



Town of Hampden  
Planning Board Meeting  
Wednesday May 8, 2019

## Minutes

In Attendance:

Planning Board

Peter Weatherbee  
Kelley Wiltbank  
Jake Armstrong  
Tom Dorrity  
Jennifer Austin

Staff

Karen Cullen, AICP, Town Planner

Public

Amy Young  
Larry Emery  
Sean Thies, representing Fiberight/CRM  
Jim Kiser, representing Stearns Farm  
Abutters for Emery and Stearns Farm, see sign-in sheet

The meeting was called to order at 7:01 pm by Acting Chair Peter Weatherbee; Chairman Weldon was not available to attend the meeting and Vice-Chair Davitt recently passed away.

Acting Chair Weatherbee said a few words regarding Jim Davitt's passing, noting he gave much back to his country, state, and hometown through his willingness to work and the high quality of his work which he did in a gentlemanly manner. Jim will be missed.

1. Administrative:

- a. **Motion** by Member Wiltbank to approve the minutes of the April 10, April 16 regular, and April 16 workshop meetings; second by Member Dorrity; motion carried 4/0/1 (Member Austin abstained).

2. New Business:

- a. Amy Young – Public Hearing for a conditional use under the provisions of Section 4.2, Conditional Uses, and 4.19, Day Care Provisions of the Zoning Ordinance to allow the establishment of a day care facility at the property located at 1240 Carmel Road North, (parcel 04-0-017-E), in the Rural district. Acting Chair Weatherbee opened the hearing at 7:06 pm.

Applicant Amy Young addressed the Board:

- she is licensed by the state and has been operating a day care facility in another town for about 8 years
- she and her husband are purchasing a home in Hampden and she is proposing to reopen the day care in this new location.

Speaking on behalf of the applicant: Samantha Gardner is a special ed teacher and former client of Amy's day care business. She stated Amy is very trustworthy and runs an excellent operation, as evidenced by the fact that her clients go out of their way to use her services.

The public hearing was closed at 7:09 pm.

Discussion:

- there will be a fenced in play yard behind the house, secured to prevent access to the river, prior to opening the day care.
- currently there are no outside employees (Amy is the sole child care provider); on occasion she brings in additional help but never more than one employee.
- hours of operation as stated by Amy Young are 6:30 am to 5:30 pm Monday through Friday.
- conditions in the draft Board Order are that the play area must be fully fenced in and located at least 25' from any property line, the hours are limited to 6am to 7pm, the sign is limited to one unlit sign no more than 12 square feet, no more than one nonresident employee is allowed, and there is no parking on Carmel Road North at any time.

**Motion** by Member Wiltbank to approve the application for a conditional use to operate a day care facility at 1240 Carmel Road North, based upon the findings and conditions in the Board Order; second by Member Austin; motion carried 5/0/0.

- b. Lawrence Emery – Public Hearing for conditional use under the provisions of Section 4.2, Conditional Uses, and section 3.4.2.1.6 of the Zoning Ordinance, to allow the placement of a ham radio tower that exceeds the height limitation for accessory structures at 75 Chickadee Lane (parcel 10-0-003-32), within the Residential A district. Acting Chair Weatherbee opened the hearing at 7:17 pm.

Applicant Larry Emery addressed the Board:

- licensed by the FCC
- has been in the business for a long time
- proposes to install a 50 foot tall tower with two antennae on it
- this is an amateur radio support tower, not a commercial tower

Resident Don Grogan of 210 Main Road North stated he believes the services of amateur radio operators are valuable to those in the military out at sea, providing communication services to get messages to and from family members on shore.

Abutter Roland Narofsky of 56 Daisy Lane stated he doesn't want to squash Mr. Emery's hobby but is concerned about the aesthetics of the proposed tower as it impacts his back yard, and the potential for radio frequency emissions and the impact on use of electronic equipment. He also noted there are two utility manholes behind his property in the Chickadee Lane subdivision which he finds unsightly. He asked if the tower could be moved to minimize the view of it from his back yard.

Abutter and President of the Chickadee Lane HOA Virginia Manuel spoke, stating Mr. Emery approached the HOA in January and there has been communication with all residents about the proposed tower; only one resident has voiced any opposition. She noted the HOA Board will be meeting on this next week.

The public hearing was closed at 7:25 pm.

Planner Cullen gave her report:

- the zoning ordinance allows amateur radio towers to exceed the 16' height limit for accessory structures on residential properties provided the tower is set back from all property lines by at least the distance of the fall zone of the tower. In this case it meets that on all lines except the rear line which abuts the (now town owned) open space area for the development, where if the tower fell in just the right direction it could extend over the line by 5'. Given the lack of recreational amenities in the open space this would not

pose a hazard to anyone. That said, the ordinance does require – in this case – a 50' setback.

- from an examination of aerial imagery it appears unlikely that abutters would see the base of the tower with the exception of the direct abutter to the south.
- it does appear, again from aerial imagery, that Mr. Narofsky will be able to see the tower; refer to handout showing line of sight from his back yard to the location of the proposed tower.

Discussion:

- the tower cannot be moved closer to the rear property line since it would further encroach the abutting Town property in the event of a fall (being more nonconforming to the ordinance requirement)
- trees and other vegetation could be planted on the applicant's property to block the view of at least the base of the tower from the Narofsky property
- the tower could be moved 18' northward to potentially get it behind the trees on the open space land to help hide it from the Narofsky's view
- it was noted it is very hard to hide a 50' tall tower
- if the tower is moved and vegetation is planted could hide the base
- Mr. Emery noted he is planning to install a shed and could put it between the Narofsky's and the tower
- Board members said they are not opposed to the tower but they need to find a compromise to deal with the aesthetic issues; suggested the applicant move the tower and install a shed or fence and plant vegetation.
- Mr. Emery noted there are no issues with modern day amateur radio operations in regard to impact on human health or the use of electronic devices.

**Motion** by Member Wiltbank to continue the deliberations to June 12, 2019; second by Member Austin; motion carried 5/0/0. Planner Cullen suggested Board members go look at the site and try to visualize the tower and antennae.

- c. Fiberight/Coastal Resources of Maine – Request for insubstantial modifications to the approved site plan under the provisions of Condition #2 of the Planning Board Order, for the property located at 348 Coldbrook Road (parcel 09-0-036), in the Industrial, Interchange, and Rural districts. Acting Chair Weatherbee noted that Chairman Weldon had previously made the determination that the proposed changes are insubstantial and therefore a public hearing is not necessary, per the condition of the Board Order for this development.

Sean Thies of CES, representing Fiberight/Coastal Resources of Maine, presented the request:

- these are minor changes to the site plan to accommodate the operations at the plant
- the proposed changes are:
  - the addition of a turn lane for vehicles to access the parking lot without getting tied up in the truck traffic waiting for the scales
  - the expansion of a sidewalk from 5' to 10'
  - a change in the surface treatment for the tank area
  - a change in surface treatment of a strip between the pavement and the odor control pad
  - a change in the configuration of the fuel storage container
  - the addition of a 10' wide gravel pad for "hot" loads – trash trucks that arrive with their contents on fire (apparently a very rare condition)
  - a change in the configuration of the ADA area at the end of the parking lot
  - modifications to the gas equipment area located adjacent to the access road.

Planner Cullen gave her report, stating the proposed changes are minor and will not have any negative impact on the facility but will have a positive impact on the operations there. Staff recommends approval of the request.

Member Wiltbank inquired when the plant will be up and running; Sean Thies said he doesn't have full information to answer but they are running equipment now in a testing mode, with some volume of waste.

**Motion** by Member Wiltbank that the Planning Board finds the proposed changes to be insubstantial and to approve the requested changes as submitted; second by Member Dorrity; motion carried 5/0/0.

Planner Cullen noted the Board Order has two revisions to note the date of these plans.

- d. Stanley & Sean MacMillan – Public Hearing for Preliminary Subdivision plan. Proposal for a major subdivision for a single family 39 lot cluster housing development with three new roads, on a 27.7 acre parcel located on Main Road North (parcels 33-0-011-A & 33-0-015-A). This property is in the Residential A district. Acting Chair Weatherbee opened the public hearing at 7:54 pm.

Jim Kiser, representing the applicant, presented the proposed plan:

- this is a 39 lot cluster subdivision on 27.7 acres off Main Road North
- the proposal is to have individual house lots as permitted for single family cluster developments; the lots range in size from about 11,000 to 15,000 square feet
- there are three roads, totaling about 2,500 feet in length
- the site is currently mostly open field
- Stoney Brook is the western boundary of the site
- there is also a small unnamed stream that drains to Stoney Brook
- the project requires a Tier 1 DEP permit for wetlands alterations
- with over 1 acre of disturbance for the roads, it also requires a DEP stormwater permit; they will be treating 75% of the impervious surface from the roads using five filter beds. Only large storms will result in any overflow from the beds.
- all lots meet the 50' frontage requirement
- the setbacks on the cul-de-sacs were increased to 50'
- covenants will include open space protections
- Adams Way has a 0.5% grade, less than the required 1% grade, to avoid a dip in the road; stormwater runoff will be handled with the cross-slope. DPW Director Sean Currier has indicated this is acceptable.
- access to lots 9 and 11 is via an easement on lot 9; frontage for lot 11 is on Main Road North
- sidewalks are not proposed for this subdivision, didn't think they were required
- believes snow storage on the Adams Way cul-de-sac should not be a problem because plows can "unload" before entering the cul-de-sac. Design is similar to Chickadee where it seems to work okay.
- DOT has issued the entrance permit for the subdivision
- The post office is requiring the use of cluster mailboxes for this subdivision so there will not be mailboxes along the roads.

Acting Chair Weatherbee invited comments from anyone who wished to speak on the application:

- Richard Drisko of 188 Main Road N stated he lived beside Ruth Stearns who died at age 100; she loved her field. He isn't too happy about her heirs selling the land. He

commented that the traffic on Main Road N is heavy enough that there are dangerous spots where drivers have limited visibility; it was pointed out that the entrance to the subdivision is further north and the bit of frontage adjacent to his property will not be used for anything.

- Paul Nichols of 201 Main Road N said the idea of a cluster subdivision is to preserve open space and commented it seems most of this open space is not useable; he doesn't think this meets the intent of the cluster provisions. His main concern is whether the stormwater runoff from the development will have an adverse impact on his property, as currently the DOT stormwater gets discharged on his property. He would like to know how the construction work on Main Road N will impact his property. *[Ed. Note: we have received information that indicates the drainage on the road will be redirected and will no longer discharge onto his property; this information has been passed on to Mr. Nichols.]*
- Don Grogan of 210 Main Road N stated the new entry road is right next to his house and he would like to know if a privacy fence can be installed. He also noted the area where the backyards of lots 1 and 3 are, adjacent to his backyard, is currently under water and is a very wet area – he is concerned that filling that land for house construction will result in his backyard being adversely impacted with more water for longer periods of time.
  - Jim Kiser responded that the entire area where the entrance road is proposed is part of the buffer. Planner Cullen noted that yes, a fence and/or landscaping to screen the entry road from abutters homes is within the purview of the Board to require for approval.
  - Jim Kiser said the new road will cut off some of the stormwater runoff and direct it into the drainage system. He added he will go out and look at the area to see if there are options to prevent worsening problems.
- Erin Lachance of 25 Westbrook Terrace said her primary concern is the amount of noise from construction; there have been times when it was used as a staging area and noise started at 4:30 am and didn't stop until 9:30 pm.
  - Jim Kiser noted the construction work on Route 1A will go on for more than a year, this project will be shorter.
  - Planner Cullen noted the Board typically includes a condition on the approval limiting the hours of outdoor construction to something reasonable for both the developer and the abutters, typically 7 am to 7 pm.
- George Bernhardt of 7 Stoney Brook Road said his backyard looks into the field and asked if a fence will be installed as part of this project or if abutters have to install their own. He also noted there is a very low spot in the road at the intersection of Stoney Brook Road and Linden Street which has poor drainage.
  - Jim Kiser said there is a buffer/setback along the perimeter of the project but it is just open field. In regards to drainage, there is a mapped wetland in that area which will be left except for the road crossing.
- Cooper Antone of 17 Westbrook Terrace said lot 2 of the proposed subdivision abuts his property and he is wondering if there is any chance to purchase that lot without a house. He also noted concern with the environmental impact of the proposed wetland impacts. He also asked what the impact will be on the value of his house.
  - Jim Kiser said the plan for this subdivision is to be similar to Chickadee Lane where the houses and lots are sold as a package, but you can talk to the owner about buying a lot without a house.
  - Jim Kiser said the wetland impacts are minimal for road crossings and there won't be any environmental impact.
  - Jim Kiser said he cannot answer the question on value, but doesn't believe there were any changes in valuations of properties surrounding Chickadee Lane.

- Debbie Pickering of 7 Westbrook Terrace commented she shares the same concerns as those already expressed; she knew Ruth Stearns and played in the field as a kid. She doesn't like the proposed development but understands it is the owners right to do it.
- Jackie Murch of 1 Stoney Brook said she's enjoyed the field for 15 years. Her husband has taken care of a portion of it adjacent to their property. While she hates to see it developed, she understands; still it seems like a lot of house lots all crammed in.
  - Jim Kiser said most of the lots in this subdivision are similar in size to those in the Westbrook Terrace neighborhood, and noted this proposal is well below the maximum density allowed.
- Judith Muhlin of 27 Westbrook Terrace echoed the loss of atmosphere of this area; she was drawn to the area by that field. She noted Route 1A is heavily used by both cars and trucks and is concerned about adding so many more homes and cars.
- Julie Lee of 23 Westbrook Terrace said her parents live in Chickadee and she recently moved here from Silicon Valley. She bought this house because of the field and losing it is a big loss. She asked what the sizes of the houses will be and how many stories. She also asked what the construction schedule is and if there is any way to keep some of the current atmosphere.
  - Jim Kiser stated the development is well below the density allowed; it fits the goals of the town regarding where growth should be located in relation to public services and utilities; the houses will be very similar to those in Chickadee, most single story, some may have full basements due to the topography; and construction is expected to begin later this summer as soon as all the approvals are granted.
- Cale Burger of 180 Main Road North, through Planner Cullen, is concerned about the proposed reduction in the buffer along his property line from 50' to 10', noting there is not much between his house and the proposed development and all of it is on his own land.
- Someone asked what the houses will cost; that is unknown at this time as it will depend on the housing market when they are built.

Jim Kiser then addressed the Board, seeking feedback on whether the board will grant the requested waivers to the size of the buffers in the various locations where sought. He stated they feel the waivers are warranted due to the adjacent lots either having woods, being large lots, or a similar type of development. Planner Cullen noted it is the responsibility of the developer to provide the required buffer on his own land and not to depend on abutting property owners to do it for him.

Planner Cullen gave her report noting Sean Currier is very concerned about the snow removal at the Adams Way cul-de-sac, noting the process to remove snow is very time consuming in addition to being difficult with no space to store snow between driveways. She noted part of the Board's responsibility is to avoid situations that will significantly increase costs for maintenance of public roads if there is an alternative. She also noted Sean Currier would like the driveway aprons to be constructed along with the roadway so the drainage system functions as designed. an alternative to that would be to include a condition on the approval that the developer is responsible for the drainage system until the certificate of occupancy is issued for the last house in the subdivision. In regards to the Woodard & Curran report (second review), she noted the Board has the option to defer to DEP the approval of the stormwater system, but the Board has the option to require additional information from the applicant to prove there will be no detrimental impact. She noted the issue of the drainage impacting the abutter at 201 Main Road North but said that may be more of a DOT issue given the reconstruction of that road.

Jim Kiser responded that they will put field basins by the driveways, and expect to construct the critical driveways with the road. He said the policy to use only solid cul-de-sacs (as opposed to those with an island in the center) has led to some of the plowing issues since they can't deposit

snow into the center island area. He noted he can talk to the owner about losing a lot on the Adam's cul-de-sac, or using shared driveways, although his experience with those is they don't work too well, people don't like them. He asked the Board for input on the buffer waivers.

Discussion:

- Jim Kiser noted the current regulations don't require any vegetation, his interpretation of the term "buffer/setback" is that it is just a distance with no other requirement. Planner Cullen noted the Board has the authority to make planting vegetation or installing solid fencing a condition of approval, especially in areas where a reduction in the distance is sought.
- Board members looked at the proposed house locations where they are shown, on the plan and profile sheets. They noted that having an aerial view with the proposed subdivision superimposed, including house locations, would be helpful in this decision.
- Board members didn't feel they have enough information to make a determination tonight on each of the requested reductions to the 50' buffer requirement.
- The Board noted that in regards to the waiver for the grade on Adams Way, if DPW Director Currier accepts the proposed design, they will be okay with it too.
- Noted changes in any of the lots for one reason (e.g. snow removal) could change the need for a reduction in the buffer in that area.
- Planner Cullen suggested Jim Kiser should talk to Sean Currier about the possibility of using a center island cul-de-sac for Adams Way.
- Discussion on readiness of plan for preliminary plan approval tonight; it was determined that such action would be premature given the lack of information for the board to make decision on the buffer reduction requests as well as other issues such as cul-de-sac design for snow removal. It was also noted there was a lot of opposition expressed tonight and the Board takes abutter concerns seriously.

**Motion** by Member Dorrity to continue the public hearing to the June 12, 2019 meeting; second by Member Austin; motion carried 5/0/0.

3. Old Business – none

4. Staff report: Planner Cullen noted the next meeting is a workshop on May 21<sup>st</sup>.

5. Planning Board comment:

Discussion regarding election of a Vice-Chair to serve the remainder of Jim Davitt's term as Vice-Chair. **Motion** by Member Weatherbee to nominate and elect Member Wiltbank to serve as Vice-Chair; second by Member Armstrong; motion carried 5/0/0.

6. Adjournment: Upon **motion** by Member Wiltbank and second by Member Dorrity, the meeting was adjourned at 9:31 pm.

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Sign-in Sheet

Name	Project you are here for
Tara Clark Saenacki	MacMillan Subdivision
Amy Young	Child Care
Chris Young	Child Care
Scott Clement	Child Care Support
George + Tricia Bevanhandt	MacMillan Subdivision
Don + Joan Grogan	Council meeting Main Rd.
Sean Thies	Coastal Resources / Fiberglass
JACKIE PARKER MURCH	Subdivision
Julie Thornton	childcare
Randy Briggs	childcare
Richard Drisko	MacMillan Subdivision
Cooper Anton	MacMillan Subdivision
Debbie Pickering	MacMillan Subdivision
Erin LaChance	MacMillan development
Judith Munlin	MacMillan development
Vikki Lee	MacMillan development
Erin Seavey	child care
Jackie Murch	MacMillan Sub
Sue Hall	MacMillan Subdiv
Paul Nichols	MacMillan dev

Kris Eschman  
Samantha Gardner  
Virginia Manuel

Lawrence F. Emery  
Steph MacMillan

MacMillan Development  
Amy Young

resident

resident