speak to all other participants.

1. Administrative

- a. Minutes – March 11, 2020 regular meeting

Motion: by member Gene Weldon to approve the minutes of the March 11, 2020 regular meeting with the correction of the spelling of Kelley Wiltbank's name on page 5, seconded by Richard Tinsman; motion carried 4/0/2 by roll call vote with Members Jennifer Austin and Ladoiya Wells abstaining.

2. New Business

- a. ReVision Energy – Public Hearing for a Major Site plan for a proposed 303.75 KW Solar Photovoltaic system on the Good Shepherd Food Bank property located at 11 Penobscot Meadow Road, parcel 10-0-041. This property is in the Industrial Park district.

Kelley Wiltbank, Chair opened the Public Hearing at 7:05 p.m.

Brian Byrne of ReVision, representing the applicant, presented the proposed plan:

- Located at the Good Shephard Food Bank which is their northeast operations hub.
- The proposed array consists of 810 panels in 12 rows mounted on pole foundations which will be driven into the ground with minimal soil disturbance.
- The site is currently an open field. The existing topography will remain the same, as the site is flat. This will result in no change to the existing drainage patterns and no stormwater management plans are needed. MDEP erosion control best practices will be observed during construction.
- The proposed fence surrounding the array is located approximately 55 feet from the right-of-way line and approximately 90 feet from the edge of the pavement of Route 202.
- A chain link fence will be installed around the array, with a locked gate which will include a Knox padlock which will allow access to public safety personnel.
- Access to the array is via a dirt drive from the parking lot to the gate at the south end of the array, and if needed due to existing ground conditions will be designed and constructed to support emergency vehicles. It is currently unknown whether the existing ground conditions will support such vehicles.
- This proposed project will provide 90-95% of their facilities energy load.

Questions:

Kelley Wiltbank, Chair asked if all the notices for the public hearing were sent out? Karen Cullen, Town Planner said yes.

Gene Weldon asked if ReVision Energy has any other solar panel arrays in Hampden? Brian Byrne said yes, at the Whitehouse Inn and HO Bouchard in Hampden.

Kelley Wiltbank, Chair asked if the application met the setback requirements? Karen Cullen, Town Planner said yes, the fence surrounding the array is located approximately 55 feet from the right-of-way line and approximately 90 feet from the edge of the pavement of Route 202.

Gene Weldon asked how snow would affect the solar panels? Brian said that the snow would melt and slide off the panels because they are set at a 35-degree slope.

Opposition/Questions/Concerns? Kelley Wiltbank, Chair said that there was no public in attendance at the town or by remote means, so he closed the Public Hearing at 7:11 p.m.

Karen Cullen, Town Planner said that the application complied with everything in the zoning ordinance. There are two conditions in the draft Board Order:

1. *That, in the event solar glint or glare impacts drivers on Route 202, the applicant or property owner shall install a buffer (vegetation, solid fencing, or other appropriate material) to shield drivers from such glint or glare.* She said that this is similar to the condition placed on the White House solar array, which is adjacent to Route 95, and added that to her knowledge there has not been an issue at that location.

2. That, in the event the existing ground is insufficient to support the weight of emergency vehicles, the access drive must be designed and constructed to the satisfaction of the Public Safety Department.

Discussion:

There was a discussion about the access drive to the solar array; the applicant had no additional information on the ground conditions and both he and the board agreed that condition #2 in the board order would handle the issue adequately.

Kelley Wiltbank, Chair asked if the Board had any other questions? The board did not.

Motion: Richard Tinsman moved to approve the site plan to install a solar array with the two conditions noted on the draft board order, seconded by Gene Weldon; The board voted by roll call and the motion carried 6/0/0.

- b. Ralph Robbins – Minor Subdivision to modify the property line between two lots in common ownership in the approved Hampden Woods subdivision. The lots are located at 62 Hampden Woods Road and are parcels 01-0-034-E2 and 01-0-034-E3. This subdivision is in the Rural district.

Jon Stewart of Plisga & Day, representing the applicant, presented the application:

- This application is to modify the boundary line between lots 2 and 3 of the original subdivision, approved in December of 1989.
- Covenants and rules created that limited construction of homes (setbacks, house size, etc.)
- The road was never completed and per agreement with the Town, lots 2 & 3 are merged, and lots 4 & 5 are merged
- Lots 4 and 5 sold to the Robbins daughter
- A house sits on lot 2 which has 2.176 acres, and an outbuilding is on lot 3; the outbuilding does not meet the setback required in the zoning ordinance.
- This proposal is to redraw the lot line between lots 2 and 3 so the outbuilding will meet the 30-foot setback.
- The owner of lots 2&3 is thinking of splitting that merged lot so they can be sold separately.

Karen Cullen, Town Planner said there is a condition that Lots 2 and 3 remain merged under the provisions of the amended restrictive covenants on file at the Penobscot County Registry of Deeds until such time that the roadway (Hampden Woods Road) is constructed. Such road construction must be in compliance with the 1989 approval of the subdivision, or, if the subdivision plan is further amended to comply with the private road standards of the current Subdivision Ordinance, with said amended plan.

Jon Stewart said that he talked to Mr. Robbins and apparently the road construction had begun but not completed. He does not think it will be any trouble to make it a private road. He is also aware that an engineer needs to be involved and another application made to the Planning Board. He wants to move ahead with this application.

Karen Cullen, Town Planner said that the application will need to go to the board again if they want to change it to a private road.

Questions:

Jennifer Austin said that on Google Maps they consider this a driveway, but it still needs to be accepted as a road by the town. Karen Cullen, Town planner said only if lots 2 and 3 are to be divided (unmerged), and it could be done either as a public or private road.

Gene Weldon said he appreciated Mr. Robbins moving the lot line. He also asked if changing the road from public to private would require a public hearing? Karen Cullen, Town planner said yes, she thinks it would require a public hearing.

Motion: Gene Weldon moved to approve the minor revision to the subdivision with the condition noted in the drafted board order, seconded by Ladoiya Wells; The board voted by roll call and the motion carried 6/0/0.

3. Old Business –

Karen Cullen, Town Planner wanted to see how the board felt about the planned site visit for the Wicklow multi-family project on Monroe Road. She mentioned possibly waiting until the Planning Board can meet in person again. Kelley Wiltbank, Chair said they probably should do that unless the applicant is in a hurry. Karen Cullen, Town planner said that she would speak to Jim Kiser and get back to the board. *[Ed. note: Jim Kiser said they do not mind waiting for the site visit.]*

4. Planning Board Comment

Gene Weldon said that Kelley Wiltbank was doing a good job as Chair.
No other comments

5. Adjournment

Motion: Gene Weldon moved to adjourn the meeting at 7:44 pm, seconded by Richard Tinsman; motion carried by roll call vote 6/0/0.

Respectfully submitted by Jessica Rickman,
CED Administrative Asst.